

Minutes of the Syracuse Planning Commission Regular Meeting, May 3, 2016

Minutes of the Regular Meeting of the Syracuse City Planning Commission held on May 3, 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
Dale Rackham, Vice Chair
Greg Day
TJ Jensen
Curt McCuiston
Troy Moultrie
Grant Thorson

City Employees: Noah Steele, Planner
Royce Davies, Planner
Paul Roberts, City Attorney
Stacy Adams, Commission Secretary
Jo Hamblin, Deputy Fire Chief

City Council: Councilman Mike Gailey

Excused:

Visitors: Bruce Hunt Kimber Hunt Travis Kennedy
Stephanie Kennedy Kirk Poulsen Mikaela Poulsen
Kill Stones Karen West Gary Kellmer

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1. **Meeting Called to Order:**

Commissioner Moultrie provided an invocation. The Pledge of Allegiance was led by Commissioner Jensen.

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COMMISSIONER JENSEN MADE A MOTION TO ADOPT THE PLANNING COMMISSION AGENDA FOR MAY 3, 2016 MEETING. THE MOTION WAS SECONDED BY COMMISSIONER MOULTRIE. ALL WERE IN FAVOR, THE MOTION CARRIED UNANIMOUSLY.

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2. **Meeting Minutes:**

April 19, 2016 Regular Meeting & Work Session

COMMISSIONER MCCUITION MADE A MOTION TO APPROVE THE REGULAR AND WORK SESSION MEETING MINUTES FOR APRIL 19, 2016. THE MOTION WAS SECONDED BY COMMISSIONER MOULTRIE. ALL WERE IN FAVOR, THE MOTION CARRIED UNANIMOUSLY. COMMISSIONER RACKHAM RECUSED HIMSELF.

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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.

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None

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4. **Major Conditional Use - All About Me Preschool & Daycare, Kimber Hunt, property located at 1339 W 1950 S**

Planner Steele stated staff received a Major CUP for the daycare/preschool 1339 W 1950 S and have done a thorough review of the parking and have looked at other additional requirements, they require a license from the Department of Health and have backyard fully enclosed with secure fencing and limits the number of students to 16. The aerial map doesn't show the fencing the applicant has recently installed and with the completed fence staff recommends approval of this Major Home Occupation.

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Commissioner Jensen stated there is usually a map with the configuration of the use included in the packet and didn't see one as far as the floor plan for the basement.

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Planner Steele stated they did received one and the Building Department had reviewed it with the building permit for the basement finish. Planner Steele stated the building permit has been approved by the Building Department.

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Kimber Hunt, owner of All About Me Preschool & Childcare, has a copy of the floor plan if the Commission would like to see it. Planner Steele stated they have a copy and are not able to project it onscreen and will provide the Commission a copy. Commissioner Vaughan asked the applicant if she had done this before and where. Kimber Hunt stated yes, in

Morgan County and in Davis County. Commissioner Vaughan asked if anytime here in Syracuse before. Kimber Hunt stated no, they did it at their last home and had a permit for it but didn't have a major conditional use permit just a minor permit. Commissioners Vaughan asked the applicant if the fences were all up. Bruce & Kimber Hunt stated yes. Commissioner Vaughan asked if the gates have locks on them so if toddlers can't get out and animals can't get in. Bruce & Kimber Hunt stated yes or animals can't get out. Commissioner Vaughan asked if have shading the back for kids. Kimber Hunt stated yes, they are required to have shading, the State rules and regulations are pretty hard and do have adequate shading and there are a myriad of things they have to have, water available to the kids at all times, they have to go outside 1 hour a day that can be split up into 15-30 minute increments as well as FBI background checks. Commissioner Vaughan asked if the applicant was currently licensed by the State for childcare and active. Kimber Hunt stated yes she is. Commissioner Vaughan asked if she will be having any ADA children in her facility. Kimber Hunt stated she has one now and was here at the meeting with them before his mom was able to pick him up, the bus brings him directly to her home. Commissioner Vaughan stated so she is sensitive to the needs, demands and requirements of ADA children. Kimber Hunt stated yes, in fact they have just received a grant from the State to be one of their, they are using their daycare in a seminar for the Care About Childcare Department at Weber State and are doing well. Bruce Hunt stated they have complied with all State licensing requirements, background checks with the FBI and so on and so forth. They were a little delayed in getting the fence up because he had his shoulder replaced and was not able to complete the project he posts were up for a substantial period of time but finally got the fencing up and the backyard is fully landscaped and both permanent and temporary shade out there for the children.

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Commissioner Thorson asked the applicant regarding the building permit they had approved was for the construction and finishing out the basement area. Bruce Hunt stated yes, it is finished and they have received a final inspection on it. Commissioner Rackham stated looking at the floor plan there is a lot of future items on there, is that all finished or how much is finished. Bruce Hunt stated no, there is one room that is sealed off and locked but they haven't decided as to what they. Commissioner Jensen asked if the bathroom was in. Bruce Hunt stated no the bathroom is not in. Kimber Hunt stated they are using the large room and there is a kitchenette area, obviously they are not using the cold storage and there is an unfinished bedroom that is locked and then there is a bathroom that is locked and the kids can't have access to those. Commissioner Jensen asked if the kids go upstairs to use the bathroom. Kimber & Bruce Hunt stated correct, they do, right around the corner at the top of the stairs. Commissioner Jensen asked any idea when they plan to complete the downstairs bathroom. Bruce Hunt stated probably this summer and will do a building permit and have it finished, it is roughed in right now, the 4 way is complete just haven't gotten around to it.

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COMMISSIONER DAY MADE A MOTION TO APPROVE THE MAJOR CONDITIONAL USE PERMIT FOR ALL ABOUT ME PRESCHOOL & DAYCARE, LOCATED AT 1339 W 1950 S, R-2 RESIDENTIAL ZONE, SUBJECT TO ALL APPLICABLE REQUIREMENTS OF THE CITY'S MUNICIPAL CODE. COMMISSIONER MOULTRIE SECONDED THE MOTION. ALL WERE IN FAVOR, MOTION CARRIED UNANIMOUSLY.

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5. Public Hearing, Code Amendment - Title X 10.30.010, pertaining to Accessory Structures

Commissioner Jensen asked the Chairman this is the first time they have seen this language and wondering why it wasn't run through a work session first for discussion, they discussed it briefly in the last meeting that they would be changing it but there wasn't actually any language last time, there are a few changes here that there may be some discussion on and wondering why it didn't go through a work session first on this language. Commissioner Vaughan asked Commissioner Jensen if they delay this item until. Commissioner Jensen stated the public hearing has been advertised and have to hold that but there are a few things here not comfortable with and could have hammered that out in a work session but can hammer it out in a regular meeting just would prefer to see this come in as a work session environment first. Commissioner Vaughan stated in all fairness on behalf of the public if we are going to be discussing this and is to be held after this meeting they may have comments on the discussion that they have so think it would be either best to delay it or postpone it or forego any outside discussion in their regular meeting. City Attorney Roberts stated before any Land Use Code Change need to have a public hearing doesn't mean necessarily have to have a public hearing on what ends up being the final product it is just an opportunity for the public to comment on the overall change. So if there is discussion tonight and the public want to make more comments can always open up to additional comments next time if it gets tabled and there is more work on it but there is just a requirement for public hearing it doesn't have to be a public hearing on the final product. Commissioner Vaughan stated he understands completely. Commissioner Jensen stated he understands the rest of the Commission may feel differently whether they want to move on it today, just there are a few things that think need to be discussed on it so just wanted to see if want to quickly hammer through it tonight and see if they want to table it or not which would probably the best way to do it at this point.

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Planner Davies stated he apologizes for not going over it last meeting, there was just the basic run down of what the Building Department wanted to do and got looking at the code more closely decided if were going to make changes let's not just make a couple of changes and see if can get everything working out so it is consistent. So what was suggested and a lot was grammatical changes some numbers and things that weren't consistent. First change was pertaining to accessory buildings may not be located within a recorded easement unless authorized by the applicable easement holder through written approval and adding with a copy provided to the City just wanted to make sure have legal backing because they could say they have written approval but the City does not have a copy of the written approval. As

mentioned last time the Building Department wanted to modify the under 200 square foot section, because basically the International Building Code doesn't regulate these buildings and the Building Officials opinion was why are we regulating them if the IBC doesn't regulate them, but would like to have some regulations so don't have obscenely tall structures or things that are too close to property lines that kind of thing. Basically the International Building Code states that if have a structure that is closer to 5 feet from the property line need a fire rate that wall and seems like overkill for a building that is under 200 square feet because most of those are the tough sheds that people are storing lawnmowers in and if have to fire rate the walls might double the cost of the building. Again don't require building permits for these and don't require really any building regulations so basically what the Building Official recommended was to increase the 3 foot minimum to 5 foot so don't have to worry about fire rating and then to decrease the 10 foot from the primary structure to 6 foot because that is what the over 200 square foot buildings are. Possibly adding a section regarding inspection the Building Official didn't think they needed to be regulated necessarily or not but if there is a regulation in there and the City doesn't look at them, the regulation is there to say if you are building under 200 square feet please do this but are not going to double check, please meet the code. So if are going to have regulations then should have someone go out and double check it and so added the language to have the Syracuse City Code Enforcement Officer go out and take a look at it. Might be overkill, but again is up for discussion. In discussion with the Building Department again he would rather not have someone going out to look at these structures under 200 square feet, it seems kind of unnecessary and adding that is a suggestion. In section 3 currently buildings over 200 square feet require a conditional use permit, historically they may have gone to Planning Commission and that was probably the reasoning for the conditional use permit. A lot of time the City looks at the conditional use permit as an opportunity to say either like something or don't like something, would approve something or don't or in the case of accessory buildings and saying maybe want to make sure it is not detrimental to the neighbors which is kind of the intent of a conditional use permit where liking and not liking is not so much. The conditional use permits that have come into staff the conditions that have been placed on them have not been anything additional than just meet the code and the intent of a conditional use permit is basically the City cannot come up with anything in the code that can regulate these on a constant basis, it is a use or structure that is so unique that really can't regulate it consistently so have to have specific conditions for each incidence. If want to have a conditional use permit the State basically says want to make sure it is for those types of uses for something that really just can't be regulated in any other way and if can regulate it in another way they recommend to do away with the conditional use permit process for it and just have it in the code. So it is a cleaner process for citizens as well as a cheaper process for people, it currently cost people \$100.00 to come in to get a conditional use permit and for staff to basically say well meet the code which they have to do anyway, so staff recommended that citizens would just be required to get a building permit. The Building Department and staff also discussed setbacks on the height of these buildings regarding massing and also view blockage and making sure it meets the massing of the neighborhood, there aren't a lot of 30 foot tall homes in the City and so where these are more designed for more residential areas want to make sure they meet a residential scale. The current code states has setbacks for the roof heights up to 30 feet, starting at 5 feet for roof heights under 21 feet high to 8 feet for roof heights up to 30 feet high and based on the massing on those setbacks would recommend for discussion tonight reducing the allowable height from 30 feet down to 20 feet so have more consistency in residential neighborhoods not having huge accessory buildings that are tower over houses and in doing that would give them a minimum 5 foot setback based on the existing table. The table is great, has a great breakdown, really easy to use but staff suggested eliminating because there is the 5 foot minimum for a 20 foot high structure. The last part again was just working with the numbering since there is an inconsistency with a word and a number. There is also a part of this code that states cannot have more than 2 accessory buildings on one lot and cannot be more than 25% of the rear yard space and would recommend keeping that the same. So really the big changes are changing the setbacks for under 200 square feet to the same as the 200 square feet and removing the conditional use permit requirement. There was some redundancy in the code language and updated that and also with awnings, carports and other attached features not considered part of the structure in talking with the Building Department and the IBC doesn't recognize those that way, if have an awning, carport or structure that basically extends the roof line and then has support posts that go down to the ground consider that to be an extension of the foundation, so that would be an addition to the building. Even though an addition may be under 200 square feet, if it as carport or awning it would be considered an addition and require a building permit, basically there is a process that takes care of those types of additions already so don't see the purpose in maintaining that section in the under 200 square feet code because the IBC already regulates those. Trying to simplify things down and try to save staff time with the conditional use permit because it does take staff extra time to process the conditional use permits and also charge people extra money that they wouldn't have to pay otherwise and feel like that is beneficial because the extra money they are paying is not necessarily needed in this case, they are not paying for a meeting or a public hearing it is just literally for staff to look at it and say does it meet the code and have to do that anyway so would recommend they get a building permit and make sure the site plan meets the code and simplify things.

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Commissioner Moultrie asked staff if have to have a building permit if it is less than 200 square feet or just above. Planner Davies stated just above. Commissioner Rackham stated the adding of 'with a copy provided to the City' does that apply to 200 square feet or less. Planner Davies stated if they have an easement that would be for anything and don't allow any accessory building to be built on an easement but again are not checking on them if under 200 square feet so could be built on an easement and wouldn't know about it but then would be out of compliance with code because they hadn't brought a copy so it would be all buildings basically. Commissioner Rackham asked staff on the example what pitch was on the roof. Planner Davies stated it was a 4/12 pitch. Commissioner Rackham stated there are areas in the neighborhood that have building requirements set that have more than a 4/12 for instance his neighborhood has an 8/12

requirement so couldn't have a detached garage. Planner Davies that is something he took into consideration, if they take an 8/12 for an example the garage height wouldn't be as tall basically so about the tallest RV is about 13.5 feet from the research that have done and if have a 15 foot tall garage there would be 2 feet of clearance there. Commissioner Rackham stated he just got plans done, getting ready to submit them so everyone is aware, it is 30 feet wide and put a 5/12 pitch on it because wanted to keep the height down and it is 24 feet because he wanted a 14 foot door so don't think that is ridiculous and just think to limit the height to 20 feet is ridiculous. Planner Davies stated that is why he wanted to have a discussion. Commissioner Thorson stated thinks should accept the applicant's description and accept public comments and then move their discussion to work session. Commissioner Vaughan stated he had a couple questions and wanted to make sure everyone has a chance. Commissioner Jensen stated he wouldn't mind at least throwing a few things out for staffs benefit anyway before send it back to work session. Commissioner Day stated he would agree with Commissioner Thorson let's just move along, if they are going to table it to a work session then gather the public comment and proceed and then have it in a work session. Commissioner Vaughan stated are now wanting to table it. Commissioner Day stated no want to have the public hearing. Commissioner Thorson stated accept all comments and table their discussion. Commissioner Day stated they are just getting out of order. Commissioner Rackham agreed. Commissioner Vaughan apologized he misunderstood thought they were going to go ahead and go through it and if it does have to come back at a later time could hear the rest then.

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Commissioner Vaughan opened the public hearing.

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Public hearing closed.

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COMMISSIONER THORSON MADE A MOTION THAT THEY TABLE THEIR DISCUSSION FOR WORK SESSION UNTIL THE NEXT POSSIBLE TIME. COMMISSIONER JENSEN SECONDED THE MOTION AND CAN SHARE HIS THOUGHT WITH STAFF AT THAT TIME.

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Commissioner Vaughan stated he has some discussion items also, they have already expressed a couple opinions on how they feel about this and Commissioner Rackham was rather blunt on the height issue and didn't think it was a good idea that is different than asking questions so they are almost in a discussion right now so just wanted to get the ground rules straight that they are not going to have any more opinions on this they are just going to go ahead and basically table it right now it that they want to do, then the chair is open to a motion.

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COMMISSIONER THORSON RESTATED HIS MOTION TO TABLE THEIR DISCUSSION UNTIL WORK SESSION. COMMISSIONER JENSEN SECONDED THE MOTION. COMMISSISONER VAUGHAN VOTED NAY, ALL OTHER COMMISSIONERS VOTED IN FAVOR. MOTION CARRIED WITH A 6/1 MAJORITY VOTE.

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Commissioner Thorson asked if possible to add to their work session tonight. Commissioner Vaughan stated not to their discussion tonight because it was something that was on the agenda. Commissioner Jensen stated it is on the agenda and are just wanting to move to tonight's meeting work session and believes they can do that and if anyone is interested they could stay for work session. City Attorney Roberts stated they can always table an item to later in the session that is fine, if that is what the group wants. Commissioner Vaughan stated he was not made aware they were going to be tabling an item that was on the agenda into work session that is why has some issues with that.

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6. Public Hearing, Rezone - Patterson Property, Cole Schlack, A-1 to R-2, property located at 920 S 4000 W

Planner Davies stated the applicant has requested a zone change for a property that is at 920 S 4000 W, it is currently in the middle of a currently developed area. The current General Plan is R-2 which is similar to what is south and east in the General Plan, the current zoning matches the General Plan pretty closely the R-2 to the south and east and R-1 to the north with a cluster subdivision which makes it closer to an R-2 as well, so in terms as the actual housing density what is being requested is really very similar to what is surrounding it. The applicant is intending to do single family homes and create some connections with the stub roads Killarney Drive and 3695 West as they would eventually connect through there making the neighborhood more connected and able to access the surrounding roads and Rock Creek Park to the north. Based on the fact that it does match the surrounding area and the General Plan staff did bring the application forward at this time.

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Commissioner Jensen stated that R-2 was a change they made in December when they changed the General Plan it used to be an R-1 but for the reasons stated since the R-1 cluster to the north is more like R-2 that was one of the reasons used to upgrade that to an R-2.

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Commissioner Vaughan asked if the applicant or representative was present to speak to the Commission. The applicant was not present.

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Commissioner Vaughan opened the public hearing opened

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Kirk Poulsen stated he lives on 3611 W 850 S, their backyard actually faces the area that they have been talking about and just wanted to tell the Commission a little about his community, they have lived there for about 9 years and during that time a lot of those houses along the field have been rental homes. In fact the neighbors on the west side was a rental property for several years and what they found and one of the things they've loved about the community is that a lot of these rental homes especially since the housing market has picked up have sold and they have permanent neighbors in there. It has been such a blessing to their community to have neighbors that are staying there for a while that can build relationships with and that can build their community with. The last thing that they want and have spoken with most of the neighbors that he knows surround this area and are all unified in their disagreement that the last thing they want there is rental properties, and assuming that this rezoning is so they can put duplexes in that area, that is what he has heard. Kirk Poulsen stated he is opposed to the idea of rezoning it, all they want in that area is new permanent neighbors that are going to benefit the community and help them to build the community that they are striding for, not people that are moving out every 8 months like every other rental property he has been next to, not to mention to share a couple personal experiences in the 10 or so neighbors they have had in there over the years before it was sold finally to their current neighbor but have had more problems with law enforcement and neighbors doing weird stuff in the rental property than care to mention. Since they have had permanent neighbors that purchased the home and are invested in the community they see an uptick in the quality of the yards and participation in the community and the community events and really feel it would be more beneficial for their neighborhood and that area of Syracuse to just have single family homes that people can buy and move into and stay.

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Planner Davies stated has also had a couple of calls and heard the same thing and don't know where that rumor got started but the R-2 is a single family home zoning so it would be the exact same zoning as what is directly to the south of this location. Commissioner Jensen stated duplexes were specifically removed from R-1, R-2 and R-3 within the last couple years so the City no longer allows duplexes in R-1. Kirk Poulsen stated that was the only concern he had so if that is not a problem then is not worried, they had heard everything from duplexes to someone really scared him and said it was going to be zoned for an apartment complex, but if that is not the case then is fine and doesn't have any objections to it.

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Dean Youngblood stated he is originally from New York but have been a resident of Syracuse for 12 years now and his property sits as the only house on Dunes Drive which is going to be 3695 W, it would be the connecting part to 3695 W when the road is connected through. There were a few matters he and his wife were discussing this week after they received the letter from the City. The first point they wanted to make is the concern about the streets don't think they are going to be moved too much but they would like them to be as straight as possible and understand there are considerations for traffic speed and that is some reasoning why some Cities make streets in residential areas that are curvy but immediately to the east of this property is St. Andrews Drive and there are 3000 square foot homes can barely see around and have actually had a neighbor lose their fence because someone was speeding through there and the curve was so sharp they went into the fence and took down their vinyl fence right along the street. So his only suggestion and really regret the fact that the applicant is not present and to be quite frank is not sure who the applicant is, is it Ivory homes or who is the developer that is going to be developing the area. Planner Davies stated he is not sure of the developers name just have an applicant at this time. Dean Youngblood stated he was hoping to come to the Planning Commission meeting tonight being a public hearing and actually have the developer here saying this is what they are going to do with this stretch of property, create an oval shape community or create a community similar to the north and south, so regret not being able to see what is going to actually happen. His guess would be there are going to be 2 roads that come down through the development and at least 1 road if not 2 where the houses are being built. His only other concern was that in the Inverness community south of the Muirfield development and north of the Glen Eagle development and even newer sections of the Glen Eagle development they have been seeing 4000 square foot homes being built where could put a ladder literally between windows and crawl across the ladder into your neighbors bedroom and knowing the direction developers are taking these days am wondering if really should reconsider the R-2 and maybe look at R-1 zoning because would be asking the developer how big of a house are going to put on that one quarter acre lot. There is a house going into the Inverness property that they have to literally put at a diagonal because it is so big between, if they had put it horizontally it would have 2 corners touching the houses next to it and so hope the Planning Commission takes that into account when the final decision is made about what is the developer going to do in terms of size of houses for the community.

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Planner Davies stated the applicant they have is not with a home builder to his understanding there is not a specific home builder chosen for this yet it is just a request for the rezone to potentially sell the property it is the applicant prerogative what they want to do with it as far as the type of development that would go in the best can tell is what is supported by zoning. The zoning allows for basically what is to the south along Jupiter Hills Drive that area and the east. The size of home unfortunately, not unfortunately because not sure if a good or bad thing but the size of the home can be built out to the setbacks if they want to do that and the setbacks in that zone are really just dependent on how big the property is so a 25 foot front yard back setback, 30 foot rear yard setback and 8 foot side yards and that is their building pad and have seen more and more that the trend as mentioned is filling that entire building pad if possible so it could end up being that or could end up being something totally different and code does support more of a cluster type subdivision

that was which is what is to the north there in the R-1, so could see open space with some smaller lots and could also see regular size lots, so basically what this is, is just to determine if would allow zoning that would allow for an R-2 density. Commissioner Jensen stated a quick correction the City does not allow clusters in R-2. Planner Davies stated that's right R-1 only so basically it would just be single family homes and not the cluster with open space. City Attorney Roberts stated some of the concerns with the road layouts and things before any sort of subdivision goes in they will have to go through additional processes and there will be opportunities for the Commission to take input, at this point they are just saying can build anything in the R-2 that is approved and then when they come in and actually subdivide then will look at the road layouts and things so at this point is not sort of ripe for review.

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Jill Stones stated has been a resident in Syracuse for over 13 years during that time have had 5 children and they live on 850 S they are the second house coming from Killarney Drive, this development would be in their backyard. This is a tough one, her kids, this all they know, they wake up to hearing pheasants in the backyard and seeing them year round and wish she would have seen this earlier because she would like to show them that the backyard has held within the 13 years cows, horses, it is open spaces that is productive and was growing alfalfa, it fed horses and cows as well as hummingbirds, doves, owls. Her little one heard of this today and she wrote down 37 things in a half an hour that she can see from their kitchen window, they get to see every day. They have seen Syracuse slowly disappear into houses like have been said that are too big and roads that say would help improve it, don't see where it would improve through this development and just in these houses in the past years they have seen not that they have big crime but they have seen crime happen more than and that happens with growth wherever it is at. Her kids are learning in school on how to protect and what is important about Earth day, everything that Syracuse is. Had looked and seen that in 1991 it said that Syracuse was built and encouraging the development of an attractive and beautiful community, that was in 1991 since then they have had so many stores, big stores with parking lots along 700 S where it was pointed out that R-1 is a park if would open up that road, 3695 W so people would run into the park which is benefitting, this is just difficult and sorry for being emotional but to provide her family with safety, bettering the world and know and sorry if it seems like is a little hillbilly from Wyoming but her kids are going to be big someday and want them to be able to say are from Syracuse and this is what I get to see and this is who I am. See so many animals that can't even count that are going to be destroyed from frogs to toads to deer, snakes there are ducks that they have had right out by the ditch Killdeer and it is against the law to harm the eggs or harm the mom at any time and don't see how building houses is more important than the 80 trees they can see from her kitchen window. Jill Stones stated she wants to be proud about Syracuse and want it to be attractive and beautiful and want people to see what they see. Commissioner Vaughan stated there will be other opportunities to come forward and speak if this property moves forward.

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Travis Kennedy stated he lives on 850 S just north of the proposed R-2 change and along with Jill Stones share an emotional connection to this change just for the simple fact that they have lived in their house for about the same amount of time, 13 years and purchased the lot and built there for the specific reason of having a field behind them and do understand moving forward the field has been there and has been used at some point, abandoned at some point, the current owner understands is out of state and they rent out the land and the property at this point. Other than having the emotional connection do see the purpose of moving forward with rezoning, defiantly don't approve of it. Personal opinion would love to see the field stay there but did want to mention as well about the proposed change and planning of the building or layout of the neighborhood that would be there and his concern is when they bought their property they were told their property line extended out into the field and the reason that they put the fence where they did is because there is a ditch along the north end of the property and so this kind of plays more into moving forward, at this point had never cared that his property was on the other side of the fence because it was a free fence when bought the property with the back fence. There is a stake back there can see the City stake, the corner of his lot is on the other side of the fence and that is the main concern has, know this will go forward with rezoning there is nothing and does not have a valid point to push forward to make it stay agricultural area but with that just want to make sure and main concern is ensuring that when this does move forward with development that does get his land and get the fence redone and the ditch that is back there is also another concern. The ditch was supposed to be back filled and piped and was told this was an agreement 13 years ago and the current owner was going to do that and it never happened, his fence is where it is and that is okay but when it does come time to redevelop know it might not be the right setting for this but that was what was hoping to discuss with the applicant proposing the change.

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Gary Kellmer stated lives on Jupiter Hills just south of the property and just would like to know if there is a plan in place yet for it, see that are wanting to rezone it to R-2 would just like to know if there a plan for any open space or is it strictly for residential lots because looking north can see a lot of the zoning for the area of Rock Creek was taken up by the park and that is how they got the density of 3 homes per acre or something and so just wondering is there a plan for that development and can they see that. Planner Davies stated there is not a plan just yet so the applicant has just requested the rezone at this time and understanding is they will be contacting somebody to put together a plan, so assuming it gets approved there will be future meetings and if not approved they would still do single family homes there they would just have to be half acres lots with the current zoning. If they want to go forward with residential they would need to come in with a subdivision plan that shows where the lots would be and roads would be but staff does not have that at this time.

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Planner Steele stated as far as the question on open space, staff does not have a plan on this yet but once they get the rezone they would come in with a concept and there will multiple layers of review with staff concept, preliminary and final. Have spoken with the applicant and they wouldn't be required to do any park space and to the north in the cluster subdivision they got the smaller lots because they gave the park and think it would be more similar as what is to the south with larger lots.

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Public hearing closed.

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Commissioner Vaughan stated to the citizen who called attention to the ditch and fence that is something that staff will be looking at more carefully should this project go forward and items submitted in the future. Commissioner Jensen stated this was previously master planned for R-1 which would still be residential zoning. The difference between R-1 and R-2 is the minimum lot size for an R-1 is 12,000 square foot and the minimum lot size for R-2 is 10,000 square foot so there is not a lot of difference there. The frontage goes from 100 to 85 square feet. So the bottom line is even in R-1 there would have been houses there under the current General Plan. Looking at the configuration of the lot the developer is kind of an interesting situation. Commissioner Jensen asked staff if they had the dimensions of the lot. Planner Steele stated he did not but have spoken with the applicant and as far as creativity of the design there are not a lot of options. Commissioner Jensen stated what was going to say is essentially there is enough room for 3 rows of houses and 1 road which can't do because the third row of houses would need to have a road so unless they do some really interesting things and even though the minimum lot size is 10,000 the average lot size for R-2 is normally about 12,000 square feet because they are only going to get one road to go back there, they are going to be way above the minimum lot size because they will have extra acreage that has to go somewhere. The other issue is that the second road that cuts across about 2/3 in there the depth of the cul-de-sac from there to the back may not reach the full length, it is going to be close so even though with an R-2 they are allowed 3 houses an acre the configuration of that is going to be difficult because of the narrowness of the parcel. That being said and knows everyone likes having the fields there but it has been on the General Plan in Syracuse for a long time as R-1 and that has been their guiding document and so did make a minor change taking it to an R-2 but the bottom line is the City is always as far as the General Plan is concerned has considered that there would be houses there eventually.

[6:56:45 PM](#)

Commissioner Rackham asked City Attorney Roberts in some cities there is an ordinance that states if a fence is up for 7 years that becomes the property line, does Syracuse City have that. City Attorney Roberts stated doesn't think the City has a code that covers that, it is a matter of State law and common law, there are some theories, there is boundary by acquiesces but that sort of goes beyond what the City gets involved with those kind of cases the City is really not a party to those actions, that would be between property owners if there is a boundary line dispute. In this case don't know if there is, it may just be that it is a matter of the developer moving the fence when they go through and maybe they will, don't know. There is not one he is aware of in the City code but there are some State laws that address that.

[6:57:52 PM](#)

Commissioner Vaughan stated this is strictly a rezone, it may have been pre-zoned or standing for years and years and years but at this particular time the applicant whom assuming on the application is Cole Schlack, is that the only name that is on the application for this particular process. Planner Davies stated yes. Commissioner Vaughan stated so Mr. Schlack is the applicant, it is pure conjecture, thought, speculation on whom or what may be behind this to develop it and Mr. Schlack is the one who is choosing to go to R-2 for the rezone. Assuming that Mr. Schlack is over 21 and competent it is well within his bounds to request a rezone to whatever zone he would like and then the Planning Commission has the opportunity to give their opinion on it and then obviously it would go to the City Council for them to have the final say on a rezone. On the particular issue they have before them are there any discussions on changing it from A-1 to R-2.

[6:59:25 PM](#)

Commissioner Jensen stated he made his comments earlier on the usability of this particular parcel and the other issue that the Planning Commission looks at is generally they like things to conform with the General Plan if there is a rezone and the applicant is meeting that requirement. The only other thing that they can look at is if for some reason don't think the City could service this lot and don't see any reason why would not be able to service it because the sewer and all that should be adequate to service that lot based on the General Plan up to this point and this isn't an outlying lot it's an infill and think it would be difficult to not recommend this, that being said would encourage the audience to take their concerns to City Council and when it does go to the City Council they won't have a public hearing but during public comments can let them know what concerns with this are and these minutes will be included with that too so the City Council is aware of these concerns but as it stands it meets the General Plan.

[7:00:45 PM](#)

COMMISSIONER DAY MADE A MOTION TO APPROVE THE REZONE PROPERTY LOCATED AT 920 S 4000 W FROM A-1 TO R-2 RESIDENTIAL. COMMISSIONER THORSON SECONDED THE MOTION. ALL WERE IN FAVOR, MOTION CARRIED UNANIMOUSLY.

[7:01:24 PM](#)

Commissioner Vaughan stated this will be going to the City Council, what is the date this would go to them. City Attorney Roberts stated should be next Tuesday, May 10, 2016. Commissioner Vaughan stated for the benefit of those in

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the audience this will be heard by the City Council in approximately one week anyone that has spoken tonight is welcome to come to that meeting also and express your thoughts to them also.

[7:01:54 PM](#)

7. **Adjourn**

COMMISSIONER JENSEN MADE A MOTION TO ADJOURN DIRECTLY INTO WORK SESSION IN THE CHAMBERS. COMMISSIONER MCCUISTION SECONDED THE MOTION. ALL WERE IN FAVOR

Ralph Vaughan, Chairman

Stacy Adams, Commission Secretary

Date Approved: _____