

Minutes of the Syracuse Planning Commission Regular Meeting, April 21, 2015

Minutes of the Regular Meeting of the Syracuse City Planning Commission held on April 21, 2015, 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
Curt McCuiston
Dale Rackham
Trevor Hatch
Greg Day

City Employees: Noah Steele, Planner
Jackie Manning, Admin Professional
Jo Hamblin, Deputy Fire Chief

City Council: Mike Gailey

Excused: Jenny Schow, Planner
Troy Moultrie, Commissioner
Brian Bloemen, City Engineer

Visitors:

Taylor Brinkerhoff	Natalie Leui	Kanchana Don
Ramesh Premaje	Tanner Kofoed	Lucas Rowell
Jenny Hatch	Urrel Arreaga	Kathia Arreaga
Hugh Parke	Matt Yeates	Ray Zaugg
Patt Zaugg		

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1. **Meeting Called to Order:**

Commissioner McCuiston read a thought by Anthropologist Margaret Mead, "Never doubt that a small group of thoughtful, committed citizens can change the world; indeed, it's the only thing that ever has." The Pledge of Allegiance was led by Taylor Brinkerhoff, from scout troop 136.

COMMISSIONER MCCUISTION MADE A MOTION TO ADOPT THE PLANNING COMMISSION AGENDA FOR APRIL 21, 2015 MEETING. THE MOTION WAS SECONDED BY COMMISSIONER HATCH. ALL WERE IN FAVOR; THE MOTION CARRIED.

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2. **Meeting Minutes:**

April 7, 2015 Regular Meeting

Line 240: Commissioner Jensen requested "he ran the numbers..." be changed to "the consultant ran the numbers..."

April 7, 2015 Work Session

Line 91: Commissioner Jensen requested "they may want to consider..." be changed to "the City Council may want to consider..."

COMMISSIONER HATCH MADE A MOTION TO APPROVE REGULAR AND WORK SESSION MEETING MINUTES FOR THE APRIL 7, 2015 PLANNING COMMISSION MEETINGS, AS AMENDED. COMMISSIONER RACKHAM SECONDED THE MOTION. ALL WERE IN FAVOR; THE MOTION CARRIED.

Chairman Jensen requested the record show that Commissioner Moultrie stated he would not be in attendance to the meeting.

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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 public comments were made.

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4. **Conditional Use Permit:** Home Daycare, Oasis Montessori Schools Daycare, Kanchana Premaje Duwe Arachchige, located at 2145 S 1800 W, R-2 Zone.

Planner Steele summarized a staff memo that explained:

This request is for the modification of a conditional use permit to upgrade an existing childcare permit from 8 to 14 children. The applicant has made arrangements to hire a second employee and can provide off street parking per city code.

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Commissioner Vaughan inquired about the number of children currently in care. Kanchana Premaje Duwe Arachchige responded she currently has 8 children in her care. Commissioner Vaughan inquired about a website for the home business that shows a picture of the applicant with 14 students in the home. Commissioner Vaughan stated the website [childcarecenter.us/provider- oasis Montessori schools/SyracuseUT/HomeDaycare] indicated there were currently 14 children in attendance.

Natalie Levi, Syracuse, Utah, stated the official state website is Careaboutchildcare.gov. The website that was referenced by Commissioner Vaughan is a private website and the information found on the site was used without the applicants consent. She stated she is closing her daycare and Ms. Duwe is taking over the care of the children.

Ramesh Premaje, Syracuse, Utah stated the picture Commissioner Vaughan referenced was taken approximately one year prior at a school the applicant previously taught located in California.

Commissioner Vaughan stated he has received phone calls of complaints regarding the people dropping their children off at the home daycare facility. He stated the complaints are in regards to some of the children being dropped off in the street, and entering the home without proper sign in.

Commissioner Vaughan expressed concern regarding the daycare site and safety. He stated R430-90-6 Section 47-48 requires protected drop offs. He called attention to the safety hazard of the unprotected window wells. He stated on the North end of the home there is a double gate with an excessive opening over 5 inches, so the applicant will need to address that issue as well. He also called attention to the south side gate of the property. Commissioner Vaughan called attention to the tin shed in the back yard that needed to be secured and locked to avoid a child getting locked or lost in the shed.

Commissioner Vaughan stated as part of the daycare requirements the applicant must obey all state, county, local and federal laws which includes ADA (American Disabilities Act). He stated the staff has a two page hand out that explains the regulations and obligations for ADA. He stated the applicant will need to comply with those standards.

Commissioner Vaughan asked if the applicant had gained enough experience within the 30 day period to double the size of their facility. Ms. Duwe confirmed she felt comfortable in doubling the size. She said she has over 10 years' experience as a teacher.

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Chairman Jensen made a point of order. The overhead is now working and secondly Commissioner Day has arrived.

Commissioner Rackham inquired about the date of approval for the 8 children. Planner Steele stated the original date of approval for the minor conditional use for up to 8 children was March 23, 2015.

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COMMISSIONER VAUGHAN MADE A MOTION TO APPROVE THE MAJOR CONDITIONAL USE PERMIT, REQUESTED BY KANCHANA PREMAJE DUWE ARACHCHIGE FOR A HOME DAYCARE, OASIS MONTESSORI SCHOOLS DAYCARE, LOCATED AT 2145 S 1800 W, R-2 ZONE, SUBJECT TO SYRACUSE MUNICIPAL CODE, WITH THE FOLLOWING CONDITIONS: WINDOW GRADES BE COVERED; GATES ON NORTH & SOUTH SIDE BE REPAIRED; A SHADE AREA BE PROVIDED IN THE BACKYARD, AS REQUIRED IN THE STATE CODE R430-90-6-8; AND THE TIN SHED ON THE NORTH EAST CORNER OF THE PROPERTY BE SECURED IN SUCH A WAY AS TO PREVENT CHILDREN FROM PLAYING IN THERE.

Commissioner Day asked for clarity regarding the drop off zone, whether it meant a place where children are dropped off, or a pit fall zone. Commissioner Vaughan stated a drop off is in reference to a fall hazard pursuant to state code R430-90-6-4D.

Commissioner Rackham asked who, from staff, verified the conditions Commissioner Vaughan placed were accomplished. Planner Steele stated the codes Commissioner Vaughan referenced are state requirements which are typically enforced by the state during their onsite inspection and during the application process for state licensing. Staff relies on the state officials to enforce state codes. Staff reviews and enforces the city ordinance and verifies the applicant has a state license. Chairman Jensen stated it is a conditional use, which allows the city to impose conditions not listed in the city ordinance.

THE MOTION WAS SECONDED BY COMMISSIONER MCCUISTION. COMMISSIONER VAUGHAN, JENSEN, MCCUISTION, HATCH, AND DAY WERE IN FAVOR. COMMISSIONER RACKHAM WAS IN OPPOSITION. THE MOTION CARRIED.

Commissioner Vaughan stated all of the requirements he added as a condition are visible from the street. He stated the state has been made aware of the issues and will be following up with an inspection at a later date to ensure the items are enforced. He stated if they are not complied with the city would have the ability to question the issuance of the permit.

Chairman Jensen reminded staff that he likes to see a parking and drop off plan for daycares.

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5. Preliminary Plan Approval: Elmore Plaza, located at 1000 W Gordon (2700 S), P-O Zone.

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

This project is one building condominiumized. The single building is being subdivided with 2 different owners. Planner Steele stated the plan has been redlined and will reappear for site plan and final review at the next meeting. He stated he addressed the concerns with the applicant, as expressed by the Planning Commission at the April 7, 2015 Work Session Meeting; specifically regarding the landscaping and the site triangle. The City Engineer is currently reviewing the right in

and right out only request, to see if it is feasible.

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Commissioner Vaughan asked if the approval was impacted by the fact the application is subject to being reviewed by other departments. Planner Steele stated at the next meeting those items will be addressed.

Chairman Jensen invited the applicant to speak. Hughe Park, Layton, Utah had nothing to add.

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COMMISSIONER MCCUISTION MADE A MOTION TO RECOMMEND APPROVAL TO THE CITY COUNCIL FOR THE PRELIMINARY PLAN APPROVAL FOR ELMORE PLAZA, PROPERTY LOCATED AT 1000 W GORDON (2700 S) PO PROFESSIONAL OFFICE ZONE. THE MOTION WAS SECONDED BY COMMISSIONER VAUGHAN. ALL IN FAVOR; MOTION CARRIED.

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6. Public Hearing: Code Amendment to Title X pertaining to Accessory Structures.

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

The Planning Commission has conducted a review of the accessory structure ordinance in Title X of the City Code. During the last discussion, staff has been asked to do some research on setback requirements for corner lots. The research showed that the majority of cities that address this issue within their ordinance require accessory structures over 200 square feet to abide by the setback requirements of the zone. For Syracuse City, this would require all accessory structures to be a minimum of 20 from the property line on the street side of a corner lot.

Planner Steele reviewed the proposal for Title X, as seen in the packet. He called attention to the removal of "All accessory buildings located in the street sides of corner lots shall comply with SCC 10.30.050," as found in SCC 10.30.10 (C)-1-a. The reference is specific to corner lots, specifically relating to the 20 foot side yard set-back for side yards abutting streets.

There was a discussion pertaining to corner lots and accessory structures with an emphasis on set-back restrictions. Commissioner Rackham discussed the new fencing ordinance and suggested having the accessory structure have similar set-backs.

Chairman Jensen reminded staff to delete the accessory structure exhibit, 10.30.010.

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Public hearing open.

Chairman Jensen stated he received an email from Ray Zaugg, a resident within the city, pertaining to accessory structures. He invited Mr. Zaugg to express his concerns to the commission.

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Ray Zaugg, Syracuse, Utah called attention to the conditional use permits for accessory structures under 200 square feet. The section requires the accessory structure to be hidden behind a fence. He asked the commission if that meant someone would be required to put up a fence in order to have an accessory structure. He stated he knows many people in Syracuse without fences. He expressed concern regarding this requirement. Mr. Zaugg discussed the 20 foot set-back requirement for corner lots. He asked if you allow a fence to come to a property line, why wouldn't you allow an accessory structure to match those set-backs. He suggested the Planning Commission rethink their set-backs for accessory structures and the fencing requirement.

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Public Hearing Closed.

Commissioner McCuiston suggested the removal of "(iii) Concealed or otherwise located behind a privacy fence of at least six feet in height", as seen in SCC 10.30.010 (C)-1-iii. He didn't feel it was a reasonable requirement. Planner Steele stated he believed the original intent for the fencing requirement pertained to masking poorly built sheds, as any structure less than 200 square feet is not regulated by the city. Commissioner Rackham agreed with the removal of the fencing requirement and requested a provision be added to prohibit an accessory structure in the front yard. There was a general consensus to remove the fencing requirement.

The discussion regarding the set-backs for corner lots continued. For corner lots with accessory structures 200 square feet or greater, there was a general consensus to keep the 20 foot side yard set-back. For corner lots with accessory structures under 200 square feet, there was a general consensus to apply the 5 foot minimum set-back. Commissioner Rackham was in opposition to the 20 foot set-back for accessory structures 200 square feet and greater.

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COMMISSIONER MCCUISTION MADE A MOTION, MOVE TO RECOMMEND APPROVAL TO THE CITY COUNCIL FOR THE CODE AMENDMENTS FOR TITLE X, PERTAINING TO ACCESSORY STRUCTURES, AS PROPOSED, AND WITH THE FOLLOWING CHANGES: SCC 10.30.010 (C)-1-iii BE DELETED, WHICH DEALS WITH THE FENCE CONCEALING REQUIREMENT FOR ACCESSORY STRUCTURES UNDER 200 SQUARE FEET; ACCESSORY BUILDINGS LOCATED ON A CORNER LOT, STREET SIDE, SHALL BE 20 FEET FROM THE PROPERTY LINE FOR ACCESSORY STRUCTURES OVER 200 SQUARE FEET; THE DRAWING EXHIBIT 10.30.010 BE DELETED. THE MOTION WAS SECONDED BY COMMISSIONER HATCH. COMMISSIONER RACKHAM VOTED IN OPPOSITION. COMMISSIONERS VAUGHAN, JENSEN, HATCH, DAY AND MCCUISTION VOTED IN FAVOR; THE

MOTION CARRIED.

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7. **Final Plan Subdivision Approval Extension Request:** Piper Glen, Compass Group LLC, property located at 3231 S 1000 W, R-2 Zone.
Chairman Jensen recused himself from this item, as the property is across the street from his home.

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

The City has received a written request to extend the approval of the Piper Glen Subdivision that will expire on May 13, 2015.

Per City Code 8.30.030 (C) Approval of final plats by the City Council will extend for a period of 12 months. If work or subsequent action by the developer to proceed with off-site construction does not occur within the 12-month period following initial approval, the plat and construction drawings must be resubmitted and become subject to re-approval under the latest City ordinances and specifications.

The Planning Commission has the authority to grant an extension per city code 10.20.030 (K) (K) Extensions of Time. Unless otherwise prohibited, upon written request and for good cause shown, any decision making body or official having authority to grant approval of an application may, without any notice or hearing, grant extensions of any time limit imposed by this title on such application, its approval, or the applicant, provided the Department receives such a request or initiates an extension prior to the date of expiration. The total period of time granted by any such extension or extensions shall not exceed half the length of the original time period.

Planner Steele read the letter of intent, from the applicant, as seen in the packet. Commissioner Vaughan asked if staff considered this reason to be good cause. Planner Steele answered, Planner Schow, who did the original review of the request, did not bring forth any concerns regarding the extension request.

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Matthew Yeates, Syracuse, Utah didn't have anything additional to add. Commissioner Day inquired if 6 months would be sufficient to accomplish the goals of the project. Mr. Yeates stated he hoped 6 months would be sufficient. He was unsure of the extension process if it was not sufficient. Commissioner Rackham asked the process for re-extending the project if needs be. Planner Steele reviewed the ordinance and noted the process. The applicant would need to submit a letter requesting an additional extension before the date of expiration. Commissioner Vaughan asked if the commission could prohibit the applicant from requesting future extensions. Planner Steele stated the ordinance did not specifically address that. He stated if the applicant submitted another request the Planning Commission could make the choice to deny the request.

There was a general consensus to grant the extension to 6 months. Commissioner Vaughan opened discussion for future extension requests from applicants, should they arise. Commissioner Day stated he didn't understand why they wouldn't continue to work with the developer as long as there are no changes to the city standards or requirements.

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COMMISSIONER DAY MADE A MOTION TO APPROVE THE EXTENSION REQUEST TO 6 MONTHS [EXTENSION EXPIRES NOVEMBER 13, 2015] MADE BY PIPER GLEN, COMPASS GROUP, LLC, PROPERTY LOCATED AT 3231 S 1000 W, R-2 ZONE. THE MOTION WAS SECONDED BY COMMISSIONER RACKHAM. ALL IN FAVOR; THE MOTION CARRIED.

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8. **Adjourn.** Chairman Jensen returned to the Dias.

COMMISSIONER DAY MADE A MOTION TO ADJOURN INTO WORK SESSION WITH A 10 MINUTE RECESS. COMMISSIONER HATCH SECONDED THE MOTION. ALL VOTED IN FAVOR; THE MOTION CARRIED.

TJ Jensen, Chairman

Jackie Manning, Admin Professional

Date Approved: _____