

Minutes of the Syracuse Planning Commission Regular Meeting, January 5, 2016

Minutes of the Regular Meeting of the Syracuse City Planning Commission held on January 5, 2016, at 6:00 p.m., in the Council Chambers, 1979 West 1900 South, Syracuse City, Davis County, Utah.

Present:

Commission Members: Ralph Vaughan, Chairman
TJ Jensen
Curt McCuiston
Troy Moultrie
Greg Day

City Employees: Jenny Schow, Planner
Noah Steele, Planner
Paul Roberts, City Attorney
Stacy Adams, Admin Professional

City Council: Councilman Mike Gailey
Councilman Andrea Anderson

Excused: Commissioner Dale Rackham
Commissioner Grant Thorson

Visitors:

Becky Rowden	Robert Bolton	Garrett Ostler	Jan Ostler
John Diamond	Joseph Simpson	Dixie Simpson	Dan Bankhead
Mary Bankhead	Ethan Hanns	Joshua Tyler	Zander Crook
Michael McCarthey	Uriel Arreaga	James Steadman	Adam McCarthey
John Hanks	Marcia Bateman	Tucker Lovell	Mason Lovell
Cindy Haacke	Carter Haacke	Lloyd Ostler	Mark Flint
Denise Flint	Garrett Davis	Josh Yeates	Matt Yeates

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1. **Meeting Called to Order:**

Commissioner Day provided an invocation. The Pledge of Allegiance was led by Patrol Leader Arreaga from Troup 852.

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COMMISSIONER JENSEN MADE A MOTION TO ADOPT THE PLANNING COMMISSION AGENDA FOR JANUARY 5, 2016 MEETING. THE MOTION WAS SECONDED BY COMMISSIONER MCCUITION. ALL WERE IN FAVOR, THE MOTION CARRIED UNANIMOUSLY.

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2. **Meeting Minutes:**

December 1, 2015 Regular Meeting & Work Session

COMMISSIONER JENSEN MADE A MOTION TO APPROVE THE REGULAR AND WORK SESSION MEETING MINUTES FOR DECEMBER 1, 2015 AS AMENDED. THE MOTION WAS SECONDED BY COMMISSIONER MOULTRIE. ALL WERE IN FAVOR, MOTION CARRIED UNANIMOUSLY.

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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.

None

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4. **Public Hearing – Rezone A-1 to R-1 Joseph Simpson, property located at approximately 4500 W 1400 S**

Planner Schow stated this property was one of the properties that came in and got a general plan amendment from the City Council just prior to the Council closing the general plan map. The applicant is applying for the R-1 residential zone to accommodate single family development which now allows 2.3 lots per acre per the recent changes, the total acre is almost 28 acres. The current zoning is A-1 Ag, the general plan has been amended from A-1 Ag to R-1 residential the Council did approve that change, so this rezone request would be in compliance with the general plan. There are a few things on this property that the Planning Commission needs to be aware of for future development, there are several easements on the property including an access easement, a water well, storm water easements that all cross this property and provide access and use to the adjacent property owner to the west. It isn't anything that would prohibit residential development, it is just something that is on the public record so when they do come back with a concept plan that any future developer is clearly aware of what needs to happen with their design in order to accommodate the needs of the adjacent property owner, which is Diamond Ranches. Other than that, there aren't any outstanding issues for staff.

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Commissioner Vaughan asked regarding the easements if any of them are for a governmental agency, such as water, power or anything like that. Planner Schow stated there is, Syracuse City actually has an agreement over it for the Diamond ranches to be able to accept storm water but that is the only agency, the rest are private irrigation easements and well water and access. Commissioner Vaughan asked if the easement displayed anywhere on the map so they can see where it lies or happen to fall on. Planner Schow stated it is not, she only has legal descriptions which were not included in the packet but they are in the development file.

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Joe Simpson, 2936 W 5650 S, Roy, member of the Simpson family born and raised in Syracuse and glad to come to home town to do things like this. Recently his grandfather Joseph Simpson passed away and the family has come together looking at what they do next with this property and a lot of them have felt that they want to expand this residential community that they have in the area. On the map to the adjacent east that there are currently R-1 zoning and it is developed as such with that same kind of density. The idea behind this would be to continue that same type of development to the west on this piece of property. They see it as a way of centralizing the Church house that is existing currently on 4500 W that is a community institutional area and provides that central location for gathering area for the community and this would help centralize that area. They also see the compatibility with the existing development that is surrounding the property to the south they currently have developed single family homes and then to the north which is not in Syracuse City but West Point they have single family homes as well and feel that this would help tie this community together, ties with the Bridgeway development that is fairly new and recently developed to the adjacent east. They have looked at having logical boundaries with that zoning and to the west there is a topographical, elevation difference where it drops off, a small bluff that is created there, there is also an existing parcel line there which creates a good dividing line for the zoning boundary in that area. The other thing they looked at, obviously they have some agriculture property to the adjacent west, a pasture property and based on both the A-1 and R-1 zoning the land use ordinance does allow for single family to be developed adjacent to those type of uses and they see that bluff area creates a good division between the two uses as well. There is also a large development of trees about 100 foot width at the north end that also provides some buffering from those agriculture activities. Additionally they see this is also supported by the general plan and is something that will continue to ass to the vibrancy of the community and will be really a good benefit. They are looking at doing a really nice single family development, something that improves the City, enhances the City in this area and helps tie some of these residential properties together.

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Commissioner Jensen gave condolences to the applicant's family and advised the Commission that essentially this request came in after they did their general plan review but before the Council voted on it and Councilmember Lisonbee was aware of the situation and made sure that they were aware that window was closing so definitely give her some thanks if they haven't already. Commissioner Jensen stated that he did note at that meeting that although the Commission hadn't voted on it, as a Commissioner he would have supported this. The Commission as a whole has not weighing in on this but the general plan has been changed so it isn't an issue. Commissioner Jensen asked the applicant regarding the irrigation easements and such that area going across there now does he see any problems making sure those are maintained. Joe Simpson stated absolutely not, they have currently been working on different layouts. Obviously they want single family development to tie in with the adjacent developments and of course they will work through those easements as they develop the subdivision plat for this property, which of course would come back before this body for approval. Commissioner Jensen asked if the property immediately to the west was owned by Diamond Ranches and the applicant stated yes. Commissioner Jensen stated he calls that the second bluff because essentially it actually goes across to where Gentile Street skews before it gets to 3000, below that drop off the lake didn't quite make it all the way to that bluff but it got pretty close in 1983-84, and they are above that. The applicant stated he grew up there swimming in the lake when it was high in 83, remembers those good old days. Commissioner Jensen stated for the record they are above where the high point of the lake was and the applicant stated yes they are much higher, it is kind of the last bluff before it gets to the lake and can even see down in West Point off of 300 S they have a development that has kind of followed that angle of that bluff and same kind of single family development. Commissioner Jensen stated this may be premature in the process but believes North Davis Sewer District has a sewer main at 4500 W and the applicant stated he believes so. Commissioner Jensen stated he believes it is one of their major trunk lines that comes from the north. Joe Simpson stated they are very conscientious of those easements and they are working through those with the plat but as staff as indicated it is nothing that really would prohibit the development that could tie quite nicely with the surrounding uses. Commissioner Jensen stated for the benefit of the Planning Commission assuming that North Davis Sewer District has no issues with them hooking into their line, meeting their standards of course, that even if they can't get the sewer line to reach all the way across that property the R-1 cluster may help them out with that.

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Commissioner Vaughan asked on the property entrance where they have the gorgeous entrance with the poles and the cross bar Diamond across the top and the white vinyl fence going down the side, is that an easement that is used and will be offered to Diamond or will they will proposing at some later time to try to vacate that easement and then have street access into their property. Joe Simpson stated no, that easement is established, it has been there for a long period of time, it is very big and the idea is that it would remain intact, they have no plans as far as eliminate that easement or any access for Diamond Ranch properties or whoever would like to access it would be ultimately be dedicated as a public right of way as part of the subdivision or remain intact as the private right of way as it is now, they are open to either option. Commissioner Vaughan asked if he knows the Diamond Ranches people. Joe Simpson stated he doesn't know them

personally but his father does and asked him to come and present this tonight and initially their family had owned that property to the west and had sold to the Diamond family.

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Robert Bolton, 1278 S 4465 W Syracuse, would like to take this time to speak and address the Planning Commission on his opposition to rezone this to R-1 property. He has two major concerns that he would like to address. The first one is environmental, as Commissioner Jensen pointed out this property does butt up against the lake and the wetlands itself and at times it does flood up to this area. With that in mind, the Great Salt Lake is one of Utah's most unique water features and it has vibrant wetlands that is home to many birds and different various species of wildlife that throughout the year use these lands for reproduction and the great Salt Lake is a major point along one of the western migratory bird corridors in the United States so with this proposal to move this from A-1 to R-1 and have a residential neighborhood there they run the risk of having some concerns to the wetlands and that would be storm water runoff and also noise pollution from cars and light pollution through street lights and neighborhood lights throughout the year. Second concern is the public safety along 4500 W, as it stands now throughout the spring, summer and even into the fall hundreds of bicyclists use this road to travel through Syracuse and Antelope Island state park as it stands on the western side of the road which would butt up against this property there is barely enough road to even consider it a should let alone bike lane and with an increase in residential traffic they also run the risk of increasing the potential injury of bicyclists. He just wanted to bring those concerns up to the Planning Commission and hopes they would consider that while making their decision.

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John Diamond, owner of Diamond Ranches, 3269 W 1800 N Clinton, owns all the property west of this development and is somewhat concerned with the zone being changed, there are several issues that he would like to address. As the previous citizen mentioned storm water issue, they have in place an agreement with Syracuse City, they have provided one of their ponds for the City to use for storm water drainage off of the properties to the east the Bridgeway Island subdivision and some of the other areas there and in that planning that was scheduled or designed for that property to remain as A-1 zoning and adding another 30 or 40 homes in there and that will create a lot more storm water that is going to be pushed down on to his property so that is a real concern for them. With additional houses there they are going to have a lot more storm water, there is going to be a lot more roof tops that will be accumulating storm water. There has been an issue with the lane that they have on the north side there has been an ongoing battle between the Simpson's and the Payne's as to where that property boundary is and that needs to be addressed and finalized. They also have an agricultural business down there, they run cattle and that property is all in an Ag protection area which needs to be noted as well. They also have a pheasant hunting business there and when West Point city wanted to develop the property to the north of them there, they encourages the developer to put a berm between their property and the development property as to not interfere with that hunting business and their concern is that particular business brings a lot of people to Syracuse, they have well over a 1,000 individuals that come down there every year and hunt pheasants for about a 6 month period and all those people come down Antelope Drive right to their property and if they had to cut that back that would have some kind of an economic impact on the City. They do have some fence line agreements, they have an agreement, 12 foot on the east side of the property that they have across that area there. Also there is an irrigation easement that goes down the lane to the north and when that was put in it wasn't put in to accommodate heavy vehicle traffic so that would be something that would need to be addressed, it would probably have to be replaced and upgraded to a stronger pipe through there. They also have an easement across the front of the property that goes to the south over to Kevin Tracy's property and then it goes west and they have an easement in that particular irrigation ditch as well. They also have a well that they purchased when they purchased that property years ago that is actually located on the property and showed that to the Planning staff when they met with them yesterday. Basically they are somewhat opposed to it, going to a higher density and think it will affect their business operation down there and think it should stay where it was in an agricultural zone because it does butt up, they mentioned houses to the north, most all of the houses to the north are on larger parcels. Kevin Tracy's property is a large parcel and knows those individuals are also concerned about a higher density there as well because they have livestock on that side as well. Would like to go on the record saying that they are fine with the A-1 zone but they do not wish to have that zoned to the R-1.

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Commissioner Vaughan asked the applicant regarding the east boundary of the property, was he referring to his property on the east boundary that meets with the west side on the map shown or taking about the east side of the subject property against the street. The applicant stated east side of the street, there is a cement ditch that runs across there that takes water that way over to the Tracy property and it used to go on down further and then it comes down west to them and they take water down that way on occasion. Commissioner Vaughan asked the applicant regarding the northern boundary of the subject property there which is the gateway with the white gateway that goes through, the Diamond gateway, is the easements they have there for access the same footprint as the water easement that he was referring to or are those two separate easement lines side by side or spaced in between or. The applicant stated they are basically in the same area but the underground pipeline goes to the south of the roadway, comes from 4000 down to about 5500. Commissioner Vaughan asked the applicant if the easement runs across the north side of the subject property on the north boundary and to the south of his driveway basically the access into his property. The applicant stated it is on the north side of the Simpson property. John Diamond stated there is a boundary line dispute there that has been going on a few years. Commissioner Vaughan asked the applicant regarding the map they have showing approximately how far would he estimate the location of the well that he mentioned, is it some distance inside or just. The applicant stated it was 200 feet up the south property line. Commissioner Vaughan asked the applicant if the well is recorded or does he have an

easement to it. John Diamond stated it hadn't been recorded. Commissioner Vaughan asked if it was marked with anything above ground, he went out to the property and he didn't see anything that looked like a well. The applicant stated right now they have it so it drains into the storm drain pipe and they use it down below. Commissioner Vaughan asked the applicant using the words 'west line Syracuse city' on the map to give them an approximation as to where that would be. The Applicant stated it is where the line goes across the property to the south the Tracy property. Commissioner Vaughan asked what letter on the map it was near or was he referring to the south boundary. The applicant stated he was referring to the south boundary. Commissioner Vaughan stated the numbers 412.52 measurement on the map close to that or as it comes into that 208.13. The applicant provided the Commission a map showing the location of the well. Commissioner Vaughan stated it is showing approximately 116.95 feet in on that boundary from the SW corner on the map. Commissioner Vaughan asked the applicant how far inside is that well. The applicant stated it is right on the edge. Commissioner Vaughan stated using the map that is showing on the screen would be the northwest corner and if they proceed south or down the map towards 4000 it is a distance of approximately 100 feet, looking to the left where it says 208 feet, so half the length of that line coming down that up and down line and the applicant stated that would be close. Commissioner Vaughan stated they have to go by the maps.

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Planner Schow stated she had submitted two letters through email and in the Dropbox so the only other thing would be if the Commission would like those read or if they had a chance to read them or if they were content with that. Commissioner Vaughan stated thank you and asked if there was anyone else who would like to come forward and speak.

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Garret Ostler, 1516 S 4000 W Syracuse, which is directly east of this property and as he has talked to several different individuals some living adjacent to the property things like that and hear what is going on here. First of all environmental concerns of the lake coming up that far and spend any time out there in that area, there is another bluff down below there and that is where the lake came up to in that area so there is actually a smaller bluff down below there, which John Diamond and others can attest to of how much of his land was flooded at that time and so it is interesting hearing all the environmental concerns the one citizen had and wonder how many minutes he spent in that area. This land is up above, it is the heritage property of the Simpson's and in talking to Joe knows that he had desires to develop that property and then sold to some wonderful individuals around it. In speaking with other property owners around it and they understand development happens and there is not a lot they can do about it as long as the City in good faith is making sure that all the easements are attained to, the reasonable environmental concerns are addressed and they can get all the amenities and facilities to these homes to have a viable neighborhood, as they have up in other areas. In some of those other areas up to the east there they have had some environmental instances happen to where they've had to go in and mitigate those water issues of the ground water that is in this lake bed and had to put in a drain to handle that property in the other subdivisions that they all know about very well. Garret Ostler stated he lives directly to the east and one of the arguments of a lot of his neighbors and some that live within the cluster of homes say that this is gonna block their sunset, holy cow, get a life. Every sunset picture he takes from his house has all these other homes in it that are complaining about somebody down below and they did to him what they are complaining about and did he complain about them, no, he welcomed them with open arms, they are great neighbors. He thinks there is a great opportunity here to improve the City of Syracuse and improve the area. The easements that have been put in place and it does affect John Diamond, have got to know John and he is a great guy too, having the hunting property there adjacent to it on the south end, that could affect his things, but he does place a lot of the birds and put things out there and his property and his ranch house is and that has some cushion too. It would have an effect there initially that he didn't consider in his business operation and hate to see his business impacted if it is but think John is a creative individual and can help his clients enjoy that. The economic boon of hunters coming through and coming down and working with John, can't attest to how much they spend on coming through and whether they buy their shells at Walmart here or not, John knows more about his business that he does but what he would like to see happen is he would like the Planning Commission do the responsible things, make sure that they meet all the legal and structural things so they don't have unhappy neighbors like they had to the east of where he lives on 4000 W and have to go in and dig a well and that again and go through a lot of extra expenses on tax payer dollars and stuff and make sure everything is viable and then he invites them to get this land developed as quickly as possible so it can get done and have other great neighbors come to be with us that are here that oppose this now. Thank you for your time.

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Joe Simpson stated seems that the majority of the concerns have to do with some of the easements and as they can see most of those all reside around the perimeter of this property which is a typical location for utilities and any subdivision a lot of places will require a 10 foot PUE around lots to provide necessary utilities so they definitely understand and respect that and definitely plan to have that addressed through the subdivision plat process where it is appropriate and then of course with that process also looking at addressing ground water and those issues as they are typically done in development.

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Commissioner Jensen asked the applicant regarding the south boundary the map doesn't show a full length on that but looking at the property to the south where it is coming out, is that south boundary essentially about 525 feet or something. The applicant stated he doesn't have that figure of the top of his head, they do, since there has been some question about things, they know what they have based of the County plat but they do have a surveyor coming out this next week that will be giving them more answers and this is anticipation of subdivision development of the property.

Commissioner Jensen stated John Diamond he brought up the issue of the boundary and one other speaker did as well, essentially that surveyor is going to come out to resolve that. The applicant stated that is correct, but they again they see that area remaining in place the way it is and don't anticipate it have impact on the development for this area. Commissioner Jensen stated this can affect the ability to develop the property, the rezone is one thing but the actual subdivision plans and other but would guess the County certainly has the plat recorded however they have it recorded but that is definitely an issue that needs to be resolved. Commissioner Jensen asked the applicant regarding the depth at 4500 west, with his experience with North Davis Sewer District he has an idea but not sure. The applicant stated he doesn't, they don't have that figured out again they are kind of in the conceptual stage before they invest the money to have those studies done they are taking the first step which is of course looking at what they are doing now and that is the rezoning of the property but they don't anticipate, the systems that are there they don't anticipate being any issues to support that. They understand they may need to look at on site retention or detention of their storm water and that would all be addressed as part of that subdivision plat. Commissioner Jensen stated he does know from experience that the south out line that goes to the North Davis Sewer plant essentially it is only about 3 or 4 foot deep once it hits the plant because the ground is just so flat out there so going to guess the one that is in 4500 West can't be more than 5 foot deep but not sure what size that line is, if it is a smaller line it could be a little deeper but guessing it's at least 48, because it is the main sewer line that comes from north and the applicant would need to hook into that line and the reason he brings that up is there is going to be a limited distance that he is going to be able to take those sewer lines to the south from there, they are going to have to go under the ditch along that road and since that ground is falling while the sewer is rising there is a good chance that sewer may daylight before it hits that south property boundary, don't know that for sure but that is something to keep in mind with this. This is why he brought up the opportunity of an R-1 cluster because that might be, the applicant might be able to keep some of that property to the south end open and give it a little bit more of a buffer for the Diamond Ranches. The applicant stated all of that is coming into consideration in concepts and such. Commissioner Jensen asked the applicant if they are willing to work with the Diamond Ranches and in making sure their easements are preserved. The applicant stated sure, absolutely they are recorded easements and feel that they are legally obligated to uphold that end.

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Commissioner Jensen stated he does want to address the one thing that another citizen brought up, mentioned the environmental concerns, something that the Nature Conservancy and some of the other agencies like the Sierra Club and such that deal with that, they like to talk about not just what is the actual flood plain of the lake and wetlands but there is a concept called uplands as well, where essentially the birds will basically fly up into those uplands to find food and grains and that and so this property that is here basically sure there are some migratory birds that are foraging there, that being said as a Commissioner his philosophy and thoughts on that are if there is a conservation group that would like to purchase this property that is certainly their option but other than the applicant having to meet the Army Corp of Engineers requirements for wetlands doesn't think that is a burden that they can necessarily put on the applicant but that is his opinion.

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Commissioner McCuiston stated this is always an uncomfortable decision the Planning Commission has to make and is important that the audience understand that they are bound by law and code for the City and that they are not the regulatory body for that they actually just apply the zoning. The current general plan lists the property as zone or projected to be R-1 and it meets all of the requirements for that and regardless of feelings one way or another they just have to look at the law of the City. With that in mind and understanding as an engineer that all of the concerns that have been brought up are addressed whenever a parcel of land is developed including storm drainage and environmental impacts that the codes and development of the City will make sure that all those things are reviewed during the process and handled accordingly.

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COMMISSIONER MCCUISTION MADE A MOTION TO APPROVE RECOMMENDATION TO THE CITY COUNCIL TO REZONE THE PROPERTY LOCATED AT 4500 W 1400 S FROM A-1 AGRICULTURAL TO R-1 RESIDENTIAL SUBJECT TO ALL APPLICABLE REQUIREMENTS OF THE CITY'S MUNICIPAL CODES. COMMISSIONER JENSEN SECONDED THE MOTION AND MENTIONED THAT THIS DOES FALL INTO SYRACUSE CITY'S SENSITIVE OVERLAY AREA WHICH HAS ADDITIONAL REQUIREMENTS THAT HAVE TO BE MEET OVER AND ABOVE A REGULAR SUBDIVISION. ALL WERE IN FAVOR, MOTION CARRIED UNANIMOUSLY.

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Commissioner Jensen confirmed the motion was being forwarded to the City Council. Planer Schow stated yes, next Tuesday. Commissioner Vaughan stated this is a recommendation to send this to the City Council, this will come before the City Council, if there anyone that would like to come and speak on this issue again before the City Council, are invited to their next meeting.

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Public Hearing – Rezone A-1 & Industrial to Industrial & General Commercial Bankhead Farms, property located at approximately 1000 W 3700 S

Planner Schow stated this request is from the current zoning of A-1 Agricultural and Industrial to Industrial and General Commercial. The property is 19.47 acres and has been designated as General Commercial and Industrial on the General Plan Map for almost 10 years and recently the City proposed to change it and the applicant came in and made sure that didn't happen and at this time they are just wanting to make their zoning match what is designated on the

General Plan. As mentioned this is what has been and what currently is on the General Plan so it does meet that requirement and there are no outstanding issues with City staff.

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Commissioner Jensen disclosed for the public record that his family does own property a little bit to the west of this but it several parcels down and also on the opposite side of the street. He does not feel it would be a conflict for him but if the other Commissioners feel that it is, he would be willing to step down. Commissioner Vaughan asked if there were any objections from the other Commissioners, there were none.

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Dan Bankhead, reside at 3112 W 350 N Layton, represent Bankhead Farms with this application. This is something they started back in the early 2000's at that time they went ahead and annexed this property into the City with hopes to someday do some development in making a storage facility and some other small commercial buildings in the front. At that time there was a lot of discussion back and forth with the Mayor and City Council different people like that to try to make sure that they kept everybody happy, tried to work out a few things just to make sure that they were falling within their plan. Not sure at that time if the land was already in the General Plan as it is today but it has been that way from his knowledge at least since 2002. Basically they are just asking to have zoning that matches the General Plan. Currently they have no plan to go dig dirt soon. This was brought on and is something that needs to be taken care of in light of what has gone on the past couple months here. Doesn't have a big speak prepared, didn't know that he was on the agenda, wasn't formally notified. Has another concern regarding the mailings that go out and thinks they have encroached well over the 300 foot mark and not sure how that process takes place but does have some concern following the ordinance that is written.

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Commissioner Vaughan asked if the mailings went out according to our standards and by code. Planner Schow stated yes, our City standards requires that we notify within 300 feet, recently without our knowledge, the mailing labels come from the Davis County Recorder's Office and Davis County Recorder decided to extend the boundary to 350 feet without our knowledge. So we were not aware they were sending the applicant's request over with an additional footage, so we have contacted the Davis County Recorder and hope that they will educate all their staff to please only do the 300 foot requested boundary. Commissioner Vaughan asked if the City would receive a refund on the stamps that were used. Planner Schow stated not through her, she is not taking that task on.

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Public Hearing opened

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Public Hearing closed

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Commissioner Jensen stated so the Commission is aware of this, the North Davis Sewer District in back about 2006-2008 they upsized their sewer line and moved it into Gentile Street so there is a 48" sewer main that probably is about 8-9 feet deep right there in front of the Bankhead property so they certainly do have the ability to service that General Commercial, as far as that Industrial in the back because of the fact that Syracuse City has made it clear that they do not want lift stations, that they don't accept those, that essentially that stuff in the back it is gonna have to be a use that doesn't require sewer and from what the applicant has stated it sounds like it will be a use that should be compatible with that, if he is thinking storage units. Also at the time and certainly the General Plan was recently changed but this entire area was recently mixed with Commercial and Industrial but at some point some of that property that was under there was sold to basically to US Government through Nature Conservancy and such so he brought up the question as whether this property would be viable as Commercial in its current state but with the use that the applicant is proposing think that use is viable in his opinion.

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COMMISSIONER DAY MADE A MOTION TO RECOMMEND APPROVAL TO THE CITY COUNCIL TO REZONE THE BANKHEAD PROPERTY LOCATED AT 1000 W 3700 S FROM A-1/INDUSTRIAL TO INDUSTRIAL/GENREAL COMMERCIAL SUBJECT TO ALL APPLICABLE REQUIREMENTS OF THE CITY'S MUNICIPAL CODE. COMMISSIONER JENSEN SECONDED THE MOTION. ALL WERE IN FAVOR, MOTION CARRIED UNANIMOUSLY.

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5. **Major Conditional Use Permit - Accessory Dwelling Unit, Cindy & Carter Haacke, property located at 1533 S Bluff Road**

Planner Schow stated this permit is for an accessory dwelling unit which essentially is an apartment, within the existing accessory structure, which was initially constructed in 2006 as a pool house and secondary garage. At the time that it was constructed the permit did not include anything for a secondary residence. Current code now, this meets the majority of the items for the current code requirements for accessory dwelling units. However there are a couple items that it does not meet code and that the accessory dwelling unit cannot exceed the primary structure, 50% of the main floor. On the site plan, it shows the 3 car garage and the other side has a kitchen, dining room, family room and bathroom which is showing the main level square footage roughly as 1115 and the garage 1525. In addition to this, there is also a second floor which was initially constructed as storage room but would be converted into the bedroom for the dwelling unit. This attic square footage proposed according to the plans is 875 square feet. From the best figure that we could find from the home, initially when the accessory dwelling unit was constructed, staff researched and it did receive all necessary

approvals at that time and passed occupancy for the use that was permitted as a pool house and garage, accessory dwelling was not applied for at that time. Staff was unable to find the original permit on the house but and maybe the Haacke could clarify the square footage on the home, it was built in the 70's so the records on that aren't very comprehensive from that time period, but can see from the pictures alone size wise it clearly exceed 50% with the 2 different stories of the main residence. The other code that it wouldn't meet is the height restriction, there is a current height restriction on accessory dwelling units and this far exceeds the primary structure. Staff brought this to Planning Commission even though these 2 items were not meeting code only because this is an existing structure so will leave it up to the Planning Commission purview. They do meet the parking requirements and should this get approved the owner would be required to go into the County and record the owner occupancy affidavit that they have available at the City. As far as residents, they have had some comments come in with two primary concerns. One was parking, there is a lot of parking already going on and was a concern, even though it can meet the requirements per code. The second one was there is, it was stated that there is 'junk' on the lot and so there was a request for maybe possibly some screening as a mitigation for the approval.

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Commissioner Jensen asked Planner Schow regarding code for accessory buildings, specifically remembers language of secondary and size or purpose. Planner Schow stated in section 10.30 Detached accessory dwelling units shall not exceed 50% of the footprint of the main dwelling excluding the garage and are permitted as a major conditional use permit approved by the Planning Commission. Included in the packet are all the applicable codes from that section 10.30 General Land Use regulations and those that applied to an accessory dwelling unit that is detached. Commissioner Day asked if the Planning Commission has the ability to approve this despite its noncompliance with current code or is there another board that would be better suited to hear this sort of variance as he understands it. Planner Schow stated she believes the Planning Commission would have to deny it and then it would have to go to Board of Adjustments for a variance. Commissioner Day asked who is the Board of Adjustments, is that the City Council or a separate board. Planner Schow stated City code calls out for a separate board but currently do not have one established at this time so the Mayor would have to put one together. Commissioner Day stated if they deny it, the process would be to go to that board, establish a board. Planner Schow stated looking at all the items they met everything the size and height restriction. Commissioner Vaughan stated they can go forward into it and can come back after speaking with the applicant and any other speakers several points will come up will be able to answer those, he has several questions for the applicant based upon the packet they have before them.

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Carter Haacke stated when they originally built the house, the pool house it was just for a great room for their family as the project morphed which it actually did, and they put a second level on it. They had no intention and knows they have to consider the future, but they had no intention of renting it out, it was a family situation. The reason this has even come up is there is a possibly of a mother-in-law moving in situation and they want to play by the rules. They understand that this is the proper procedure. When they built it they were unaware of any height restriction, they were unaware of any size restriction compared to the house they just did all the proper channels with the building permits and ran it through the Planning Commission at that time and City Council at that time and got a variance for that and a conditional use, so that is where they are today and knows they have to consider the future and if they sell that, they are not in it to rent it out or anything like that, just be a family type situation.

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Commissioner Vaughan asked the applicant if they had a chance to review the packet that staff prepared on this matter, the applicant stated no. Commissioner Vaughan stated there is an awful lot of information and not sure if they are ready to answer all the questions so one of the choices they have in regards to a resolution of the matter tonight is they can grant, they can decline or can be continued to a further date so if at any point they mention anything they don't feel correctly prepared to go forward with in comments tonight let them know and they would be happy to continue to a date certain to make them feel comfortable so that they don't hear a train in the distance and standing in the middle of the tracks. The applicant stated they appreciated that.

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Commissioner Vaughan stated in the background comments in the packet on page 1, it is fully stating the square footage and height of the accessory building does exceed the allowance in the current City code. Commissioner Vaughan asked the applicant how he would feel if the Planning Commission decided to get this to pass they would have to comply with the current of the building that they would be required to take off the top whatever footage. Carter Haacke stated at that particular time they would withdraw the application. Commissioner Vaughan stated they have some questions. Carter Haacke stated that is fine, again they just want to play by the rules and to be in the situation that mother-in-law ever does move in that they are covered, that's all. Commissioner Vaughan stated paragraph 2 says the applicant will be required to meet current building codes should they receive approval and under Deed restriction, paragraph 5, underlying zone applies and this would have to do with the principle building of the underlying zone district with regards to lot standards such as building and wall heights, setbacks, yard requirements, building coverage, a) would be talking about noncomplying setbacks may not become more noncomplying, and does he understand what he is talking about. The applicant stated yes. Commissioner Vaughan stated in number 9 where it talks separate utility connections, is the building they are talking about does that have its own separate utilities. Carter Haacke stated it does, at the time that they applied for the building permit because of the size of the building they were required to get a second, so they have water, sewer and electric separate, that was required by the City at that time. Commissioner Vaughan stated now under this code if

they are to go forward it is basically saying that separate connection shall not be permitted for internal accessory dwelling units. Because before it was an accessory building that is a different use than an accessory unit so the utilities would probably have to be cut off and routed through the house up to the building, does he understand that. The applicant stated he understands. Commissioner Vaughan stated number 12, understand they have a Mustang repair facility. Carter Haacke stated it is not a repair facility, they have Mustangs that is their hobby that is their family hobby. Commissioner Vaughan stated he noticed they have a license plate frame on one of the cars parked in the driveway talking about Haacke Motors, is that a business. Carter Haacke stated that is their son's business in Layton. Commissioner Vaughan asked if he operates it there or use the garage. Carter Haacke stated no, he has his own facility next to Wasatch Trailer in Layton, he has nothing to do with that property at all. Commissioner Vaughan stated none of his. Carter Haacke stated they don't store trailers, they don't store cars they store nothing of his. They just buy cars from him, it is the name of his company Haacke Motors and they have bought vehicles from him and along with that goes the license plate frame. Commissioner Vaughan stated under number 15, size of accessory dwelling unit, under sub c), the top paragraph detached accessory dwelling units shall not exceed 50% of the footprint of the main dwelling. What is the square footage of the main floor of the brick house. Carter Haacke stated it is 75' x 25', without a calculator they figured about 1900 square feet. Planner Schow stated 1875 and half of that would be 937.5. Commissioner Vaughan stated under number 19, sub section b, detached units, sentence number 2, the entrance is located a minimum of 20 feet behind the front facade of the principle dwelling. Planer Schow stated it does meet that requirement. Commissioner Vaughan stated he was wondering because this is on the side street, because it is 20 feet back from the front that is okay on that but because they are talking about the accessory unit that is detached they would utilize existing street facing facade so the door, the pedestrian door that is located to the west of the 3 garage doors that is within 10 feet, would that be impacted by this 20 feet and then also around on the west facing side, there is another access into that area and that also is less than 20 feet from the front facade of the building. Planner Schow stated it is the front facade of the principle dwelling which would be the brick home up front, so it meets that code requirement. Carter Haacke stated where the 2 cars are on the screen is where the west door enters into the living area or the great room area. Commissioner Vaughan stated the other entrance the southwest door is about where the car is parked in the driveway where the passenger door opens.

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Commissioner Vaughan stated number 20, exterior design, sub a), the maximum height of detached accessory structure containing an accessory dwelling unit shall not exceed the height of the principle structure. Carter Haacke stated again when they built this, they had not a clue that they would even be asking for this type of a situation so, got them there, because they built it with another idea in mind. Commissioner Vaughan stated sub b) accessory dwelling unit shall be designed and constructed to be compatible with the principle structure. Carter Haacke stated again when they built this they had not a clue that they would even be asking for this type of situation, so got them there, cause they built it with another idea in mind. Commissioner Vaughan stated also in sub b) and meet the minimum standards set forth. So that would mean the building would have to be compatible with the brick design of the primary structure in front. Carter Haacke stated if that means they can change the design of the building in front because he is all for that, the brick is awful. Commissioner Vaughan stated as long as it would be compatible. Carter Haacke stated he doesn't mean to be smart about it but that is certainly a consideration.

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Commissioner Vaughan stated number 23, occupancy, no accessory dwelling unit shall be occupied until the property owner has obtained a building permit and certificate of final occupancy. Has the building been used for housing. Carter Haacke stated yes it has, to be honest it has, they had a son that got married and he moved in with his wife, they have now since moved out and bought a home of their own, but there was a time that he was living there. Commissioner Vaughan stated at present time. Carter Haacke stated there is nothing there now. Commissioner Vaughan stated moving on to the building permit application dated June 9, 2008 over in the right hand column in yellow it states 'the building not to be used as a single family dwelling'. Carter Haacke stated that is correct. Commissioner Vaughan wanted to make sure they were aware of that. Carter Haacke stated they are aware of that, they had the necessity and they chose to do otherwise, but they were aware of that. Commissioner Vaughan stated there is a letter dated April 2, 2009 on Syracuse City letterhead, paragraph 3 beginning with furthermore, in the middle of line 3 with 'at no time was there any indication given to the Planning Commission or City Council that this would be a dwelling unit. If there had been such an indication, the application would have been denied', the next paragraph under that states 'under no circumstances shall this structure be used as a dwelling unit'. Commissioner Vaughan asked if he was aware of those. Carter Haacke stated to be honest he doesn't remember that letter but is not saying that they did not get it. Commissioner Vaughan stated on another page 2 showing staff recommendations on old City logo, paragraph 4, 'staff has determined.. This unit contains 1990 square feet of living space, including a kitchen, dining, family, full bath, laundry, this unit is larger in area than the primary dwelling unit located on the property and is not subordinate in area, extent or purpose to the principle or main building served, nor is the accessory structure incidental to the principle use or structure.' (dated July 28, 2009)

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Commissioner Jensen stated that was the ordinance that was stuck in his brain at the time, that is what the ordinance stated, that is what he was trying to find.

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Commissioner Vaughan stated after reading all of those his question is, does the applicant feel that the City has spoken in the past in regards to the inability of their accessory building to qualify as a dwelling unit. Carter Haacke stated 'I guess', there it is, they had a necessity in the family and guess they broke the law or whatever it was they did, they are

trying now to set things right by playing by the rules. Obviously they got a letter, there it is. Guess they blatantly chose not to follow it at that particular time because of the need of the family and doesn't know what else to say. Commissioner Vaughan stated he wanted to give them a chance to talk about these things and ask questions on that. Carter Haacke stated he appreciates that and again they are trying to be good citizens and do what they are supposed to do.

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Commissioner Jensen asked staff the letter they are talking about right now, is there a date when that letter was drafted and who drafted it. Planner Schow stated she would have to go back because it doesn't have everything from the packet from the full file. Commissioner Jensen stated he thinks it might have been GJ, but didn't know. Carter Haacke stated it was GJ LaBonty. Planner Schow stated she thinks 2009. Carter Haacke agreed and stated they got to know him very well. Commissioner Vaughan stated the one with the large print is dated April 2, 2009, but the smaller logo titled staff recommendation there is no date on that and doesn't want to jump to the conclusion. Carter Haacke stated he is not familiar with that and not saying they didn't get it obviously can't speak about that. They were aware that that was a borderline thing with the second building permit that they received. Commissioner Jensen asked the applicant if they are currently parking for the primary structure at the accessory building or parking next to the primary structure. Carter Haacke stated it depends, their main is down front of the primary house that is where they live. Commissioner Jensen asked if they generally park at the primary house or park them in the accessory structure. Carter Haacke stated they usually don't park on the accessory structure and they keep it, they have cars in there and they try to keep the approach to the 3 doors open, they try not to park cars there. Occasionally a car will be parked there when the family is there for things, but that is not their normal parking lot.

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Commissioner Jensen stated he had a train of thought which do not know if they can resolve it this way or not but what is the total acreage of the lot. Carter Haacke stated .84. Commissioner Jensen stated it is well over 20,000 square feet and they are in an R-2 zone so looking at the lot there is one thing that wouldn't meet but there is a possible solution for this where they wouldn't have to call it an accessory structure anymore and that would be to split this into two separate lots with the larger building being dedicated to its own lot. The only thing going afoul with that is the front setback which do not think it would meet. Planner Schow stated it will not meet the setbacks for its own subdivided lot. Commissioner Jensen stated it would meet most of them, but not the front. Carter Haacke stated they asked for a variance when they built it because of the pool location, they wanted to move it so they could use the patio and at that particular time they did receive the variance, it wasn't for an accessory building. Commissioner Jensen stated since there was a variance issue and apparently the Planning Commission at that time that that variant was issues even though it was being used as accessory structure and think even back then the ordinance said it had to be in a side or rear yard and meet the appropriate setbacks and so a variance is already granted for this to meet the setbacks and basically if they are trying to resolve it through this route they could set this up as a legal nonconforming with the understanding that there was a variance with the front yard, which would be a solution, it is not ideal but as it stands right now and found what he was looking for, under 10.30.010 C, accessory buildings in general it does say the accessory structure may not exceed the size of the primary structure and the 50% thing aside flat out this wouldn't meet the ordinance even for an accessory structure under the current ordinance and with the way the old ordinance was drafted not sure why they, size or purpose was what the ordinance said and think that if he remembers the conversation at that time and doesn't want to hold the Commission to this, but think they decided it was secondary in purpose and so they decided not to worry about the size. Seem to remember making a public comment about this when this was done back long before he was a Commissioner but it certainly is larger and won't meet the current ordinance and the Planning Commission obviously thought it would meet previous ordinance with a variance but don't, am struggling with calling this a dwelling without making it its own lot.

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Commissioner Vaughan asked the applicant if there was anything else that he would like to share. Carter Haacke said they appreciate that, they appreciate the Planning Commission's consideration and want to reiterate again when they built the building they weren't thinking of grandma coming up and staying with us, they weren't thinking of son getting married with wife going to school, they built it as a pool house upstairs as a game room and a 3 car garage to store their hobbies. They do have lift in there so it sees a lot of action with all of their Mustang friends but think they have made a very valiant effort in trying not to muddy of the street or muddy up the parking, they have tried to keep it as clean as possible with the understanding that they live in the neighborhood. All of the neighbors and all the hobbies they try not to take advantage of that. Things have come up where grandma may be needing to be taken care of and that is why they are pursuing this. What they did with their son when he was married, yes they probably were wrong with that but at that time family is, they took a shot there, our family was the most important thing but right now no one lives there, no one is planning on living there with the exception of maybe grandma and that is up and down we don't know if that is happening, she is in California and we can't get her up here in the cold so she may stay there. We wanted to put things in situation and in order that if that did happen that they would not be out of compliance again, that they would be team players for the City and be good citizens and yeah they are guilty of probably not doing proper but they are trying to do what's right right now. At the time they met everything that was asked of them as far as building the building of course the use has changed and understand and appreciate consideration whatever that decision might be.

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Commissioner Jensen stated he was thinking out loud before another option for the applicant was to make their primary structure a lot bigger but that could be really expensive. They could double or triple size their main house which don't think that is going to happen. Commissioner Jensen asked City Attorney Roberts where essentially this never really

conformed with the ordinance even the way it was written the way before of the height requirement, because that has always kind of been there. Since the previous City Council decided that this would be okay in the past even though it didn't meet the ordinance where does that leave them. City attorney Roberts stated it is a noncomplying structure, that doesn't mean that they would need to allow an additional nonconforming use into a noncomplying structure. It means that they cannot make them tear it down or reduce the square footage or something like that, they can maintain it as a noncomplying structure. Commissioner Jensen stated essentially since they are trying to meet a new use and where they were pretty clear about it not being a dwelling unit with the last application provided in the packet, it can be noncomplying but they wouldn't be able to use it for a residence because it was never applied for that. City Attorney Roberts stated yes, it would be like if they wanted to build a distillery there or something it is not, they do not allow a nonconforming use just because there is a noncomplying structure, just need to apply the code to the use that they are applying for, they can continue to use it as an accessory structure, the question today is whether they feel it meets those requirements to be an accessory dwelling.

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Commissioner Day asked on page 48 of the packet, the highlighted portion, the very end it says 'set forth herein and have been denied by the Zoning Administrator as a minor conditional use permit may be appealed to the Planning Commission for review' does that give them the ability as a Planning Commission to grant some kind of approval even though it is noncompliant. City Attorney Roberts stated the review would be to apply the codes, so it is not to say they can override the codes but they could override an incorrect zoning administrative decision. So if they felt that the zoning administrator was wrong in denying a permit then they could say we interpret this way, we disagree and think the code means something else. If they don't feel that the code supports it then they can't override the code that would be an application for a variance which this body does not have the authority to do. Commissioner Day stated so this isn't pertinent to their decision. Commissioner Jensen asked Planner Schow regarding code, basically attached accessory dwelling units are minor conditional uses but detached are major conditional uses. Planner Schow stated yes. Commissioner Jensen stated so a major conditional use would come before them to begin with. Planner Schow stated that is correct. Commissioner Jensen just wanted to make sure the Commission understood that.

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Commissioner Jensen stated in trying to find a solution for the applicant short of being able to split that into a separate lot just don't see how this can meet the accessory dwelling unit ordinance in his opinion unless they change the ordinance because it is way, it is way, they deliberately crafted the accessory dwelling unit ordinance the way they did recently to prevent exactly this from happening. They didn't want to have a larger building a smaller building and there is no way they can split a building and say this is really two buildings but they are connected because that is not how the ordinance works. So even if they could split the garage from the accessory dwelling unit think that the square footage wouldn't even allow them to do it then. Commissioner Vaughan stated he had some of the same thoughts when he was out at the property and walked all around it, numerous times and his initial thought was because of the lot size it potentially there could be a split but it is because of setbacks and a couple other things that this would not qualify for that. They could get a lot split, but would have to say goodbye to the house or to the dwelling unit and don't think they want to do that. The two documents that they have in the file is afraid they speak very clearly and loudly on this particular point. One is the building permit application dated June 9, 2008 where Nolan Schofield who was head of the that department at the time wrote in the comments section 'building not to be used as single family dwelling' and is sure he could envision at the time that this could be a residential unit because of the roughing in of the bathroom that occurred at that time upstairs and obviously the square footage and then also the April 2, 2009 letter signed by JG LaBonty who was the Community Development Director basically where he doesn't beat around the bush in which he says 'under no circumstances shall this structure be used as dwelling unit'. Also shares the opinion of Commissioner Jensen that they are up against a very, very difficult mountain to surpass and think the applicant is going to fail in his request to get approval from the Planning Commission at least that is his guess, not suggesting that, just guess that is where they are.

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Commissioner Day asked Planner Schow if this body were to deny this application what recourses would be available to them. Planner Schow stated if they wanted to apply for a variance then they would have to go through the Board of Adjustments, so the City would have to establish one. Commissioner Jensen stated the only other thought he can think of is along the lines of splitting it into its own lot, there would have to be, the applicant would have to convince, essentially an act of ordinance change to allow for such a variance to happen as just don't see how under the current ordinance how they could even do it, but think that would be the best solution if they were trying to find a solution to this and do want to state for the record have absolutely nothing against it being used as a dwelling other than it does not meet the ordinance and based on what was in the packet it sounds like the applicant was informed several times that this was never to be a dwelling unit and it is a little more of forgiveness than permission but it looks like it would be a great house but it just doesn't meet Syracuse City code.

[7:35:12 PM](#)

COMMISSIONER JENSEN MADE A MOTION TO **DENY** THE ACCESSORY DWELLING UNIT FOR CINDY & CARTER HAACKE LOCATED AT 1533 S BLUFF RD BASED ON THE FACT THAT IT DOES NOT MEET CURRENT SYRACUSE CITY ORDINANCE. COMMISSIONER MCCUSTION SECONDED THE MOTION. ALL WERE IN FAVOR, MOTION CARRIED UNANIMOUSLY.

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Commissioner Vaughan stated they do have recourse through a Board of Adjustment if they chose to do so, perhaps if they like they can come in and speak with staff any time and ask what a realistic time table would look be, the Planning Commission and the City staff have discussed the way of possibly restructuring that board to try to make it a little bit more timely in response to situations like this. This is the first one that has come up in this situation in a long, long time.

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6. Final Subdivision- the Bluff at Lakeview Farms, Phase 2 & 3, property located at 700 S 3000 W R-2/R-3 Zone

Planner Schow stated the Bluff at Lakeview Farm just off of 3000 W 700 S is ready to move into phase 2 and 3 because development does not want to slow down. It is two different phases here, some of the staff reports are reviewed separately and some are together coming through as one final approval but they will be constructed separately but close enough in time to get the approval at once. Phase 2 and 3 the phase lines changed just slightly from preliminary approval just to make more sense for the growth pattern that is going in and the utilities and such but there are no changes in density or design. These two phases do contain a combination of two different zones, the R-2 and R-3 zone that was approved by the Planning Commission and City Council. The only thing that is truly different from what was seen at preliminary for phase 3 is that they have actually reduced the number of lots by one and have opted to put in a pool and clubhouse for the subdivision to be managed and maintained by a private HOA. Commissioner Jensen asked if that was parcel A. Planner Schow stated yes, parcel A and as a result of that they have allowed them to increase the size of the two lots adjacent by 5 feet because they didn't need quite that much area for the pool house and clubhouse. That will need to be dedicated, that parcel will need to be dedicated properly on the plat when it comes times to record. Commissioner Jensen asked since that is being treated as not as a regular lot, that doesn't need to meet the front width requirement. Planner Schow stated correct, it will not ever be a building lot and it will be recorded on the plat as such. Planner Schow stated comments from staff reports very minor just some small things that commonly get missed like typical setbacks or indicating the zone and the lot numbers. Street addresses have now been submitted and the City Engineer is working on that, they will have those updates before a Mylar would be ready. There isn't anything on the Engineering comments that looks like it would prohibit a final approval and prevent them from moving on, again minor changes that need to be fixed on the drawings, for both phases. The Fire comment there was the spacing on the fire hydrants on the plans was actually closer than what is required by code, they were roughly spaced out at 350 feet, which they can do that, it is perfectly acceptable but staff has recommended that they move that out to the standard just for their own cost effectiveness but there is nothing that would prohibit an approval at the closer spacing. Other than that there isn't anything else outstanding that would prohibit a final recommendation of approval.

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Commissioner Jensen asked the applicant if they had any problems meeting the staff recommendations. Mike Bastian stated no, like Planner Schow stated they are all pretty standard when they come to this stage. Commissioner Jensen asked City Engineer Bloemen was there any outstanding issues that he was concerned about or feel that they have all been resolved. City Engineer Bloemen stated yes everything is pretty standard, his only concern was the location of parcel A, it looked like they were going to try and do a curb cut along the whole frontage of that parcel which isn't permitted by ordinance, and not a fan of that parcel being right in the middle of that intersection, just don't like having people backing out into the intersection as more of a public use like that, if it were a building lot, a single residential home owner it would be okay. So think parcel A should maybe shifted north maybe between 316 and 317, but other than that doesn't have any other issues with the comments. Commissioner Jensen asked the applicant there will some parking for that parcel, would they be amendable to shifting that to between 315 and 316 or 316 and 317. Mike Bastian stated they could, they picked that lot for the fact that when people driving at night a house built right there they always get lights coming onto their house so that was why they picked that parcel was because it was a less desirable lot but better for what they thought for a pool house and a pool but Engineer Bloemen has a good point to that so they are open to it but they liked their reasoning why not to do a house there and do a pool house there but are open to the thought because it is a good point. Commissioner Jensen stated unless, 70 feet don't think is enough for a horseshoe, that would be the other option when they pull in and loop around and pull out, sort of facing forward, but don't know if that lot is big enough for that. Commissioner Vaughan asked would a half circle work for what they want to do as far as access or driving to the front, is there enough room there. Mike Bastian stated no, not to do a half circle, thinks it would fit 7,10 foot stalls across something to that effect. They will need to find something, not one big curb cut along there, he was talking with the engineers about that yesterday so some different ideas, so they will come up with something that will work better than one big curb. Commissioner Jensen stated there are a couple different lots, lot 322 specifically but there are a couple other places where there are still going to have that headlight issue and gets that it is a little less. Mike Bastian stated they are not opposed to it, they can move it to 316 or 317 just flip flopping lots. Commissioner Jensen stated 315 to 316 would be a little better since it is a little farther from the intersection so more time for people to react coming around the corner. Mike Bastian stated it is a good point for public safety, they can come back with that for City Council in moving those. Commissioner Vaughan asked if they have had a chance to review staff's, especially the City Engineer and Fire Department and accept those recommendations. Mike Bastian stated they are going to lengthen those fire hydrants, in doing the math that is a couple extra fire hydrants they don't have to do and will have those fixed by next week for City Council. Commissioner Vaughan asked the City Engineer if he would like to add the movement of parcel A to his staff request of things for them to do. City Engineer Bloemen stated it is in his staff report, but yes he would definitely like parcel A moved. Commissioner Jensen and Mike Bastian asked if between 315 and 316 is good. City Engineer Bloemen stated between 315 and 316 would be good. Mike Bastian stated they are excited to keep moving forward on it.

[7:46:54 PM](#)

COMMISSIONER DAY MADE A MOTION TO RECOMMEND APPROVAL TO CITY COUNCIL THE FINAL PLAN FOR THE BLUFF AT LAKEVIEW FARMS PHASE 2&3, LOCATED AT APPROXIMATELY 3000 W 700 S R-2/R-3 ZONES, SUBJECT TO ALL APPLICABLE REQUIREMENTS OF THE CITY'S MUNICIPAL CODE, STAFF REPORTS AND TO THE MOVING OF PARCEL A AS PREVIOUSLY DESCRIBED. COMMISSIONER JENSEN SECONDED THE MOTION. ALL WERE IN FAVOR, MOTION CARRIED UNANIMOUSLY.

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Commissioner Jensen stated before starting the next item he will be recusing himself from the discussion and stepping down from the dais for Piper Glen since he lives across the street from the property.

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7. **Final Subdivision – Piper Glen, Phase 3, property located at 3231 S 1000 W, R-2 Zone**

Planner Schow stated this subdivision is back before them simply for a second re-approval of the final subdivision plans. Unfortunately in this case the developer was not able to proceed with the off-site construction during the timeframe that is required by City code. They did come back and apply for an extension but unfortunately they needed more time so the City code required that they come back through for final approval again. Fortunately for the developer everything that was submitted previously still meets current City code so there aren't any concerns with City staff for recommendation for approval.

[7:49:02 PM](#)

Commissioner Vaughan asked Planner Schow when was the last time she had contact with the applicant. Planner Schow stated when they applied for final approval, so within the last few weeks. Commissioner Vaughan asked if they were aware of this meeting tonight. Planner Schow stated yes, they are in the audience.

[7:49:33 PM](#)

Josh Yeates, the older brother threw the younger brother under the bus so he is speaking tonight. Just to reiterate, they had some issues, some off-sites and some engineering and infrastructure issues that they were continuing to iron out with the City and so that is the reason for the delay it wasn't like they were sitting on their hands just didn't have their thing together and so that was the main reason it didn't happen. Those issues are all resolved now thankfully. They also had a discussion with the City Manager and Mayor about the authority and not sure if that is the Planning Commission or City Council, to waive the fee for things that are outside of their control to extend it out so they are also requesting, and they were in favor of that, the waiver of the fee for this time. They do have a builder on board so there shouldn't be anything to hold them up now.

[7:51:01 PM](#)

Commissioner Vaughan asked the applicant if he is aware that they have 3 possible choices with actions on this tonight, one is to grant the recommend to approval to City Council, the other is to recommend denial and the third one is to move discussions pertaining this to a later date at a time that could be set. Which of those 3 would he prefer at this particular time. Commissioner Vaughan stated is sure they would like to see approval but unfortunately that can't happen based upon what they have from staff. Planner Schow asked what is it that is prohibiting him from making a recommendation of approval. Commissioner Vaughan stated they have it on the suggested motion that they could grant it, they could have a motion on it. Planner Schow stated she might have misheard him, they do have the option to grant recommendation and that would be staff's suggestion is that they grant a recommendation on the approval.

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Commissioner Day asked if they are the body or do they have the ability to waive fees or is that more the City Council. Planner Schow stated that is the City Council that is why it wasn't in the staff report for this meeting. Commissioner Day so if the applicant wants to pursue that with City Council. Planner Schow stated yes they will pursue that with the City Council next week.

[7:53:19 PM](#)

COMMISSIONER DAY MADE A MOTION TO RECOMMEND APPROVAL TO THE CITY COUNCIL THE FINAL PLAN FOR PIPER GLEN SUBDIVISION LOCATED AT 3231 S 1000 W R-2 ZONE, SUBJECT TO ALL APPLICABLE REQUIREMENTS OF THE CITY'S MUNICIPAL CODES. COMMISSIONER MOULTRIE SECONDED THE MOTION. ALL WERE IN FAVOR, MOTION CARRIED UNANIMOUSLY WITH COMMISSISONER JENSEN RECUSING HIMSELF FROM THE DAIS.

[7:54:15 PM](#)

Planner Schow asked if she could have one minute of time and wanted to tell the Planning Commission that this would be her last commission meeting, she has accepted a new job in the private sector and thank you for this opportunity and for giving her the chance to work with them and will be watching them as a resident of Syracuse, so continue to make good decisions. Commissioner Vaughn stated he speaks for the Commission, condolence to them for losing Planner Schow and congratulations and thanks for all of the professional reports that she had submitted to them and all of the very, very responsive answers that she have given over time.

[7:54:50 PM](#)

8. **Adjourn**

COMMISSIONER JENSEN MADE A MOTION TO ADJOURN INTO WORK SESSION IN THE CHAMBERS.

Ralph Vaughan, Chairman

Stacy Adams, Commission Secretary

Date Approved: _____