

## Minutes of the Syracuse Planning Commission Regular Meeting, October 21, 2014

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Minutes of the Regular Meeting of the Syracuse City Attorney Clint Planning Commission held on October 21, 2014, at 6:00 p.m., in the Council Chambers, 1979 West 1900 South, Syracuse City, Davis County, Utah.

**Present:**

Commission Members: TJ Jensen, Chairman  
Ralph Vaughan, Vice-Chairman  
Dale Rackham  
Trevor Hatch  
Greg Day  
Troy Moultrie

City Employees: Sherrie Christensen, Director of Community & Economic Development  
Jenny Schow, Planner  
Jackie Manning, Admin Professional  
Clint Drake, City Attorney  
Terry Palmer, Mayor  
Brian Bloemen, City Engineer  
Jo Hamblin, Deputy Fire Chief

City Council: None

Excused: Curt McCuiston  
Craig Johnson

Visitors: Mike Voorhies Robyn Voorhies Ruth Williams  
Shalon Stevenson Sharon Phillips Nelson Barss  
Ray Zaugg Mike Bastian Brad Frost

### 6:01:43 PM

#### 1. **Meeting Called to Order:**

Commissioner Rackham gave an invocation to open the meeting. Commissioner Vaughan led the audience in the Pledge of Allegiance.

MOTION TO ADOPT OCTOBER 21, 2014 MEETING AGENDA, BY COMMISSIONER DAY. SECONDED BY COMMISSIONER VAUGHAN; ALL IN FAVOR, NO OPPOSED, MOTION CARRIED.

### 6:03:16 PM

#### 2. **Meeting Minutes:**

October 7, 2014 Regular Meeting

October 7, 2014 Work Session

Commissioner Vaughan requested a change for line 46, in regards to ex-parte communication. He stated it was to be announced "before each item on the agenda".

MOTION TO APPROVE OCTOBER 7, 2014 REGULAR AND WORK SESSION MEETING MINUTES, AS AMENDED, BY COMMISSIONER VAUGHAN. SECONDED BY COMMISSIONER DAY. ALL IN FAVOR, WITH NO OPPOSED, MOTION CARRIED.

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#### 3. **Public Comment:** This is an opportunity to address the Planning Commission regarding your concerns or ideas regarding items that have not been scheduled for a public hearing on this agenda. Please limit your comments to three minutes.

No comments were made.

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#### 4. **Subdivision Plat Amendment:** Subdivision Plat Amendment, Bridgeway Island Lots 535 & 536, located at 1358 S 4225 W.

Planner Schow summarized a staff memo from the Community Development that explained:

The application is a Plat Amendment. The lot line between lots 535 and 536 are being amended along the red property line only, increasing area of lot 536 and decreasing lot 535. Lot 536 has an existing newly constructed home. An error occurred with excavation and the foundation was poured too close to the property line. Both lots meet the requirements of the zone and the amendment will bring the existing home into compliance.

Kyle Hamblin, West Point, Utah stated he agreed with the summary as presented by the city. Commissioner Vaughan asked how far the property line is moved and the total square footage. Mr. Hamblin stated the property was moved 2 feet 9 inches, and did not know the exact square footage.

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MOTION TO APPROVE THE SUBDIVISION PLAT AMENDMENT FOR BRIDGEWAY ISLAND LOTS 535 & 536, PROPERTY LOCATED AT 1358 S 4225 W, SUBJECT TO SYRACUSE CITY MUNICIPAL CODE, BY COMMISSIONER DAY WITH THE FINDING THAT THE REQUEST MEETS SYRACUSE CITY CODE. SECONDED BY COMMISSIONER MOULTRIE. ALL IN FAVOR, WITH NO OPPOSED, MOTION CARRIED.

Commissioner Vaughan recommended adding something to the code for similar situations for lots less than a certain amount of square footage to handle in house, without coming before the Planning Commission and just handled administratively.

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5. **Subdivision CUP Cluster & Final Approval: Trailside Park Phase 8, Ovation Homes, located at approximately 1900 W 3000 S, R-1 Cluster Residential Zone.**

Planner Schow summarized a staff memo from the Community Development Department that stated: Trailside Subdivision Phase 8 is an R-1 cluster subdivision and conditional use permit approval is required along with Final Approval. Due to amount of fill that has been brought in for phase 6 & 7 and the change in elevation between phases, the City is asking the developer to include grading for 100 feet beyond the phase boundary line and show the areas requiring retaining walls and fill in detail on the grading plan. This phase meets the Cluster Zone open space requirements and density allowance. Please see staff review for any outstanding items regarding this application.

Planner Schow stated she received 2 letters of complaints today. One of the letters, from Michael and Robyn Voorhies was rescinded, and the other was sent to the Planning Commissioners for review.

Brad Frost, Kaysville, Utah the owner of Ovation Homes, confirmed the staff reports. Commissioner Vaughan inquired about the engineer report and asked the application regarding compliance. Mr. Frost stated he accepts all the conditions as stated in the engineer report. Commissioner Day inquired about the 10 foot easement along the trail in conjunction with the landscaping buffer. Planner Schow stated it was agreed by the Public Works Director they could reduce to a 10 foot easement to allow landscape buffer accommodation and to allow residents to put a garden shed if they desire.

Commissioner Rackham inquired about the ADA ramp location. Planner Schow suggested changing it to the corner of lot 96 for a better location. Mr. Frost will take the suggestion into consideration.

Commissioner Rackham inquired about parking lot accommodations. Mr. Frost stated there have been projects that had parking lots, and the HOA, Home Owners Association, voted to take it out because they didn't want the liability of the road repair costs.

Chairman Jensen stated the trail next to lot 116 appears to be 10 feet from the trail to resident's windows. Planner Schow confirmed that it was approximately 17 feet from various points on the trail from the trail to resident's windows. Commissioner Rackham asked who will maintain the lawns for the residents. Mr. Frost stated in phase 8 there are 2 sections without fences will be maintained by the HOA. The section with lots will have fencing on the rear of the home, with the front portion will be maintained by the HOA up to the fence line, but the back portion will be the option of the homeowner. Mr. Frost stated the distance from the windows to the trail is approximately 25 feet.

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MOTION TO APPROVE THE CONDITIONAL USE PERMIT FOR TRAILSIDE PARK PHASE 8, OVATION HOMES, PROPERTY LOCATED AT APPROXIMATELY 1900 W 3000 S R-1 CLUSTER RESIDENTIAL ZONE BY COMMISSIONER VAUGHAN SUBJECT TO ALL SYRACUSE MUNICIPAL CODE, AND WITH THE CONDITION THE ADA RAMP BE MOVED AS DISCUSSED. SECONDED BY COMMISSIONER DAY. ALL IN FAVOR, WITH NO OPPOSED, MOTION CARRIED.

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MOTION TO RECOMMEND APPROVAL TO THE CITY COUNCIL FOR THE FINAL FOR TRAILSIDE PARK PHASE 8, OVATION HOMES, PROPERTY LOCATED AT APPROXIMATELY 1900 W 3000 S R-1 CLUSTER. RESIDENTIAL ZONE, BY COMMISSIONER DAY. SECONDED BY COMMISSIONER MOULTRIE. ALL IN FAVOR WITH NO OPPOSED; MOTION CARRIED.

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6. **Subdivision Preliminary Approval: Wilcox Farms phase 3, Castle Creek Homes, property located at approximately 1200 S 3000 W, R-2 Zone.**

Planner Schow summarized a staff memo from the Community Development Department that stated:

**Project Summary**

Applicant: Castle Creek Homes  
Approximate Location: 1200 S 300 W  
Zone: R-2 Residential  
Total acreage 24.37  
Net acreage 19.50  
Allowed density 3.79 units/ acre 73.91  
Proposed Lots 68  
Number of Lots Phase 3 4

On August 5th, the Planning Commission approved the Preliminary Plan for Wilcox Farms phase 1 and 2

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and excluded phase 3 until the developer was able to obtain the necessary land to complete 1200 S through to 3000 W. The developer was able to complete a land transaction through a quit claim deed and is ready to proceed forward with the entire development.

City staff recommends rejoining phase 3 with phase 1 for final approval.

### **Public Meeting Outline:**

General Plan Amendment Approval

Planning Commission May 6, 2014

City Council May 13, 2014

Rezone Approval

Planning Commission June 3, 2014

City Council June 10, 2014

Sketch Plan Approval June 17, 2014

Preliminary Approval Phase 1&2 August 5, 2014

Mike Bastian, South Weber, Utah did not have any items to add to the staff report. Commissioner Day asked the applicant if he minded having phase 3 completed before phase 1. Mr. Bastian stated he will need to discuss that with Mike Shultz prior to committing. He stated there is an irrigation box that would need to be moved in phase 3; they wanted to prolong the cost of moving the box. Commissioner Vaughan thanked the applicant for handling all the previous outstanding items.

Chairman Jensen asked about the boundaries changed for Country Fields Subdivision change 5 feet. Mr. Bastian stated they gave the Brigg's Family 5 additional feet, so their property line is at the bottom of the ditch to avoid interference from a future homeowner. He stated the irrigation ditch will be moved to the north and come back across the road.

There was discussion on having phase 3 be built with phase 1 to allow the road to be completed.

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MOTION TO APPROVE PRELIMINARY PLAT FOR WILCOX FARMS PHASE 3, CASTLE CREEK HOMES, PROPERTY LOCATED AT APPROXIMATELY 1200 S 3000 W, R-2 ZONE, SUBJECT TO SYRACUSE CITY MUNICIPAL CODE AND REQUIRING THAT PHASE 3 BE BUILT WITH PHASE 1 TO COMPLETE 1200 SOUTH ROAD, BY COMMISSIONER DAY. THE MOTION WAS SECONDED BY COMMISSIONER VAUGHAN. ALL IN FAVOR, WITH NO OPPOSED, MOTION CARRIED.

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### 7. **Public Hearing Municipal Code Title 10 Amendment:** pertaining to secondary kitchens and landscaping.

Director Christensen gave a brief history of the current code in conjunction with kitchens in relation to an accessory dwelling unit. She discussed the need to have provisions for those residents who do not want an accessory dwelling unit, but allowing a kitchen without a conditional use permit.

Director Christensen summarized a staff review that explained:

Staff has requested the Planning Commission to make revisions to the City Code Title 10 regarding administrative issues regarding: second kitchens, not part of an accessory dwelling unit; accessory structures, setbacks, height, and size; and a requirement for landscaping to be installed within 1 year of occupancy of a dwelling.

In making determination on Code amendments the Planning Commission should review the City Municipal Code, Section 10-4-070(E)(1), which states the following:

(E) Approval Standards. A decision to amend the text of this Title or the zoning map is a matter of legislative discretion by City Council and not controlled by any one standard. However, in making an amendment, the City Council should consider: (Ord. 10-02)

1. Whether it would be is consistent with goals, objectives and policies of the City's General Plan; (Ord. 10-02)

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Commissioner Rackham disclosed in response to the Title 10 draft amendment provided via email and discussed on October 7, 2014. Commissioner Rackham stated on October 8, 2014 he sent an email to staff, Planning Commission, and City Attorney a PDF copy of Chapter 10.10 the definitions with excerpts from the meeting of family and kitchen in the body and text. He also asked the attorney if the city had the legal authority to presume that just because there is more than kitchen that it is an accessory dwelling. He also stated he felt the definition for stove was misconstrued.

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public hearing open.

Mike Bastian, South Weber, Utah asked about the height restriction for accessory buildings. He wanted clarification for a potential buyer. He stated that he has a large building on his personal property for his recreational toys, and he inquired about appropriate heights for those that want to store recreational vehicles. He expressed concerns regarding the set-backs and how they would impact owners of larger vehicles who need the larger sheds. Director Christensen stated it would be 14 feet for a single story, or for 2 stories would be limited in height to the maximum height of the dwelling or 30 feet, whichever is less and those would be allowed on half acres lots or greater. She stated the other exception for height would be in the Agriculture Zones, which would be an allotment of 40 feet in height, as currently drafted. She explained the current ordinance in comparison with the proposed ordinance.

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Nelson Barrs, Syracuse, Utah, stated he is a new resident to the area and he wanted to finish his basement. He stated he turned in a building application showing a kitchen and he expressed his concern of not being able to finish his basement with a kitchen without dealing with the accessory dwelling unit conditional use permit. He described the various extra steps he would need to add to meet the code. He suggested creating a way to allow residents to have a kitchen for entertainment purposes. He stated he had various neighbors with kitchens. He stated he currently does not have a second entrance to the home.

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Chairman Jensen asked staff to go to show the Agriculture Accessory code amendment (section i). He stated he would like to hear from resident, Ray Zaugg, regarding the matter.

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Ray Zaugg, Syracuse, Utah stated typically a lot of the buildings built for barns were built to the property line. He stated he was one that is on the property line and he expressed concerns with the set-backs proposed in the new ordinance. He said typically 100 feet is probably not a problem from the street, but from any adjacent properties could be a problem. Director Christensen discussed her research in regards to the development of this code in relation to other comparable cities. Mr. Zaugg discussed the option of having it be on a case by case basis, but he wasn't sure where they would start.

Chairman Jensen disclosed that he has had no previous conversations with Mr. Zaugg regarding this code amendment. He just knew he is a long time farmer with experience with the language, so Chairman Jensen felt it appropriate to ask for his opinion.

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public hearing closed.

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Commissioner Vaughan stated he is in support of sending through the code to the city council. He felt it was a good starting place and he would like to move these forward. Commissioner Day stated he is not comfortable with the accessory building height restriction and would like additional time to review. He discussed concern with the kitchen ordinance as proposed. Commissioner Moultrie discussed the need for height adjustments. He stated he is all in favor for the kitchen ordinance. Commissioner Hatch stated he liked the idea of lot size to determine the accessory structure heights. He stated in regards to kitchen ordinance he was in agreement with the code. Commissioner Rackham asked the commissioners if they read his definition for kitchen. He felt this code was all deriving from the definitions. He suggested alternatives to the definitions. Chairman Jensen stated in regards to Agriculture structures and discussed nonconforming structures. He discussed the set-backs and felt that the numbers appeared to be high.

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Director Christensen discussed the reasons behind the building code for accessory dwelling units in relation to kitchens. She discussed code enforcement roles and regulations.

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MOTION TO TABLE DISCUSSION FOR TITLE 10 CODE AMENDMENT PERTAINING SECONDARY KITCHENS AND LANDSCAPING SUBJECT TO BY COMMISSIONER RACKHAM UNTIL THE NEXT MEETING NOVEMBER 18, 2014. THE MOTION WAS SECONDED BY COMMISSIONER MOULTRIE.

Commissioner Vaughan recommended they finish working on title amendments in the Work Session.

COMMISSIONER RACKHAM, MOULTRIE, JENSEN, DAY, HATCH VOTED YAY. COMMISSIONER VAUGHAN VOTED NAY. MOTION CARRIED.

Chairman Jensen stated they could discuss the proposed amendments in Work Session.

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**8. Adjourn**

MOTION TO ADJOURN TO WORK SESSION WITH A 10 MINUTE RECESS IN BETWEEN BY COMMISSIONER RACKHAM. ALL IN FAVOR WITH, NO OPPOSED. MOTION CARRIED.

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TJ Jensen, Chairman

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Jackie Manning, Admin Professional

Date Approved: \_\_\_\_\_