



# Syracuse City Planning Commission Meeting May 3, 2016

Begins at 6:00 p.m. in the City Council Chambers  
1979 West 1900 South, Syracuse, UT 84075

---

## Regular Meeting Agenda

### PLANNING COMMISSIONERS

#### CHAIR

Ralph Vaughan

#### VICE CHAIR

Dale Rackham

T.J. Jensen  
Curt McCuiston  
Greg Day  
Troy Moultrie  
Grant Thorson

1. **Meeting Called to Order**
  - Invocation or Thought by Commissioner **Moultrie**
  - Pledge of Allegiance by Commissioner **Jensen**
  - Adoption of Meeting Agenda
2. **Meeting Minutes**  
April 19, 2016 Regular Meeting and Work Session
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.
4. **Major Conditional Use** – All About Me Preschool & Daycare, Kimber Hunt, property located at 1339 W 1950 S
5. **Public Hearing, Code Amendment** - Title X 10.30.010, pertaining to Accessory Structures
6. **Public Hearing, Rezone** – Cole Schlack, A-1 to R-2, property located at 920 S 4000 W
7. **Adjourn**

---

## Work Session

1. **Department Business**
  - a. City Council Liaison Report
  - b. City Attorney Updates
  - c. Upcoming Agenda Items
2. **Discussion Items**
3. **Commissioner Reports**
4. **Adjourn**

### NOTE

If you wish to attend a particular agenda item, please arrive at the beginning of the meeting. In compliance with the Americans Disabilities Act, those needing auxiliary communicative aids and services for this meeting should contact the City Office, at 801-614-9626, at least 48 hours prior to the meeting.

### CERTIFICATE OF POSTING

This agenda was posted on the Syracuse City Hall Notice Boards, the State Public Notice website at <http://www.utah.gov/pmn/index.html>, and the Syracuse City website at <http://www.syracuseut.com>.



# PLANNING COMMISSION REGULAR MEETING AGENDA

May 3, 2016

## Agenda Item # 2

## Meeting Minutes

April 19, 2016 Regular Meeting Minutes

### Suggested Motions:

#### Grant

I move to **approve** the meeting minutes dated ... for the regular meeting and work session planning commission meeting, as amended...

#### Deny

I move to **deny** the meeting minutes dated ... for the regular meeting and work session planning commission meeting with the finding...

#### Table

I move to **table** the meeting minutes dated ... for the regular meeting and work session planning commission meeting until ...

## Minutes of the Syracuse Planning Commission Regular Meeting, April 19, 2016

Minutes of the Regular Meeting of the Syracuse City Planning Commission held on April 19, 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		
	Grant Thorson		
City Employees:	Royce Davies, Planner		
	Paul Roberts, City Attorney		
	Stacy Adams, Commission Secretary		
	Jo Hamblin, Deputy Fire Chief		
	Brian Bloemen, City Engineer		
City Council:	Councilman Mike Gailey		
Excused:	Commissioner Rackham		
	Commissioner Day		
	Planner Steele		
Visitors:	Kayla Stoker	Marla Hansen	Dave Hansen
	Rick Scadden	Eric Thomas	Brad Lasater
	Adam Maher	Paul Toniolli	Mark Hillis
	Con Wilcox		

[6:03:22 PM](#)

1. **Meeting Called to Order:**

Commissioner McCuiston provided a quote by Theodore Roosevelt, "In a moment of decision the best thing you can do is the right thing to do, the next best thing is the wrong thing and the worst thing you can do is nothing." Thought it was applicable to some of the discussions and things they have to consider as a Commission. The Pledge of Allegiance was led by Commissioner Thorson.

[6:04:21 PM](#)

Commissioner Jensen noted for the record that Commissioner Day and Commissioner Rackham were excused.

[6:04:33 PM](#)

COMMISSIONER JENSEN MADE A MOTION TO ADOPT THE PLANNING COMMISSION AGENDA FOR APRIL 19, 2016 MEETING. THE MOTION WAS SECONDED BY COMMISSIONER MOULTRIE. ALL WERE IN FAVOR, THE MOTION CARRIED UNANIMOUSLY.

[6:04:56 PM](#)

2. **Meeting Minutes:**

**March 15, 2016 Regular Meeting & Work Session**

COMMISSIONER JENSEN MADE A MOTION TO APPROVE THE REGULAR AND WORK SESSION MEETING MINUTES FOR APRIL 5, 2016. THE MOTION WAS SECONDED BY COMMISSIONER MOULTRIE. ALL WERE IN FAVOR, THE MOTION CARRIED UNANIMOUSLY.

[6:05:28 PM](#)

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.

[6:05:47 PM](#)

Commissioner Jensen wanted to note for the sake of the audience is are here to speak on the site plan approval for Antelope Animal Hospital or Criddle Farms subdivision now would be the time to speak.

[6:06:07 PM](#)

None

[6:06:10 PM](#)

4. **Major Conditional Use, Foundation Preschool, Kayla Stoker, property located at 1739 S Doral Dr, R-1 Residential**

Planner Davies stated the applicant has requested a preschool for 6-10 sessions per week up to 16 children and per code more than 4 sessions requires a major conditional use permit. The applicant is wanting to open the preschool in September and is concurrent with having their previously finished basement being inspected by the City and once the major conditional use permit is approved the applicant will be issued a City business license. The applicant has 6 parking spaces available and code requires 3 parking spaces and also additional frontage on the residence for drop off and pick up with this type of home business. The applicant provided a floor plan and will be using a portion of the basement to be

62 used for the preschool use. With this type being a permitted use within a conditional use if anticipate any negative or  
63 detrimental effect can put conditions on the use to mitigate those effects.

64 [6:09:26 PM](#)

65 Commissioner Vaughan asked staff if there were any other preschools in the block area. Planner Davies stated  
66 don't have that info off hand but could do some research to find out. Commissioner Vaughan stated that is okay, the  
67 concern on that is always with if parents are dropping off children at multiple locations at the same time, sometimes can  
68 be tough, in this case because it is so close to Antelope would hate to have cars backing up around the corner.

69 [6:10:03 PM](#)

70 Commissioner Jensen asked staff where the preschool sessions will be held. Planner Davies stated they will be held  
71 in the basement, the area outlined in green on the site plan and believes the entrance is across by the storage room but  
72 the applicant can clarify that.

73 [6:11:51 PM](#)

74 Kayla Stoker stated there is a back door entrance that lead right into that room where will be having the preschool so  
75 the kids will come around the back and through the back door and leads right into the room. Kayla Stoker stated she will  
76 doing preschool Mondays, Wednesdays & Fridays and would like 16 kids to be able come each session, a morning  
77 session and an afternoon session. Commissioner Vaughan asked the applicant if she was currently licensed with the  
78 State or is her first opportunity with a preschool. Kayla Stoker stated this is her first opportunity. Commissioner Vaughan  
79 asked if she was in the licensing program with the State currently. Planner Davies stated the State does not require  
80 preschools to be licensed.

81 [6:13:06 PM](#)

82 Commissioner Thorson asked the applicant if she was aware for the school drop off and pick up times on that road  
83 and with the two sessions do those work around that rush hour. Kayla Stoker stated she is aware of the times, Buffalo  
84 Point Elementary starts at 8:50am and then her preschool would start at 9 so think it will work okay as far as traffic goes  
85 but doesn't know and in the afternoon it won't conflict at all because her preschool would end at 2:30pm and Buffalo Point  
86 gets to at 3:30pm.

87 [6:14:19 PM](#)

88 Commissioner Vaughan asked staff if had received any phone calls or letters regarding this preschool. Planner  
89 Davies stated staff had not received any regarding this.

90 [6:14:37 PM](#)

91 Commissioner Thorson stated he brought up the concern about traffic because that is where he takes his kids to  
92 school and it is really busy, that road is packed bumper to bumper at 8:25am until about 8:40am when the school rings the  
93 bell and so not sure as part of the condition that the drop off times and a schedule be required for the parents to not drop  
94 off before those times, wouldn't want people trying to make U-turns on that road at 8:35am in the morning would be a  
95 disaster, even pulling in and out of the driveway. Which is one of the big reasons would like Buffalo Point to get another  
96 access out of that subdivision but that is a big concern with some of those difficult traffic patterns. Commissioner Jensen  
97 asked Commissioner Thorson if they asked the applicant to change the starting time from 9:00am to 9:15am and then  
98 push the second session to 2:45pm as closing would that better solve that. Commissioner Thorson stated thinks the  
99 proposed times would work as long as the drop off if within 8:45am to 9:00am but tell the parents not to drop off before  
100 then or early out days of school just thinking a condition that the applicant would have to coordinate with parents at least a  
101 defined plan of drop off times to avoid the school rush.

102 [6:14:37 PM](#)

103 Commissioner Jensen stated he does like Commissioner Thorson's suggestion that the applicant instruct the parents  
104 that they should do so from 8:45am on during school days.

105 [6:17:00 PM](#)

106 COMMISSIONER THORSON MADE A MOTION TO APPROVE THE MAJOR CONDITIONAL USE FOR  
107 FOUNDATION PRESCHOOL, KAYLA STOKER, WITH THE CONDITION OF A COORDINATED TIME SCHEDULE FOR  
108 DROP OFF WITH PARENTS TO AVOID THE SCHOOL RUSH HOUR. COMMISSIONER JENSEN SECONDED THE  
109 MOTION. ALL WERE IN FAVOR, MOTION CARRIED UNANIMOUSLY.

110 [6:18:49 PM](#)

111 5. **Major Conditional Use, Rise & Shine Preschool, Marla Hansen, property located at 1852 W 1300 S, R-1 Residential**

112 Planner Davies stated the applicant is requesting 7 preschool sessions Monday through Friday with 8 children per  
113 session with morning sessions from 9:00am to 11:30am and afternoon sessions from 12:00pm to 2:30 pm and starting in  
114 September. The applicant is also having their previously finished basement inspected by the City and once the major  
115 conditional use permit is approved the applicant will be issued a City business license. The applicant has 4 parking  
116 spaces and are required to provide 3 parking spaces, the street view photos shows a trailer parked there which could or  
117 could no longer be there at this time. The applicant submitted a floor plan of the basement and can provide more info the  
118 portion that will be used for the preschool. This neighborhood does not have a single route to an elementary so shouldn't  
119 have traffic issues as brought up before.

120 [6:21:32 PM](#)

121 Marla Hansen stated the preschool will be in the recreation room on the floor plan, they do not have an outside  
122 entrance but were told that if children were 2½ years or older could enter from the front door and would go right down the  
123 stairs.

124 [6:23:07 PM](#)

125 Commissioner Vaughan stated on the street view it shows a trailer parked in the driveway, during business hours that  
126 would not be allowed. Marla Hansen stated that trailer is not there, it is parked at a neighbors RV pad for a couple years  
127 now. Commissioner Vaughan asked the applicant on the fence where the gate is there a security device so that 2-4 year  
128 olds cannot open it themselves, cause sometimes they have a habit of getting around the side of the house. Marla  
129 Hansen stated the gate has a latch up high so don't think preschooler could reach it. Commissioner Vaughan stated just a  
130 concern wanted her to be aware of. Marla Hansen agreed.

131 [6:23:07 PM](#)

132 COMMISSIONER MCCUITION MADE A MOTION TO APPROVE THE MAJOR CONDITIONAL USE FOR RISE &  
133 SHINE PRESCHOOL, MARLA HANSEN, LOCATED AT 1852 W 1300 S, SUBJECT TO ALL APPLICABLE  
134 REQUIREMENTS OF THE CITY'S MUNICIPAL CODE. COMMISSIONER JENSEN SECONDED THE MOTION. ALL  
135 WERE IN FAVOR, MOTION CARRIED UNANIMOUSLY.

136 [6:24:49 PM](#)

137 **6. Public Hearing, Site Plan Approval, Antelope Animal Hospital, property located at 1679 Marilyn Dr**

138 Planner Davies stated back on February 9<sup>th</sup> of this year the City Council rezoned this property from R-3 to  
139 Neighborhood Services which allows this type of use. The applicant has proposed a Veterinary Clinic which basically will  
140 operate as per definitions of City code which means all the operations will be done inside the building with the exception  
141 of parking. The applicant has proposed that the building will occupy the southeast corner of the property and will have  
142 parking in the center towards the northwest. There is an existing home on the property which the applicant intends to  
143 allow to remain and hasn't stated what wants to do with it at this time but will be some sort of a commercial use which will  
144 comply with the zone, so the intent with that would be to potentially rent it or could use it for his business in the future but  
145 has not been determined as of yet. The applicant has provided access off of Marilyn Drive to the parking lot and parking is  
146 sufficient to meet code and has also provided pedestrian access from the street right of way on Antelope Drive and  
147 Marilyn Drive. The building is designed to look like a reclaimed barn and the size and massing of the building is consistent  
148 with the surrounding neighborhood which is required by code. The applicant has proposed to use a craftsman metal siding  
149 which is intended to look somewhat like a barns side wainscot and also red brick and the roof will be a galvanized metal.  
150 The main entrance will be on the north side under a canopy area. The applicant met with the Architectural Review  
151 Committee and discussed the plans and some suggestions were made to change some of the roof lines and also the  
152 elevations on the side with adding brick sidings and added a vent to break up the monotony of the long roof line as well as  
153 the awning that comes out from the lower roof line. Architecturally it does fit in with the massing of the neighborhood and  
154 the idea that it is a barn is kind of a nice idea that feel like for the area fits in with the rural nature of Syracuse. Lighting  
155 wise on their photometric plan there will be lighting on the site but as reach the property lines the lighting does not  
156 continue over on all sides, along the property lines there is no lighting that is planned to project across property lines  
157 which is required by code. Landscaping they have provided a landscape buffer along the north and east side of the site so  
158 they opted to go with as is required with this type of bordering between Neighborhood Services and residential use, they  
159 are required to put in a 15 foot buffer along the sire edge and have included the plantings as required by code. Originally  
160 parking was a little bit to the north and dumpster enclosure and have moved that to the south and provided handicapped  
161 accessible routes to the main entrance. The patio area is going to be a stamped concrete to be a little more decorative  
162 and are also going to add in a planter there per the recommendation of the ARC. The front area between the 2 buildings  
163 will be mostly sod and then will have broken up with some landscaping in there and will also be a detention pond where a  
164 sign will be located as well as the pedestrian access and the detention pond will be like any other detention pond will be  
165 grass most of the year and not expecting a water feature there. They have provided for some street trees and along the  
166 sidewalk which will beautify the area and be a benefit. There has been some discussion about no planned development in  
167 the north east corner and some concern was expressed in the ARC about developing that area so the applicant has  
168 expressed that he does not want to develop that area and staff suggested that a vinyl fence would work there and putting  
169 in landscape buffer against that and that is something that is up to Planning Commission for discussion for tonight if would  
170 like the applicant to develop that area or feel like it is sufficient to leave that the way it is shown on the plans. Most likely  
171 financial reasons as to why the applicant does not want to develop that at this time. This does meet the minimum  
172 requirements for landscaping and the Architecture Review requirements as well for commercial site plans.

173 [6:32:17 PM](#)

174 Mark Hillis, Mountain West Architects, generally they feel like they have communicated pretty well with staff and had  
175 a great meeting at the ARC and have made several modifications and the primary one was the north buffer at the parking  
176 lot and pulled it down and found kind of a nifty way to get it to work and Commissioner Vaughan and staff they really had  
177 a crowded situation against the home on the exit of the property and it seems like it worked itself out for the better as a  
178 result of sliding it down and getting the buffer in. Also worked on the exterior and added the roof as staff recommended  
179 and thinks it actually helps break up the project pretty nicely. They modified the landscaping and the open area between  
180 the house and the new building and have judiciously used lawn in there and created some interest for the customers to be  
181 able to go out there and dogs to be able to use that area at the same time kind of keeping it smaller where it makes more  
182 sense. Access to both streets were added since the last meeting, the buffer on the east side of the site was and staff had  
183 mentioned the precautions had taken on the east elevation with the vent of the overhang of the roof, the brick and also the

184 buffering is something they talked about in ARC that the buffering will grow fairly quickly and conceal that side and do  
185 what the buffer is supposed to do.

186 [6:34:46 PM](#)

187 Commissioner Jensen wanted to make sure the applicant knew that under Neighborhood Services the existing house  
188 cannot be used for residential it would have to be some kind of commercial use because that is not allowed in  
189 Neighborhood Services. Had mentioned when they approved the zoning request a while back is disappointed to see there  
190 is not an access on Antelope, Marilyn Drive is an extremely busy street during certain times of the day especially with  
191 people trying to get to work and that it doesn't have a traffic light currently can see some significant back up issues there  
192 at certain times and so think might be more of a question for staff and does staff feel that it is not a major issue seems like  
193 it would be. Planner Davies stated there were a couple things brought up about that and initially staff had said wanted to  
194 have an access there because felt like it was a better setup but in looking at it, it is pretty close to the corner and UDOT  
195 does have some pretty extensive access standards but staff hasn't pursued that and not sure if the applicant has pursued  
196 that but do know that UDOT can be challenging sometimes to work with to provide new access especially when it is close  
197 to an intersection like that and also determined if have people going in and out there it is close to the right turn pocket  
198 area and so potential conflicts there if that is something the Commission feels strongly about could always recommend  
199 that and table the item. Commissioner Jensen asked if staff had any idea if UDOT has any intentions to signal Marilyn  
200 Drive. Planner Davies stated does not know but know that improvements have been done recently on Antelope but on  
201 Marilyn the City has been doing some roadwork and the City Engineer can speak more specifically to that.

202 [6:36:52 PM](#)

203 City Engineer Brian Bloemen stated think long term it is going to be safer to have everyone accessing off Marilyn  
204 Drive. That is the half mile point between 1000 W and 2000 W which will warrant a signal once traffic volumes, UDOT can  
205 put a signal there once it is warranted and it is just a matter of meeting one of those warrants before it gets installed so  
206 think long term eventually a signal will end up going in there and it will definitely be a safer alternative for everyone.  
207 Commissioner Jensen stated guess his concern there is because of the way the subdivision is configured in that area  
208 there is not a lot of access out of those subdivisions there on Marilyn especially where they blocked that one off when they  
209 widened Antelope so Marilyn is kind of carrying the bulk of the traffic right now that would be his assessment. City  
210 Engineer Bloemen stated thinks between Marilyn and Banbury would say the 2 of those roads carry the most traffic going  
211 north off Antelope. Commissioner Jensen stated would be more comfortable with this if there was a signal there and can  
212 just see cars stacking up there trying to get across Antelope there which would be an issue and then people trying to get  
213 in and out of there but if staff feels like this is the better plan then guess that is what it is but just not completely  
214 comfortable adding additional traffic to Marilyn right there. City Engineer Bloemen stated if worse came to worse there are  
215 ways out of that subdivision out to 1000 W and even out to 2000 W if someone really felt unsafe trying to make a left hand  
216 turn there. Commissioner Jensen stated his concern is more directed to UDOT than the applicant because the applicant is  
217 kind of stuck with the situation but definitely would like to see the City pursue and sure they have made some mention  
218 already but pursue trying to get that signal signalized especially where it is a school crossing. City Engineer Bloemen  
219 agreed and stated unfortunately UDOT won't install one until it warrants it but they do set aside money to do studies for  
220 areas like this that can be requested through UDOT and they will come out and do a signal warrant. Commissioner  
221 Jensen stated his only hope is that it warrants a signal before a child is killed there.

222 [6:39:28 PM](#)

223 Commissioner Jensen asked Mr. Toniolli that he had discussed last time that there was going to be a fenced area for  
224 the animals is that the pocket to the north or is that going to be between the 2 buildings. Mr. Toniolli stated yes the little  
225 section north where it says rear yard will be a little fenced in area mainly for safety of walking the dogs, they are not going  
226 to be left out there which was a concern. Commissioner Jensen asked if it was going to be completely fenced off. Mr.  
227 Toniolli stated yes, there will be a gate to get in but completely fenced in.

228 [6:40:24 PM](#)

229 Commissioner Thorson would like the applicant or representative of the applicant to discuss if not going to use the  
230 access onto Antelope have they explored with UDOT whether it was an option and if not going to use it have they told you  
231 to remove it. There is kind of this random driveway approach that is not going to get used and can imagine confused  
232 drivers can imagine people walking wandering off it is kind of weird to have an access that is never going to get used and  
233 wonder if UDOT has requested that they remove it.

234 [6:40:37 PM](#)

235 Adam Maher, general contractor, yes and so the City understands they have engaged Joe Perrin from A-Trans a  
236 traffic engineer to look at the original layout and he felt and sure the City Engineer would agree that UDOT would have a  
237 lot of issues with additional traffic pattern coming out and said at the minimum it would require a restrictor of a right in and  
238 right out and most likely a deceleration lane so it involved quite a bit of reconfiguration and he said UDOT would not want  
239 them to touch it at all they would much prefer what was proposed because thinks that it is going to get signalized and  
240 thinks that they are going to want to channel all things through there. So with that said that is why they didn't pursue that  
241 further because he said if he is going to be engaged for a full TIA he is going to say do not use that and use Marilyn that is  
242 exactly what he would recommend with that in mind they see that entrance going away, it will have to be repaired and  
243 replaced to UDOT standards and City standards but no they are not going to leave it, realize the site plan kind of shows it  
244 just sitting there but that entrance will be killed and go away once the site plan is approved.

245 [6:42:06 PM](#)

246 Commissioner McCuiston stated a couple things noticed that may of interest to the contractor or the engineer is that  
247 sometimes on those trash enclosures on the back edge if put a couple of bollards in there it will protect the back wall from  
248 being scooped in with the trash can and with a lip on the front will keep it from falling out. Also noticed on the drive  
249 approach there is a 6% into a 2% for an algebraic different of 8% sometimes that can cause a bit of a struggle with cars  
250 and don't know if can take a look at the grading it seems to be grading. Adam Maher stated they only had a preliminary  
251 grading plan going off this so think some of those were just provided by the seller on early documentation they will  
252 obviously have a fully developed civil plan as they go through to the next step but that was some of the preliminary info  
253 they were provided but yes, he does not like to see parking lots at 6 at all.

254 [6:43:07 PM](#)

255 Commissioner Vaughan stated there wasn't anything in the packet in regards to engineering conditions were there  
256 any additional engineering conditions they should be aware of. City Engineer Bloemen stated no, all his comments were  
257 included in the packet and most of them they have actually addressed on their updated set of plans. Commissioner  
258 Vaughan asked Deputy Fire Chief Hamblin is there were any concerns from the fire department, there was nothing  
259 included in the packet. Deputy Chief Hamblin stated no.

260 [6:43:41 PM](#)

261 Commissioner Vaughan asked in regards plans the applicant is not doing anything with the northern part of the  
262 property. Adam Maher stated that is correct they plan to leave that much as it sits now aside from the fencing they are  
263 going to put in. Commissioner Vaughan is just wondering how are able to get around the ordinance requirement to have a  
264 buffer and an exterior fence around all of that property. Adam Maher stated they are planning to put in the fencing as per  
265 the detail C that was requested and were showing that the felt the native landscaping as to what everybody is used to and  
266 accustom to and that would be preferable to raising it and putting maybe some new beds and things that would be small  
267 in growth as to what people was accustom to but can follow staff's recommendation in that regard. They will be putting in  
268 the fencing and screening but there are some pretty major trees there that provide some really nice shade and seeing  
269 how the owner has no immediate use for the land it seemed rather wasteful to go in there and create a lot of irrigation and  
270 a lot of planting that no one could see and get to, the fence standard of a 6 foot solid fence neither the neighbors could  
271 see it nor could they so it seemed somewhat of defeating the purpose but are more than happy to listen to this body's  
272 recommendation.

273 [6:45:21 PM](#)

274 Mark Hillis stated they had some discussions about this back and forth on the phone with staff before they  
275 resubmitted the plan. Planner Davies stated basically from a couple days ago he spoke with Trevor pretty extensively  
276 about it and staff had initially requested as a result of what was brought up in the ARC an open fence that it was at least  
277 visible back there and then they had talked about some landscaping and spoke with Planner Steele about it his  
278 recommendation was basically to put in the vinyl fence and do a buffer against the fence and that would be a good  
279 compromise so not being the final decision maker that was just staff's recommendation and the Commission can change  
280 that and that is why it was brought up for discussion but from Planning staff's standpoint what is on the plans is what was  
281 recommended. Adam Maher stated would agree with that and are prepared to listen to the recommendation of the  
282 Commission and their thought process had largely to do with leaving things undisturbed and with the solid fencing they  
283 questioned the benefit of that. Seeing how the majority of activity is going to come in from Marilyn and proceed in an  
284 easterly direction and parking there to the north and south they wanted to call attention to how few people are going to be  
285 able to see up into that area. So the landscaping being carried up into the top portion of the property that is what people  
286 see and are going to interface, if that were follow up along the west property line and along the north property line and  
287 down that fence would be solid and the public would not see or benefit that, that is their perception but are open to what  
288 this body recommends.

289 [6:47:30 PM](#)

290 Commissioner Jensen asked the applicant if they had approached the land owners that about the north property about  
291 possibly deeding some of the property over. Adam Maher sated they have not approached them in deeding property that  
292 they are buying, no. Commissioner Jensen stated or to sell either way. From the plans can see a potential building there  
293 in the future because of where the parking lot is configured and not sure how the buffering would have to be there but  
294 think that for now is not too worried but would like to see at least a fence between the neighbors. Adam Maher stated  
295 definitely, especially with the animal use, they have already explained as a dog gets walked out or post-surgery is in that  
296 area that is just more buffering between them and the neighbors. Commissioner Jensen stated he was actually talking  
297 about the undeveloped portion, is there an existing fence there. Paul Toniolli stated there is a chain link fence on the  
298 northwest and also the north side and there is kind of a rundown chain link on the northeast. Commissioner Jensen stated  
299 so it is still fenced but as far as the 6 foot screening fence that would be right there against the parking lot. Paul Toniolli  
300 stated right along the chain link. Commissioner Jensen asked City Attorney Roberts where they require a fence, do they  
301 require it on the property line, and does it have to be on the property line, can it be that far away. City Attorney Roberts  
302 stated would need to look at the ordinance, if the ordinance says it needs to be fenced and it is fenced then would say it  
303 looks like it complies now they didn't install the fence it sounds like. Commissioner Jensen stated it sounds like they are  
304 going to have the 6 foot fence right there between the parking lot and the undeveloped area. Paul Toniolli stated yes.  
305 Commissioner Jensen stated so there will be a 6 foot fence it is just not going to be right up on the north property line it  
306 will be 20-50 feet away from the north property line but there will still be a 6 foot fence because that is what they require.  
307 City Attorney Roberts stated one thing they could do and since this is a site plan approval but could say if that is  
308 developed in the future then they would need to put up the 6 foot fence in the northern portion and that could be

309 stipulation to the approval if were to approve it today. Commissioner Jensen stated certainly they would be responsible for  
310 maintaining the area, even though it is fenced off, would mow it regularly and keep weeds out. Paul Toniolli stated  
311 certainly. Commissioner Jensen stated not sure how the other Commissioners feel but doesn't have a problem with a 6  
312 foot fence being right up against the north and where the rest of the area is wild kind of think the neighbors have actually  
313 appreciated that because it gives them an additional buffer.

314 [6:50:50 PM](#)

315 Brianna McDaniel, lives on Melanie Drive and her father's property is on the northern side and is here as his  
316 representative also. Likes that the northern portion is not being developed however there were several mature trees there  
317 that were cut down and wonders why if is not going to develop it. The chain link fence is there but doesn't appreciate and  
318 if there could be some slats or something so the dogs aren't barking at the kids playing there and don't know if would be  
319 allowed to do that kind of thing. Everything else is okay but don't like the entry way on Marilyn, it is an older neighborhood  
320 and the roads were much narrower when it was built so already when a car parks in front of the house on Marilyn have to  
321 wait for the cars coming the other way to get passed and so has major concerns with that. It doesn't sound like Antelope  
322 is any better but that road is just so narrow and the kids are there walking past every day. Would appreciate more of a  
323 privacy fence instead of the chain link fence up there. Commissioner Vaughan stated they would have staff answer part of  
324 her question and sure the applicant will respond after that.

325 [6:53:17 PM](#)

326 Planner Davies stated to clarify where fencing will be basically there will be a solid vinyl fence that will along the  
327 northern property line and then along the east side as well so anywhere the dogs will be will be in the enclosed yard  
328 temporarily, in terms of dogs being able to see into neighboring yards they would have to be able to see over a 6 foot vinyl  
329 fence so that will be view obscuring in that area. In the northern area that will not be developed as understands the  
330 applicant did not want to change the fencing they just wanted to leave it as is and that will be unoccupied area so that will  
331 not be used as having dogs out there and the applicant can speak more of exactly what the operations will be like but that  
332 would be left as is.

333 [6:54:34 PM](#)

334 Paul Toniolli stated sorry about the trees but he does not own the property yet and so has not cut anything down yet  
335 and they would like to not cut anything down and hence the reason they would leave that unoccupied for now, in the  
336 future not sure what might happen but for now have no intentions of using that so as explained the fence would come  
337 along and the bushes and his deepest apologizes about the trees because he likes beautiful trees. As for Marilyn Drive  
338 hopefully there will be enough parking that they won't have people parking on the street, obviously that is something the  
339 City can address if there becomes an issue and would try to comply. Is excited about the location as already been  
340 discussed would love to see a street light there ASAP as well personally, also have children and children who walk to  
341 school and gets that as well. So as a business owner and patron if could get that UDOT study done quickly that would be  
342 cool and put his plug in for that. Commissioner Jensen stated she had addressed putting privacy slats in the chain link,  
343 would they be oppose to that. Paul Toniolli stated not necessarily think if was using the property would probably say more  
344 'you betcha' but think the fact that they will have a 6 foot fence and are not even using that property there is going to be  
345 some weeds, not opposed to doing it don't think it would be that big of issue and could totally do it if it would help. Paul  
346 Toniolli stated there will be weeds back there and will be a gate access to get in and mow the lawn or weeds make sure  
347 the trees are okay or can leave it wild because kids might want to jump the fence and have a hideout and treehouses and  
348 whatever grandpa doesn't know about or what is going on, has kids, they do things don't always know about, but there will  
349 be no dogs back there and if are if is not because of them or his staff. If any of that changes will put in a 6 foot barrier  
350 fence and put in the buffering, zoning just like they have now per code.

351 [6:57:25 PM](#)

352 Commissioner Jensen asked City Engineer Bloemen regarding the existing building there it doesn't quite apply to this  
353 today but they can't move the sidewalk on Marilyn farther to the east because it would encroach on that setback correct.  
354 City Engineer Bloemen stated correct and it would outside of the right of way. Commissioner Jensen stated essentially not  
355 room there to widen that without tearing that building down. City Engineer Bloemen stated correct and it would definitely  
356 encroach into the front setback more.

357 [6:58:19 PM](#)

358 Commissioner Thorson stated would like to carry this to a conclusion because don't think there is more to discuss but  
359 does like the idea of leaving that back area empty and the fence is just fine where it is at, think the site plan is great.  
360 Looking at Marilyn to address some of the width concerns it looks like UDOT went back a couple hundred feet and  
361 improved the curb, gutter and sidewalk as part of the Antelope improvement and looking at the Google Earth image they  
362 made it so that there are 3 drive lanes coming out of Marilyn. If there is a light put in and traffic study warrants it sure there  
363 could be a wider right of way and more improvements done and Marilyn is a narrow road, it looks like UDOT has pushed it  
364 wider to the west rather than onto this property so would imagine that would be their first direction in the future but likes  
365 the site plan as it is and understands there are other concerns but think they have been addressed pretty well.

366 [6:59:26 PM](#)

367 Public hearing was closed

368 [6:59:30 PM](#)

369 Commissioner Vaughan stated in regards to the house, the parking in front of the small house on the corner is a  
370 problem as they can see form the lines of the north bound side of the street and how much of the property is dedicated for

371 the south bound, absent an extension of the directional barrier either a solid yellow or double yellow on there the neighbor  
372 was correct in regarding if a car is parked in front of that house someone has to go into the other side. Would they have to  
373 entertain the idea of making part of that a red curb in front of the house which would then mandate someone wanting to  
374 visit the home either having to park in the parking lot but if do that if the structure should turn into some other type of use  
375 where rented out commercial or used whatever would that mandate additional parking spaces for that particular  
376 enterprise, if it does mandate additional parking for that should it turn into professional office or anything else allowed  
377 under this zoning then the parking spaces in the lot would most likely be inadequate and the possibly then they couldn't  
378 have another business in there because there wouldn't be sufficient parking to satisfy the requirements. On the back area  
379 of the fence the upper portion at this particular time the applicant is wanting to operate an animal clinic here but are  
380 conducting an approval, a site plan approval for the property if Dr. Toniolli were to retire next year and sell his business to  
381 someone who is not a Veterinarian then they have passed on a dead piece of real estate without it being required by the  
382 next person that comes in there as far as keeping it up. Think there are numerous examples throughout the City where  
383 have allowed a once time use planning around that and then have a gimme or freebie or pass or non-requirement to  
384 improve the entire property up to the full specification of the ordinance has come back to bite us. Likes the idea of an  
385 Animal Clinic being there but is looking to have the entire property developed according to the code. Think are doing a  
386 disservice to the City and to its future if allow an exemption right off the bat for this property which means that anyone else  
387 that comes down the pike in this type zoning or any other zoning and wants to say 'I don't want to take care of that  
388 property' have set a precedent now established not having to bring it up to code. Likes the project and thinks it is very nice  
389 the only problems have are in regards to possibly the red curb or additional parking for that smaller house on the corner  
390 but mainly concerned about the fence. Think the applicant should be required to install the same type fencing that is  
391 proposing on the north side and extend it so the entire property is fenced according to statute and have the landscape  
392 buffer also included for the entire parcel. If choses of his own volition to put in a cross fence to make the bottom part a  
393 rectangle that is fine but think it is incumbent on this Commission to make sure the entire statute is enforced for the entire  
394 property. As the chair and not being able to make a motion and whoever makes the motion wish would seriously consider  
395 adding a requirement to fence and buffer landscaping in the entire property.

396 [7:04:20 PM](#)

397 Commissioner Jensen asked staff regarding the summary that is usually included in the packet that talks about the  
398 required parking places and how many are actually there did not see that in the packet. Planner Davies stated believes  
399 that was provided and it shows on the site plan, it is showing parking space calculations and was worked out with the  
400 applicant, the existing home does have some parking that was provide for it and from the square footage of the home all  
401 that was required was 2.5 with a max of 3 and 4 is provided superficially for that building. Commissioner Jensen stated as  
402 part of the site plan approval can they suggest that the driveway to that home be removed since the access to Marilyn is  
403 an issue and if they have provided parking within the development they really don't need that driveway there. Planner  
404 Davies stated yes they could suggest that and would say with the proximity of that to the corner don't know if it would be  
405 needed. Commissioner Jensen asked if the applicant would like to comment on that. Adam Maher stated they don't know  
406 how to take away the driveway that goes straight to the carport which is a key feature and can't just take it away.  
407 Commissioner Jensen stated it would no longer be used as a house. Adam Maher stated it is not currently being used as  
408 a house but they have the ability to use it as a business and if so the business owner might like to park under the carport.

409 [7:05:54 PM](#)

410 Commissioner Jensen asked if any other Commissioners had an issues with the driveway. Commissioner Thorson  
411 stated he was thinking along the same lines as Commissioner Jensen but where that is the access to that building.  
412 Commissioner Jensen stated his thought were they could wrap that around and would pave the land in front of it and pave  
413 an access to the north if they needed it. Commissioner Thorson stated he agrees there are ways to work that out and  
414 thought exactly along those lines but think they hold off on that for now but does agree that should probably require no on  
415 street parking along there and not sure if that is in the ordinance already. City Engineer Bloemen sated they have already  
416 ordered some signs for that.

417 [7:06:53 PM](#)

418 Planner Davies stated as far as requiring the applicant to remove that driveway can recommend that they do but can  
419 require it because it is not in the code to require it. Commissioner Jensen stated his concern here is don't mind if it is there  
420 as long as the only purpose it is there for loading and unloading into the space but if it going to be used for parking then  
421 has an issue with it because have people backing in and out of that driveway right there at the corner and this is not a  
422 good idea, so if it just an occasional access for cargo purposes that is one thing but people that are going to be regularly  
423 accessing that building would rather see them use the parking lot and not sure how they could put a requirement as a  
424 conditional use that the additional driveway is not to be used for customer parking might be a way to solve it but that is his  
425 main concern.

426 [7:08:04 PM](#)

427 Commissioner Thorson stated Commissioner Vaughan was pretty interested in getting the rest of the property fenced  
428 off and is not too worried about it but wonder what the other Commissioners think and is withholding making a motion for  
429 that reason until see what the other Commissioners think. Commissioner McCuiston stated thinks the existing driveway is  
430 obviously too close to the intersection but that is grandfathered in and not much they can do about it, so hopefully as this  
431 develops out that will go away. As far as the northern property don't know if they are planning on selling it to the land  
432 owner up there to extend his backyard out, not sure what is going on, could require them to landscape it out and consume  
433 more water but not too worried about it. Commissioner Moultrie stated is not too worried about the fence bring up some

434 good points if does sell it off would hate to put up all that fence and do landscaping for nothing and as mentioned cannot  
435 do anything about the approach just take into consideration when developing that. Commissioner Jensen stated he sees  
436 some potential for another building there at some point or if the bordering land owners to the north or even east are  
437 interested in acquiring that property that could be one option that would solve that but having it included as part of the site  
438 plan is an interesting thing and might be a good idea not to include that northern acreage in there but it where it is  
439 included think at the very least need to make sure it is maintained regardless of whoever owns the buildings.

440 [7:10:32 PM](#)

441 COMMISSIONER MCCUISTION MADE A MOTION TO APPROVE THE PRELIMINARY SITE PLAN ANTELOPE  
442 ANIMAL HOSPITAL PROPERTY LOCATED AT 1679 MARILYN DRIVE. COMMISSIONER MOULTRIE SECONDED  
443 THE MOTION. ALL WERE IN FAVOR EXCEPT CHAIRMAN VAUGHAN WHO VOTED NAY. MOTION CARRIED WITH A  
444 4 TO 1 MAJORITY VOTE.

445 [7:11:03 PM](#)

446 Commissioner Jensen stated again for the applicant's benefit that if when the other building goes into use that the  
447 access on to Marilyn are encouraged not to use that as customer parking can see it used for loading or unloading but  
448 makes no sense to have customers parking there. Commissioner Vaughan stated the motion passes 4 to 1 and to explain  
449 his no vote is believes it establishes a negative precedent for the City.

450 [7:11:45 PM](#)

451 7. **Preliminary Subdivision Plan, Criddle Farms South, property located at 1200 S 4000 W, PRD**

452 Planner Davies stated this was tabled from the previous meeting and discussed looking at the preliminary plan that  
453 they had, the subdivision plat that was provided didn't have the same set up as the preliminary concept that was provides  
454 to the City in connection with the development agreement. So they have presented an updated version and the basically  
455 the new plan the difference is the trail that cuts north to south and a detention pond on the southwest corner with the trail  
456 cutting through and accessing the trail that will go along 4000 W. they have also shown some amenities, a playground  
457 area towards the center right and also in the detention pond a playground amenity in the southwest corner. They have  
458 also provided the guest parking pop outs as was discussed in the last meeting. The applicant has requested that the  
459 Commission re-look at this and see more similarities between the concept and what has now been provided and  
460 requesting to move forward with it. There is a trail connection as well down in the southeast corner that would connect  
461 across the street to the existing trail that runs along 1200 S.

462 [7:16:30 PM](#)

463 Commissioner McCuiston sated as part of the development agreement article 4.1, 5) 'A trail system shall be included  
464 in the development and shall connect to any existing or future trails on properties abutting the Subject Area. Specifically  
465 the subject area shall have two trail connections on the south portion of the Subject Area on 1200 South and a future  
466 connection to the Emigrant Trail to the north of the Subject Area.' It says it will have 2 connections on the south, 1200 S  
467 and one connection to the future Emigrant trail to the north, have those been provided on the current site plan, not seeing  
468 2 connections to the south. Planner Davies stated there is not an existing connection that is shown but that wouldn't be  
469 challenging for the applicant to speak to that to be able to provide another access from that detention pond area  
470 potentially.

471 [7:15:04 PM](#)

472 Commissioner Vaughan asked how many total guest parking spaces do they have and part two of the question is  
473 going to be it appears using the diagram the colored map provided it appears as though the homes in the upper right hand  
474 corner sure have an awful long way to walk to a parking space, it appears as though the people on the west and people  
475 on south appear to be favored heavily as opposed to the people on the top street. Planner Davies stated looks there is not  
476 a table showing the total guest parking spaces so that would be a question for the applicant specifically ion how many are  
477 included there.

478 [7:16:26PM](#)

479 Eric Thomas, North Ogden, appreciate the opportunity to present to the Commission tonight. They took the  
480 comments from the last meeting and as can see have addressed those items, some of the concern with the trail. The  
481 original concept plan had the trail going the middle of the project and it was during the design process that staff's  
482 recommendation was to push it out along 4000 W so it connects to what is planned in the future to the north and provides  
483 the connectivity there on 1200 S. So they shifted everything to the west to accommodate that trail along 4000 W. Since  
484 the last meeting have added, the concern was having some connectivity or a little bit more amenity inside the project with  
485 the trail since had moved it to the east so the mid cross section there with the trail to bring it out through the development  
486 and across through the open space and created the walking a path around the detention pond. The reason why they  
487 didn't do a trail connection at 1200 S it was recommended that they don't have a mid-block crossing for pedestrians, so  
488 left it so they could walk down the sidewalk and cross at the intersection there rather than providing a safety hazard of a  
489 mid-block crossing down by the trail, the previous plan had the trail crossing there and that is why it was taken away, the  
490 second connection would be the intersection on sidewalk rather than promoting mid-block crossings. They have detailed  
491 out the common space to answer some of the questions or details obviously a lot of this will take place in the development  
492 agreement that takes place between preliminary and final plans with the exact design and structures that are there and  
493 planned in there with the playgrounds. Down in the southeast corner have the trail connection and open space and what  
494 is called a parkour course or natural, where would use natural amenities for people to use for stretching and doing that  
495 stuff and utilizing the trial would kind of have a stretching station and workout station that is more used with natural  
496 features than an actual structures that are built, they are becoming quite popular to eliminate the red and yellow steel

497 structures that are put in the parks. So they have addresses the items of concern and the guest parking doesn't have the  
498 numbers with him as well but from the engineering standpoint that were put in with the street parking that is in there and  
499 the homes they do meet the parking requirement, the guest parking requirement is actually an added in amenity for some  
500 of the open space areas and that so a possible concern for the houses in the northwest corner, the guest parking isn't  
501 intended for parking for people going to the houses, they have driveways and street parking in front , it is really just an  
502 added feature if someone was coming over to use the amenities and common space, not for guests to the homes. Believe  
503 they have answered and detailed the concerns and the questions that were brought up for the reasons for tabling them  
504 last time they do as per their agreement meet, exceed the 50% open space, do exceed the 20% open space with  
505 amenities and am happy to answer any more questions, as per their agreement they are allowed to have 6.7 units per  
506 acre and as can see they have 5.3 and that is congruent with the concept plan that was originally there.

507 [7:21:25 PM](#)

508 Commissioner McCuiston stated looking at the trail system on the southern edge is that going to be a 10 foot trail  
509 and then a 4 foot sidewalk that will placed on the bottom on the east edge. Eric Thomas stated yes, actually the 10 foot  
510 trail becomes and takes place of the sidewalk as well, and staff didn't want to have both right there. Commissioner  
511 McCuiston stated that was why the trail went through the middle, it seems from this the City doesn't benefit from the extra  
512 density as it would if it had a trail going through the development and a sidewalk on the south side as it did in the original  
513 plan. Also a little concerned about the shared drive of the 3 lots, 75, 76 & 77, they share a common driveway that goes  
514 through there for garbage, snow plowing for ownership for parking that seems to present a little bit of a problem and not  
515 sure if there is an agreement between those 3 units on how maintenance and garbage, not sure how garbage is collected  
516 actually in this development or would #75 roll his can all the way down to the street or do they come and pick it up, not  
517 sure how that works and then shoveling or taking care of snow removal along in there. Eric Thomas stated as far as the  
518 shared driveways the garage would be collected out at the street, not any different than anyone having a long driveway,  
519 this is an HOA and the maintenance and that is provided and so some of those concerns with snow will be done by the  
520 HOA. Eric Thomas stated what was the question on the trail through the middle of it. Commissioner McCuiston stated in  
521 the previous plan there were 2 connections and an internal trail system and a sidewalk along 4000 W that also connected  
522 to the trails and in the new one there is a trail replacing the sidewalk along 4000 W and the trail is no longer interior to the  
523 development it is more exterior with the line going up to the detention basin that forms a loop. Eric Thomas stated if notice  
524 they have sidewalk on internal streets that wasn't on the original concept so that kind of was a tradeoff there that provides  
525 probably more walkability on this design verses that concept. Commissioner McCuiston stated to have the internal  
526 movement of the people in there sounds good.

527 [7:24:25PM](#)

528 Commissioner Jensen stated has a couple issues with this and biggest issue is regardless of what the math says am  
529 not seeing 50% open space there, sure if try to count every little square inch of that green there maybe can get there but  
530 are seeing a lot more gray and white and not counting the streets than green space and certainly the open space doesn't  
531 need to be useable but this is a perfect example of where the PRD zone falls short and why the City is deficient on this  
532 zone. Certainly if the PRD worked better where are doing 2 family or 4 family buildings, duplexes and 4plexes, twin homes  
533 and those types of thing but where trying to do it all as single family lots which is unfortunately what the Council directed  
534 because that was in relation to the neighbors' concerns and not saying it was as bad decision on part of the neighbors but  
535 essentially this is where trying to cram this many units into such a small space really falls short and think that as a  
536 Planning Commission and Commissioner Rackham would agree with him and unfortunately he is not here tonight but they  
537 had discussed this briefly that they probably should basically set some standards, some different standards under PRD for  
538 single family homes because this is a perfect example of what they don't want. Certainly developers try their best to make  
539 the best of a bad situation here but looking at it think could create a much better development if weren't trying to maximize  
540 the lots, the original plan showed 99 lots and this plan shows 101 and even taking out 2 lots would add a lot more in his  
541 mind would create some more interesting common space as well as open space. Even the common space kind of  
542 question because yes it is there but it is between homes it is not really concentrated, did send a suggestion that maybe  
543 that center island all be converted over to green space rather than have all the pocket areas of green space all over the  
544 development. This does not seem like it meets the intent of what they are trying to accomplish with the PRD. That shared  
545 driveway in essence may constitute flag lots which they don't allow and actually like the concept of where 3 or 4 houses or  
546 even 6 houses share the same driveway but under the current ordinance that is not, this is a PRD so it is a little different  
547 because there is some shared ownership here but those look like flag lots and the current ordinance discourages that.  
548 One idea that might add some green space but will affect the parking situation is look at low volume roads ordinances  
549 which allow for smaller cross section of asphalt and where that would be helpful here and eliminate street parking which  
550 might not be a bad thing that makes the park strips that much wider and allows the houses to be moved a little bit more so  
551 can create more green space as it stands with trying just do standard roads cross sections there with the sidewalks and  
552 everything else it just soaks up a lot of space that could be open space and even though the numbers are there but not  
553 seeing it, don't believe the numbers that are seeing. Did add guest parking but if are allowing street parking that is not as  
554 big of an issue but really think especially with the width of this lot being kind of one row houses short so to speak if it was  
555 a little wider basically could do a little bit more with this and even moving things around east/west rather than north/south  
556 becomes more difficult because there is just not enough space for that extra row of houses and again think that in the  
557 future they look at the PRD and if are going to try to do single family residential are only going to limit to 5 or 4 because  
558 even at 5.7 it is not working the way it should.

559 [7:29:08 PM](#)

560 Commissioner Moultrie stated also has a couple concerns, that island of homes for snow removal are going to have a  
561 bunch a snow in front of 2 homes and would really like to see the center island gone and would like to see all those  
562 houses come straight out to the street and that all be open in the center. Think about the home owners there, not the  
563 actual dollar signs that might be in your pockets if have more open space it is going to entice more people, it just looks like  
564 a bunch of crammed houses and don't see a place where kids can play and don't think it is good for the City or good for  
565 those individuals purchasing those homes, it is just sidewalk to sidewalk or concrete to concrete, so if could pull those  
566 homes out and get rid of the center island and have some more open space.

567 [7:30:14 PM](#)

568 Commissioner McCuiston stated he had to look up what a Parkour course was so sorry for his ignorance on that, it is  
569 very interesting and don't know how many stations or what is involved but it looks like it would be a nice amenity to have  
570 along with the development.

571 [7:30:30 PM](#)

572 Commissioner Vaughan stated has a question for the City Engineer or Fire Marshall in regards to the 3 lots 75, 76 &  
573 77 which are basically the 3 lots directly north from the hexagon shape because those are a shared driveway would that  
574 require to be marked a as fire lane. Deputy Chief Jo Hamblin stated was looking at that and this is the first time he has  
575 seen these plans, does have concerns about access to them especially house #75 to get into that, what size the driveway  
576 is going to be and what type of access is it going to be able to handle the imposed load of the fire apparatus if they do  
577 have to go down to protect that structure and does have some concerns regarding that and also the minimum width would  
578 be a 20 foot clearance to go down there. Commissioner Vaughan asked Deputy Chief Hamblin if he knew how many fire  
579 hydrants are in there. Deputy Chief Hamblin stated he hadn't had a chance to look at these plans. Commissioner  
580 Vaughan stated it is not important right now but haven't seen them at all. Deputy Chief Hamblin stated the initial plans that  
581 they had submitted are the ones had seen but haven't received these plans.

582 [7:32:12 PM](#)

583 Commissioner Jensen asked City Attorney Roberts if the lots with the shared driveway does that constitute a flag lot.  
584 City Attorney Roberts stated no, in a PRD each house is its own lot so it is not a flag lot that would be, it is owned by the  
585 HOA just like all the other driveways would be considered owned, so no it would not be a flag lot. Commissioner Jensen  
586 stated in that respect having 3 or 4 houses sharing the same driveway under a PRD they could do that it doesn't become  
587 a flag lot if they do that. City Attorney Roberts stated right, a flag lot is where have a deep parcel and take a rectangle out  
588 of the front of it and have a driveway running up the side so this would not be a flag lot.

589 [7:33:16 PM](#)

590 Commissioner Thorson wanted a clarification on the calculations for the open space last time was under the  
591 understanding that there is a small L shape in front of each house and is that part of the open space calculation, the  
592 grayish green L shape in front of each lot, is that included in open space. Eric Thomas stated yes and maybe Planner  
593 Davies can address this a little bit more specific to the ordinance but believe the ordinance stated that open space is  
594 pretty much anything that is not concrete, asphalt or dwelling, so on the colored map all the stuff that is green is  
595 considered open space. Eric Thomas stated just want to make note about what Commissioner Jensen said about open  
596 space and what it looks like, it is often times hard to look at plat and see what represents space as well and  
597 Commissioner Moultrie, they meet the requirements by the City in fact they exceed those as open space, there is plenty of  
598 and want to make sur there are plenty of space for kids to play and with the open space here as well as the small yards  
599 albeit they be smaller than what are accustom to, they are larger than what a lot of people are accustom to as well, there  
600 is acres of grass out there for kids to play. So they meet the densities, they meet everything, they meet everything that is  
601 required by ordinance in this design and will make note that the Fire Marshall and might not be aware that this plan here is  
602 the same plat layout and utility layout as had seen the last time, they just added the color to see and the trail and open  
603 space things that were addressed, so the utility layout is still the same and obviously that will take place between  
604 preliminary and final as the engineering and anything else as they met last time they have met all those requirements and  
605 previous and the concerns in coming back this time has been mostly surrounded around the open space and those  
606 definitions that had sought out. Don't know that there is anything else that needs to be addressed just would like to say  
607 that they do meet all of the requirements and ask for approval of this so they can go onto the City Council and are not  
608 opposed of conditions if want the City Council to look at the 3 shared driveways or things like that and address that as well  
609 but another step in the approval process that is what they ask for.

610 [7:36:50 PM](#)

611 Commissioner Jensen stated site plan approvals are done by the Planning Commission, City Council does not see  
612 those. Eric Thomas stated this is a preliminary plat. Commissioner Jensen stated preliminary subdivision does go to City  
613 Council, had said site plan so that jogged his memory, so my apologizes.

614 [7:37:10 PM](#)

615 Commissioner Vaughan stated Deputy Chief Hamblin just returned from a National Fire Academy and has been out  
616 of town for a couple weeks and is why wasn't able to review that but are smarter now that his head has been crammed  
617 some of the best information can get on a National basis.

618 [7:37:30 PM](#)

619 Commissioner Jensen stated he is looking something up so give him a minute, the PRD language changed a little bit  
620 from what is in his binder and wants to check there. Commissioner McCuiston stated the guest parking to the north was  
621 placed in and that is why the shared driveway is now there, the last plat had those house radially accessing the road, so

622 that is why that change is and that is why the shared drive access is there now. Commissioner McCuistion stated he sated  
623 his concerns and think that the trail system, would like to see more information on what the Parkour course is, it is really  
624 worth replacing an internal trail system and connectivity to try and it looks like it could be if it is done correctly and right but  
625 is concerned with the shared drive with garbage collection and future conflicts between those 3 house owners, other than  
626 that it does meet code but not sure what can and cannot say at this point but would like some guidance. Commissioner  
627 Thorson stated his biggest issue with this is think the developer was given an unsolvable puzzle with the density allowed  
628 and the required open space they are not both achievable in his opinion. In the previous application that they saw last  
629 time it gave a description of what each lot was and asked specifically what parts included the open space, and his reading  
630 of the definition of open space it does not, the front yard, the side yard are open for the public to use and on that  
631 technicality would deny that it does not meet the definition of 50% open space as those open parts that are included in  
632 their calculation are not open to the public are not gonna stand in someone's front yard and look in their window, it is not  
633 going to happen.

634 [7:40:05 PM](#)

635 City Attorney Roberts stated can read the definition of open space from the zoning code, 'open space means any  
636 area of land without human-built structures, such as parks, recreational and natural areas or land not occupied by  
637 buildings. Open space does not include curb and gutter, driveways and roadways.' So the definition of open space would  
638 encompass non fenced yard areas in areas like the PRD.

639 [7:40:32 PM](#)

640 Commissioner Jensen asked the Commissioner a question, the old ordinance mentioned something about a superior  
641 product but not seeing that under the revised ordinance that was passed recently. It talks about the trees and shrubs that  
642 break up the look of having the same building style duplicated throughout the development and should be in accordance  
643 with the AR guide. Seeing the landscape plan here but not seeing how that is going to break up the look of having  
644 identical buildings right next to each other, certainly there is trees in the park strip there but they are really going to break  
645 up the view very much and wanted to know what the other Commissioners think.

646 [7:41:14 PM](#)

647 Commissioner Vaughan asked staff regarding the applicant stating that they have complied with all the open space  
648 and all the technical requirements of the PRD, is that correct, in staff's estimation have they complied with everything.  
649 Planner Davies stated that is true. Commissioner Jensen stated would disagree does not think it complies with item 4.  
650 Commissioner Vaughan stated his final comments then would be if the applicant has complied with everything that is in  
651 the ordinance, has complied with everything that is in the ordinance they may always have their differing opinions on style  
652 and things like that but as far as being bound by the code, the code speaks pretty clearly on a situation like this.  
653 Commissioner Jensen stated the code also speaks very clearly on one other point, 'development shall provide adequate  
654 off-street parking areas, subject to requirements of this chapter and off-street parking requirements' and PRD requires  
655 2.5, so essentially if are going to count the driveways as the other .5, because the 2 car garages are required so that is 2  
656 and then does the space in front of the garage door count as parking place or not that is a question for staff. Planner  
657 Davies stated does not have dimensions on here but if the drive way is 20 feet deep and 9 feet wide then they have a  
658 parking space, just like any other home can park in driveway so that would go towards that parking requirement.  
659 Commissioner Jensen stated okay that answers that questions but essentially his point is that street parking cannot be  
660 counted because it specifically designates off-street parking. Another observation of it providing a standard right of way of  
661 60 feet which precluded low volume residential road, the right of way ca still be 60 feet with low volume can basically  
662 create more green spaces in front of the houses. It is neither here nor there but keep coming back to number 4 in trying to  
663 providing amenities, 10.75.040 sub point 4, says 'trees and shrubs that break up the look of having the same  
664 building style duplicated throughout the development' the landscaping plan seeing doesn't do that, certainly trees along  
665 the street but don't think that is necessarily going to break up the look of having 20 or 30 identical house right next to each  
666 other. The whole point of trying to use the open space is to break up the these rows of house so don't have those and  
667 certainly the developer comes back with a plan that shows to have 6 different housing styles that look completely different  
668 from each other that is another thing but that is not included in this application based on that and since the City Council  
669 does get final say on this is going to make the motion of denial.

670 [7:44:15 PM](#)

671 COMMISSIONER JENSEN MADE A MOTION TO DENY THE PRELIMINARY SITE PLAN APPROVAL FOR  
672 CRIDDLE FARMS SOUTH AND RECOMMEND DENIAL TO THE CITY COUNCIL BASED ON THE FACT THAT  
673 SPECIFICALLY IT DOES NOT ADEQUATELY MEET THE REQUIREMENTS IN 10.75.040 ADDITIONAL LOT  
674 STANDARDS RELATING TO TREES AND LANDSCAPING TO BREAK UP THE LOOK OF THE DEVELOPMENT WITH  
675 THE FINDING ADDITIONALLY THAT THE OPEN SPACE AND COMMON SPACE IS NOT OF HIGH ENOUGH  
676 QUALITY FOR THE DEVELOPMENT. COMMISSIONER THORSON SECONDED THE MOTION.

677 [7:45:09 PM](#)

678 Commissioner Thorson stated the definition of open space he is looking at in 10.10.040 Land Use is that proceeded  
679 with anything else or do they have conflicting definition in the code. City Attorney Roberts stated he is not aware of a  
680 conflicting definition that is the generally applicable definition for Title X. Commissioner Thorson stated in reading  
681 10.10.040 right now it 'open space means any area of land characteristics by openness that provides for the portion of the  
682 human environment through dedication and preservation of said openness, in order to enhance urban, suburban or rural  
683 areas and provide important physical, recreational, conservation or aesthetic or economic value' is the definition is looking  
684 at and doesn't feel that it meets that in almost every sense of those words, if that definition is superseded by anything

685  
686  
687  
688  
689  
690  
691  
692  
693  
694  
695  
696  
697  
698  
699  
700  
701  
702  
703  
704  
705  
706  
707  
708  
709  
710  
711  
712

else. Commissioner Vaughan confirmed that was 10.10.040 definitions. City Attorney Roberts confirmed that was the definition of open space in 10.10.040. Commissioner Thorson stated that is what he wants to make sure he is looking at the correct code, the date on it provides 05/14 in Dropbox. Commissioner Jensen stated the definition he was looking at he pulled from code publishing website says 'open space means any area of land without human-built structures, such as parks, recreational and natural areas..' from 10.10.040 in November but certainly can go to the web and check it there. City Attorney Roberts stated he is looking at the web version of code publishing. Commissioner Jensen stated they may have changed that definition recently when they did the general plan update. Commissioner Vaughan asked if needed more time before call for the vote. Commissioner Thorson stated the motion that was made and seconded he agreed with doesn't substantially meet the ordinance just wanted to state where was getting his definition.

[7:48:12 PM](#)

VOTE ON MOTION: ALL WERE IN FAVOR EXCEPT CHAIRMAN VAUGHAN WHO VOTED NAY. MOTION CARRIED WITH A 4 TO 1 MAJORITY VOTE. COMMISSIONER VAUGHAN STATED HE VOTED NAY FOR REASONS BEING BELIEVES THEY HAVE MET ALL THE CONDITIONS. COMMISSIONER JENSEN STATED IT IS ULTIMATELY UP TO CITY COUNCIL IN ANY CASE.

[7:49:03 PM](#)

8. **Adjourn**

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

\_\_\_\_\_  
Ralph Vaughan, Chairman

\_\_\_\_\_  
Stacy Adams, Commission Secretary

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

## Minutes of the Syracuse Planning Commission Work Session, April 19, 2016

---

Minutes of the Syracuse City Planning Commission Work Session held on April 19, 2016, at 6:00 p.m., in the Conference Room, 1979 West 1900 South, Syracuse City, Davis County, Utah.

**Present:**

Commission Members:	Ralph Vaughan, Chairman TJ Jensen Curt McCuiston Troy Moultrie Grant Thorson
City Employees:	Royce Davies, Planner Paul Roberts, City Attorney Stacy Adams, Commission Secretary Jo Hamblin, Deputy Fire Chief Brian Bloemen, City Engineer
City Council:	Councilman Mike Gailey
Excused:	Commissioner Rackham Commissioner Day Planner Steele
Visitors:	

[7:59:24 PM](#)

### 1. **Department Business:**

[7:59:35 PM](#)

#### **a. City Council Liaison Report**

Councilman Gailey stated wanted to share 7 or 8 points that happened in the last City Council meeting that might be of interest to them. The State renegotiated its agreement with the City for services rendered by the City particularly on Antelope Island but really anywhere in the State where the City can send individuals from the Fire Department out to help with State land fires and the contract that was rewritten is really a lot more favorable to the City and so even though were under an operating agreement that hadn't expired yet that was rewritten. They approved 2 leases for cell towers, one in Founders Park and another one that can't remember. City Attorney Roberts stated there are renewals of leases so aren't new towers just existing cell towers that the lease terms had been renewed. Councilman Gailey stated the terms of those leases are much better than what was existing. The Planning Commission's Bylaws were approved. Commissioner Jensen stated with a couple modifications. Councilman Gailey stated the dwelling unit issue in Industrial zones for storage units was approved. The Barber Development next to Raintree the City Council sent them back to find .3 acres and with access out onto 2000 W, the PRD. Carlos Nunez was appointed to the Architectural Review Committee and not sure if he has met with the Commission yet. The Cowley subdivision they talked about 2 weeks ago, the Cowley's are in favor of it and the City was in favor but UDOT has come with some other issue involving the widening of 2000 W and so they have asked the City to hold on that until such time as the City and UDOT can meet together to see what that issue is. City Attorney Roberts stated the plat was approved subject to the land transfer of the details being worked out and just got some word back and what they want the City to do is UDOT is going to purchase some of that little sliver, it is not a lot of money but it is something and so the City is going to sell that portion to UDOT and then just quit claim the rest to the owners because there is no value in that remaining sliver. Commissioner Jensen stated that was the little strip of land that was right there up against the road that were just going to give to them. City Attorney Roberts stated yes the plan was to give it to them anyway and if UDOT hadn't shown up with a check then would have given it to them and they would have gotten the check, so just good timing. Commissioner Jensen stated at least the City gets to make a couple pennies. Councilman Gailey stated Still Water 8&9 were approved. The City Council is meeting all day on Tuesday in a budgetary capacity, have been hearing from Departments over the last, since February when they first began and have been through all the Departments one and will be going to sit down and hash out what the budget will really look like. Commissioner Vaughan thanked Councilman Gailey for the summary that he writes up and distribute to everyone.

[8:03:33 PM](#)

#### **b. City Attorney Updates**

City Attorney Roberts stated the Bylaws were approved and will get a clean copy to the Commissioners so can see what the final version was. They brought up the change that was requested from the Commission about having the elections be in December rather than January and also just removing the section that would have required to have an election in July so that means there won't be an election until December rather than in January and so the Chair and Vice Chair will be both serving until December and the next election.

[8:04:16 PM](#)

#### **c. Upcoming Agenda Items**

Planner Davies stated have a couple items that have come in and an application for a preliminary plat.

[8:04:55 PM](#)

64 **2. Discussion Items:**

65 Planner Davies stated have an ordinance review suggested by City Building Official Lemmons and basically what he  
66 suggested doing is we have rules for structures that are under 200 square feet and they are inconsistent with structures  
67 that are over 200 square feet in ways that don't really make sense. If it is under 200 square feet it says it needs to be at  
68 least 10 feet from the primary structure so first of all code only requires a 6 foot separation for structures over 200 square  
69 feet per International Fire Code and it doesn't make a lot of sense to keep a smaller structure further from the house when  
70 allow a larger structure to be closer so recommended that make both consistent with IFC standards of 6 feet for any  
71 building. Also require that structures under 200 square feet be 3 feet from property line and recent changes with the code  
72 for Accessory Structures to increase that so recommended that IBC requires a fire rated wall if 3 feet from the property  
73 line but doesn't inspect structures under 200 square feet so basically IBC isn't concerned with structures under 200  
74 Square feet at all, don't require a building permit for them, there are requirements in the code but it is more for info, people  
75 don't have to come in and get a separate permit at all so would not know if was going in unless someone comes in and  
76 tells staff they are. City Building Official discussed maybe removing requirements for structures under 200 square feet  
77 entirely but in lieu of doing that lets take the requirement for the 3 feet and either increase it to 5 feet to be consistent with  
78 what is required for over 200 square feet or basically say need to have a fire wall if want to be closer and is leaning more  
79 towards just making it consistent in changing the 10 foot separation from the house to 6 feet and change the minimum 3  
80 foot set back to 5 feet so is consistent across the board and will put together the ordinance to bring before the  
81 Commission at the next meeting.

82 [8:08:15 PM](#)

83 Commissioner Vaughan asked if any objection to having this as an action item for next meeting. Commissioner  
84 Jensen stated wanted to make the comment that the 3 feet has been something that has been in Syracuse City code for  
85 decades so there are a lot of structures that area within 3 feet of the fence line and so why carried it this far, certainly  
86 going forward and a question for the City Attorney is structures already there would they be legal nonconforming. City  
87 Attorney Roberts stated yes. Commissioner Jensen stated so this would be going into the future and may have a n issue  
88 where one neighbor has one within 3 feet and now can only do 5 feet and would be something staff would have to deal  
89 with as far as the building inspector being concerned that don't know or inspect these but to this point the City Council and  
90 the Planning Commission does like having minimum standards for the smaller structures because they still have to  
91 comply with them even if they don't need to get a permit so that is not necessarily a bad thing. Going to 5 feet is  
92 something can discuss next meeting but be aware there are a lot of resident that are used to the 3 feet, going from 10 to 6  
93 to be consistent would be fine unless feel like 6 is too close to the bigger buildings. Commissioner Vaughan asked staff to  
94 set that as an action item for the next meeting.

95 [8:09:39 PM](#)

96 **3. Commissioner Reports:**

97 Commissioner Thorson stated nothing to report. Commissioner Jensen stated he and other Commissioners have  
98 pointed out over the years that 2 of their zones are currently undefined, those being the open space recreational zone  
99 rans the Institutional zone there are no definitions for those, they are indicated in the General Plan and are areas in the  
100 City that are zoned those and usually are for schools and churches for the Intitutional and then for open space obviously  
101 are that is parks and have got some areas outside of the City that are also designated on the General Plan as open space  
102 so took a little bit of time today and found some code from other cities that define those 2 zones and basically are explains  
103 from Portland and Cloverdale that basically give structure for the 2 zones. So whenever staff has the time to look at that  
104 and try to rewrite those to fit our structure think would be a good idea since those are the only 2 zones in the City that are  
105 not defined so just being proactive in getting that to staff and get those buttoned up. Davis County Active Transportation  
106 committee is meeting on Thursday and attends those as an interest citizen and also to report back to the City and  
107 interested to see where they are with the sale tax proposition increase that was passed for the cities. They also did secure  
108 some money from the State Legislature to get the study done for the Bonneville Shoreline trail which is basically along the  
109 mountain here which is good news but doesn't really affect Syracuse that much but are moving forward and really excited  
110 to see that trail connect all the way from Salt Lake County all the way up to Weber County and should be pretty cool.  
111 Commissioner McCuiston stated nothing to report. Commissioner Moultrie stated nothing to report. Commissioner  
112 Vaughan stated Planner Steele is not her tonight because he and his wife welcomed a new baby, so congratulations to  
113 him and his family.

114 [8:12:53 PM](#)

115 **4. Adjourn**

116 COMMISSIONER JENSEN MADE A MOTION TO ADJOURN. COMMISSIONER MCCUISITON SECONDED THE  
117 MOTION. ALL WERE IN FAVOR, MOTION CARRIED UNANIMOUSLY.  
118  
119  
120



# PLANNING COMMISSION AGENDA

May 3, 2016

## Agenda Item #4

### Major Conditional Use Permit

All About Me Preschool & Daycare  
1339 W 1950 S

#### Factual Summation:

Zone:	R-2 Residential
Acreage:	.28 Acre
Applicant:	Kimber Hunt
Required Parking:	3 spaces (.5 per teacher & per 7 students)
Provided:	6 spaces

#### Background:

This request is for a preschool home occupation for children ages 3 to 4. City code requires all **preschools** where the number of sessions per week is greater than four and limit of 16 children per session and **daycares** where the number of children is greater than eight and a second employee is required with a limit of 16 children to be processed as a major conditional use. Home daycares also require a license from the Utah Department of Health. In addition, city code requires home preschools to have backyards fully enclosed with secure fencing and limits the number of students to 16.

The applicant is requesting **3-5 preschool** sessions per week with **up to 16 children**, Monday - Friday Morning sessions from 9:00 am - 11:30 am and daycare Monday - Friday 8:00 am - 5:00 pm with **up to 16 children**. The applicant recently installed a 6 foot vinyl fence in the back yard. The City Building Inspector has inspected and passed off their previously finished basement. Once approved by Planning Commission the applicant will be issued a City business license.

#### Attachments:

- Aerial
- Site Plan

#### Suggested Motions:

##### Grant

I move 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 codes (and to the condition(s) that...)

##### Deny

I move to **deny** the Major Conditional Use Permit for All About Me Preschool/Daycare, located at 1339 W 1950 S, R-2, R-1 Residential Zone, based on...

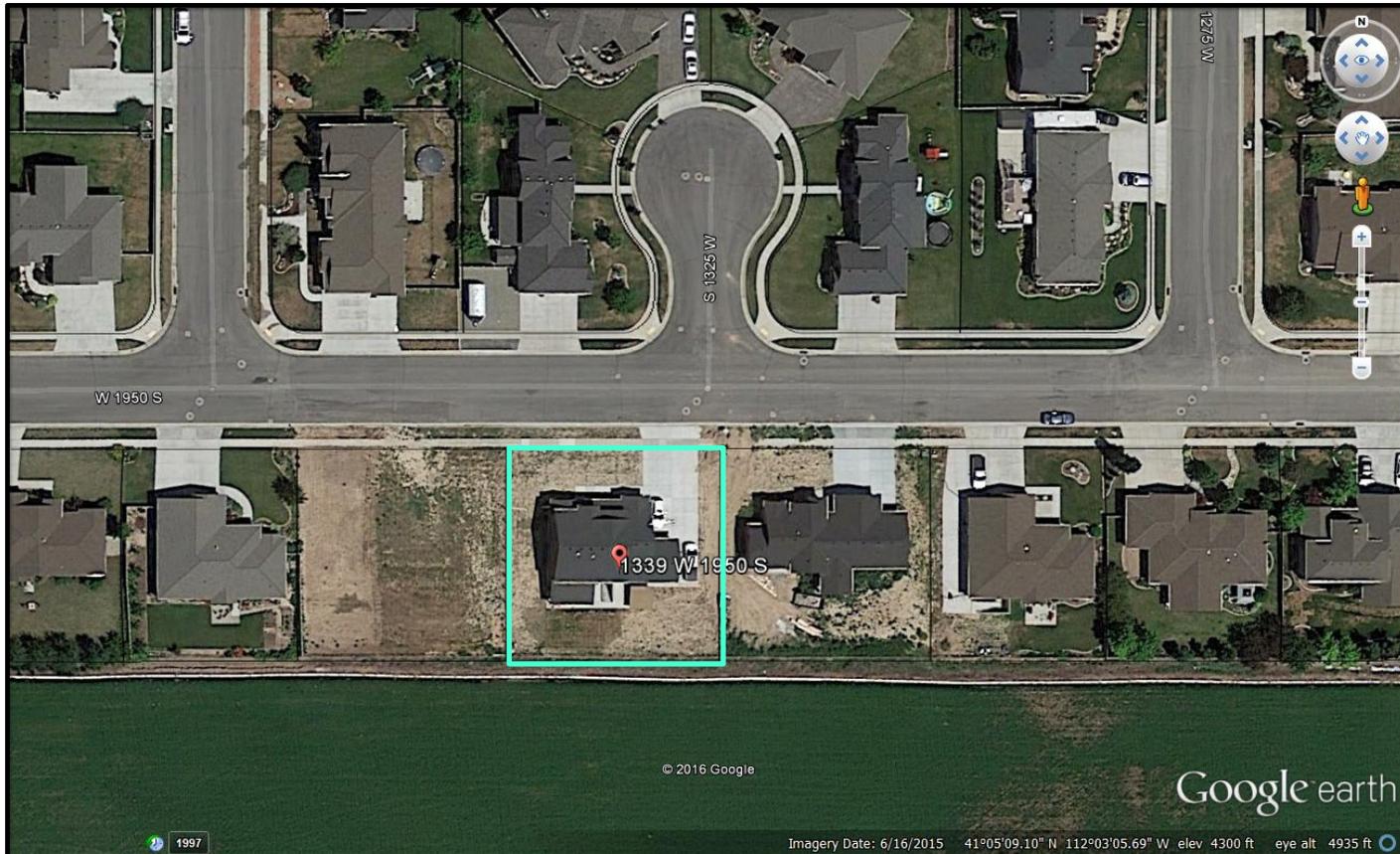
##### Table

I move to **table** the Major Conditional Use Permit for All About Me Preschool/Daycare, located at 1339 W 1950 S, R-2, R-1 Residential Zone until....



# Major Conditional Use 1339 W 1950 S

## Kimber Hunt, All About Me Preschool & Daycare



(D) Major [Home Occupations](#).

(1) The definition of a major [home occupation](#) shall include any business within a residential [zone](#) that meets the standards listed in subsection (B) of this section but requires additional conditions of approval imposed by the [Land Use Authority](#), as provided herein, to mitigate the increased impact of such [home occupations](#) on the surrounding property owners.

Major [home occupations](#) shall be [conditional uses](#) in all residential [zones](#) due to the potential increase in the impact of a business as allowed by the following:

(a) A larger [commercial vehicle](#), not exceeding 20,000 pounds, may be used, provided it is parked on private property and adequately screened. Parking of the [commercial vehicle](#) shall occur on the side or in the rear of the home.

(b) Day care, where the number of children is greater than eight and a second employee is required at the home.

(c) [Preschools](#), where the number of sessions is greater than four per week.

(d) A larger percentage of the home or an accessory [building](#) may be used for the [home occupation](#) under conditions recommended by the [Planning Commission](#). The [use](#) of an accessory [structure](#) or an attached or detached garage, or [yard](#) space, for a [home occupation](#) may be considered as a [conditional use](#) only under the following conditions:

(i) The [Planning Commission](#) finds that the proposed [home occupation](#) will be clearly accessory and subordinate to the principal [use](#) of the property for [dwelling](#) purposes; and

(ii) The [Planning Commission](#) finds that the proposed [home occupation](#) will not adversely affect the residential nature and aesthetic quality of the neighborhood; and

(iii) Any off-street parking displaced by the [home occupation](#) is relocated elsewhere on the lot or parcel in compliance with [setback](#) standards for the zoning in which the property is located; and

(iv) The [Planning Commission](#) may impose any conditions it deems necessary to mitigate impacts of the [home occupation](#) on the neighborhood.

(2) Major [home occupations](#) may include, but not necessarily be limited to, the following:

(a) Any [use](#) allowed as a minor [home occupation](#) that is requiring additional conditions of approval as shown in subsection (D)(1) of this section.

(b) Small engine repairs (excluding automobiles, motorcycles, and snowmobiles).

(c) Woodworking.

(d) Pest or weed control service.

(3) The following [uses](#), by the nature of the investment or operation, have a pronounced tendency once started to increase beyond the limits permitted for [home occupations](#) and thereby impair the [use](#) and value of a residentially zoned [area](#) for residential purposes and are more suited to professional or business districts. Therefore, the [uses](#) specified below shall not be permitted as home occupations:

- (a) Minor or major auto repair, painting of vehicles, trailers, or boats;
- (b) Funeral chapel or home;
- (c) Gift shops;
- (d) Medical or [dental clinic](#);
- (e) Welding or machine shops; and
- (f) Appliance repair (large).

(E) [Child day care home](#) occupations shall limit the number of children at the residence to eight unless a second adult works for the [home occupation](#), in which case the day care shall limit the number of children at the residence to 16.

(1) All [day care home](#) occupations shall have a back [yard](#) fully enclosed with a secure [fence](#).

(2) All [day care home](#) occupations shall acquire a license from the Utah Department of Health, Bureau of Licensing Requirements.

(3) Any person residing within the [dwelling](#) or employed from out of the [dwelling](#) shall not have a conviction of any crime, identified in Section [77-27-21.5\(1\)\(e\)\(i\)](#), Utah Code Annotated 1953, or any other sexual crime against another person. Employees and everyone 18 years of age or older in the household shall provide a criminal background clearance through the Utah Bureau of Criminal Investigation prior to any contact with the children attending such day cares.

(F) [Adult day care home](#) occupations shall limit the number of adults at the residence to six at only one time. The following standards shall apply:

(1) The adult day care must be operated by a person who resides in the [single-family dwelling](#).

(2) An adult day care participant, who is not mentally or physically capable of negotiating a normal path to safety, shall count as three persons. The City may request a statement from a physician that a participant is mentally and physically capable of negotiating a normal path to safety.

(3) An off-street, unobstructed, paved parking [area](#) for the pick up and drop off of adults must be provided.

(4) When assistive devices or aids are necessary for an adult day care participant to negotiate a normal path to safety, the adult day care shall be handicap accessible.

(5) The [rear yard](#) shall be fully enclosed with a secure [fence](#) at least 60 inches in height.

(6) The adult day care must be licensed by the state of Utah and continuously maintain a current license with the state as outlined in State Administrative Code R501-13.

(G) [Preschool](#) Home Occupations. [Home preschools](#) shall have back [yards](#) fully enclosed with secure fencing and shall limit the number of students to 16 children per session. [Ord. 11-02 § 1 (Exh. A); Ord. 10-02 § 1 (Exh. A); Ord. 08-11 § 1 (Exh. A); Code 1971 § 10-7-040.]



# PLANNING COMMISSION REGULAR MEETING

## AGENDA

May 3, 2016

Agenda Item # 5

City Code Modification Application – Syracuse City

### ***Factual Summation***

Please review the following information. Any questions regarding this agenda item may be directed to Royce Davies, City Planner.

- City Code Section to be Modified: 10.30.010
- Applicant: Syracuse City

### ***Summary***

The Syracuse City building department and planning staff recognized inconsistencies between the requirements for accessory buildings under and over 200 square feet and other unnecessary or excessive sections of the accessory building Code. The proposed Code modifications are intended to make the Code more approachable for the citizens of Syracuse and to prevent confusion and/or probable legal complications that may occur as result of the way the current Code is written.

The current Code requires accessory structures not larger 200 square feet to maintain a minimum 5 foot setback from property lines and a minimum 10 foot separation from the primary structure. This is inconsistent with the recently amended code requiring structures over 200 square feet to maintain a 6 foot setback from the primary structure and a minimum of 5 feet from any property line.

The intent of the Code modification is to rectify these inconsistencies by requiring that accessory buildings not larger than 200 square feet maintain a minimum 5 foot property line setback and 6 foot separation from a primary structure. These are the minimum respective setbacks established by the International Fire Code. Allowing structures to encroach on these setbacks requires a firewall to be established in the encroaching wall of the structure.

Another part of the proposed Code change reduces the allowable height of accessory buildings over 200 square feet to 20 feet. The current allowable height is 30 feet which is higher than many of the existing structures in the city. As there are approximately 10.8 feet in a typical story, the current Code allows for accessory buildings that are nearly 3 stories tall. While this may have been appropriate in recent years when Syracuse was largely rural, containing little residential development, the current suburban environment does not lend itself to the kind of massing inherent to a nearly 3 story secondary building.

The proposal of 20 feet is based on the parking of a motor home within an accessory garage. These vehicles require approximately 14 vertical feet of clearance to park. An accessory building with a 15 foot garage door would allow for 5 feet of additional height for varying roof pitches dependent on building size. This would allow for a considerably scale-intensive use while reducing possible building massing to a more residential scale.

The other significant modification to the Code involves the current requirement to obtain a conditional use permit for accessory buildings under 200 square feet. In recent years, the Utah State Ombudsman has expressed concern about municipalities requiring conditional use permits where they are not necessary. "Conditional use" means a land use that, because of its unique characteristics or potential impact on the

municipality, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts” (Utah State Code Title 10-Chapter 9a-Section 507). So essentially, if the negative impacts of a use cannot be consistently mitigated by a City Code, a conditional use permit may be in order.

Currently, accessory buildings over 200 square feet require a conditional use permit costing the applicant \$100 that is processed at the staff level. A review of the conditional use permits has revealed that the conditions listed on the permits are references to complying with City Code as opposed to additional conditions which would warrant a conditional use permit. As a site plan review for compliance with City Code would be carried out regardless of a conditional use permit being required, the only difference between the current conditional use permit requirement and removing it is the \$100 fee paid by the applicant building the accessory building.

In an effort to simplify the process for Syracuse residents and staff, the Code modification simply requires a site plan submittal with the building permit which will be reviewed for Code compliance alongside the building plans. The removal of the conditional use permit requirement saves money for the public and reduces the amount of time staff spends processing the conditional use permits which do not contain additional conditions to what is required in City Code.

Finally, the first requirements for accessory buildings less than 200 square feet are proposed to be removed. The section requiring that buildings less than 200 square feet must be less than 200 square feet is not necessary. Also, the subsection underneath that discusses how carports and other similar additions are not considered part of the structure is not supported by the International Building Code. Any addition to a building is considered a part of the building.

Any additional small changes are for consistency such as numbering or grammar, or for clarification of the existing Code.

***Attachments:***

- Proposed City Code Modification

## PROPOSED CITY CODE MODIFICATION

### (C) Accessory Buildings and Structures.

#### (1) General Requirements.

(a) No more than two accessory buildings shall be on any lot, unless it contains a minimum of half an acre. Lots with half an acre or more may qualify for approval of a third accessory building by complying with all other applicable requirements of this chapter. No accessory building may be located within a recorded easement unless authorized by the applicable easement holder through written approval with a copy provided to the City.

(b) No accessory building or structure may encroach into a front yard.

#### (2) Accessory buildings or structures 200 square feet or less shall comply with the following requirements:

~~(a) Not larger than 200 square feet.~~

~~(i) Awnings, carports or other attached features are not considered part of the structure and shall not exceed the size of the accessory building.~~

(b) Not taller than 15 feet to the roof peak of the roof structure.

(c) Located at least 10 6 feet from the primary structure and located at least three 5 feet from any property lines.

~~(d) Pass a setback and height inspection by the Syracuse City Code Enforcement Officer or his designee.~~

#### (3) Accessory buildings or structures greater than 200 square feet shall comply with the following requirements:

~~(a) Building Permit and Conditional Use Permit. Approval for a minor conditional use permit and issuance of a building permit is required prior to construction. Persons desiring to construct accessory buildings shall make application to the Land Use Authority or designee for minor conditional use approval as outlined in SCC 10.30.100.~~

(a) Building permit. Application shall include the following submittals:

(i) Site plan showing location of the home, property line, setbacks, location of the proposed buildings, parking spaces, and easements.

(ii) Elevation drawings showing the roof structure, type of material and design finish of the building, and building structure measurements.

(b) Size. Accessory building or structure shall conform to requirements of subsection (C)(1) of this section and shall not be greater in size than the footprint of the principal structure.

(c) Design. The design, height, and footprint of accessory buildings shall blend aesthetically with the principal building's architecture and design materials.

(d) Setback. The building shall be set back a minimum of 5 feet from any property line.  
~~The building shall be set back from any property line the distance specified in the table below:~~

Roof Height (feet)	Up to 21	21+ to 24	24+ to 27	27+ to 30
Setback (feet)	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>

(e) Corner Lot. Accessory buildings on corner lots shall be set back a minimum of 20 feet from the street side property line when a driveway accesses the street from the rear or side yard.

(f) Other Structures. In no case shall an accessory building be constructed within ~~six~~ 6 feet of a primary structure.

(g) Height. The height, as measured from the foundation to the highest point on the roof, shall not exceed ~~the height of the primary structure and in no case shall exceed 30~~ 20 feet.

Note: Underlined text is to be added; ~~struck through~~ text is to be removed.



# PLANNING COMMISSION REGULAR MEETING

## AGENDA

May 3, 2016

Agenda Item # 6

Rezone Application – Robin Patterson Property

### *Factual Summation*

Please review the following information. Any questions regarding this agenda item may be directed to Royce Davies, City Planner.

- Location: 920 South 4000 West
- Current Zoning: A-1 Agriculture
- Proposed Zoning: R-2 Residential
- General Plan: R-2 Residential
- Property Acreage: 23.1
- Permitted Maximum R-2 Density: 3 units per acre.
- Potential Gross Units with R-2 Zoning: 69

### *Summary*

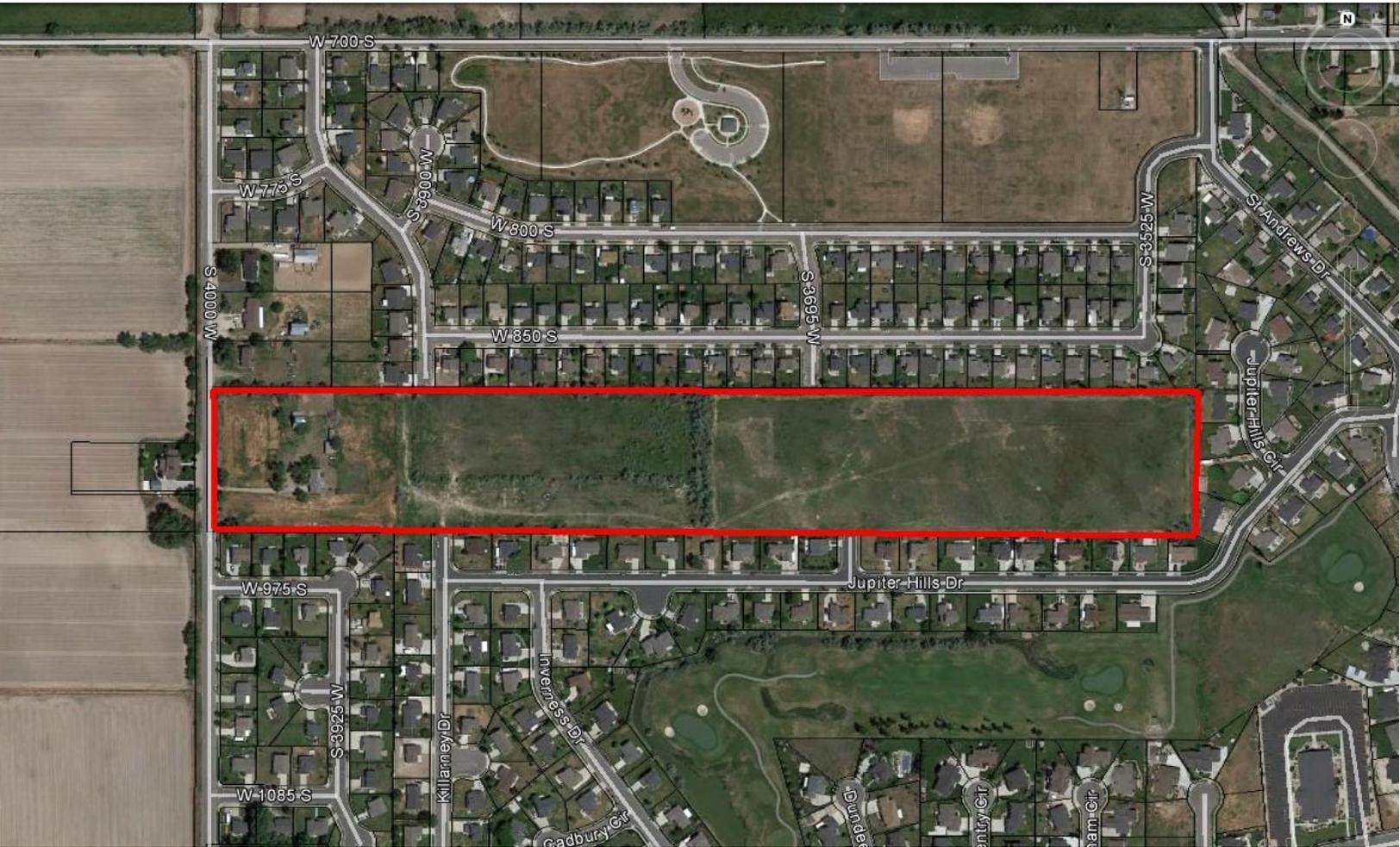
The applicant has requested a rezone from A-1 Agriculture to R-2 Residential with the intention of developing a residential subdivision in accordance with the allowances in the R-2 Zone. The surrounding area is zoned R-1 and R-2 with development that complies with the densities allowed in those zones. There are 2 roads stubbed into the property at 4 locations (Killarney Drive and 3695 West). The development will be required to connect these roads creating connectivity for the area where it is currently lacking. This would provide the majority of the neighborhood easier access to Rock Creek Park and allow for more effective traffic circulation.

The requested R-2 Zone is in accordance with the General Plan designation of R-2 already existing on the property.

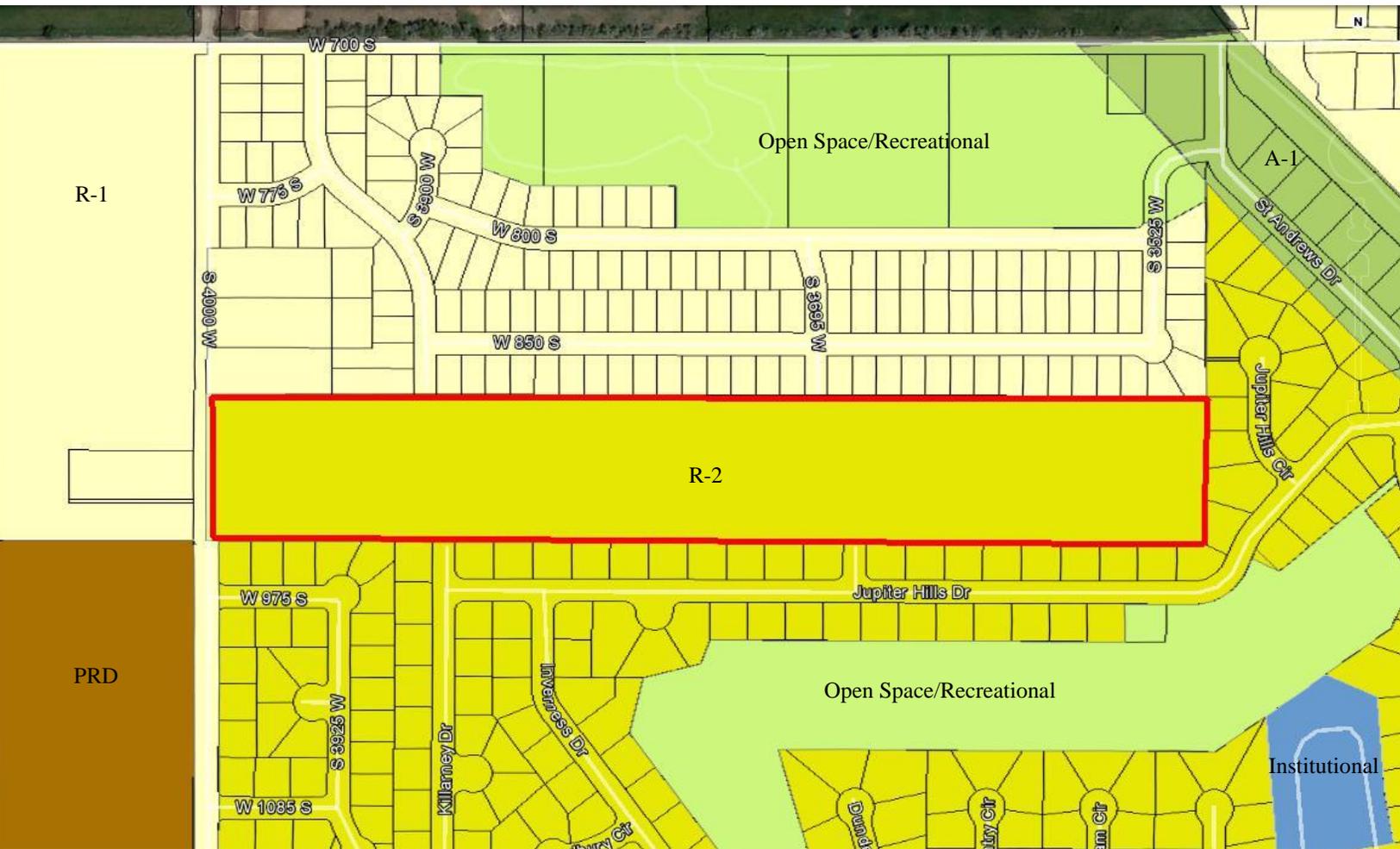
### *Attachments:*

- Aerial Map
- General Plan Map
- Current Zoning Map
- Proposed Zoning Change Map

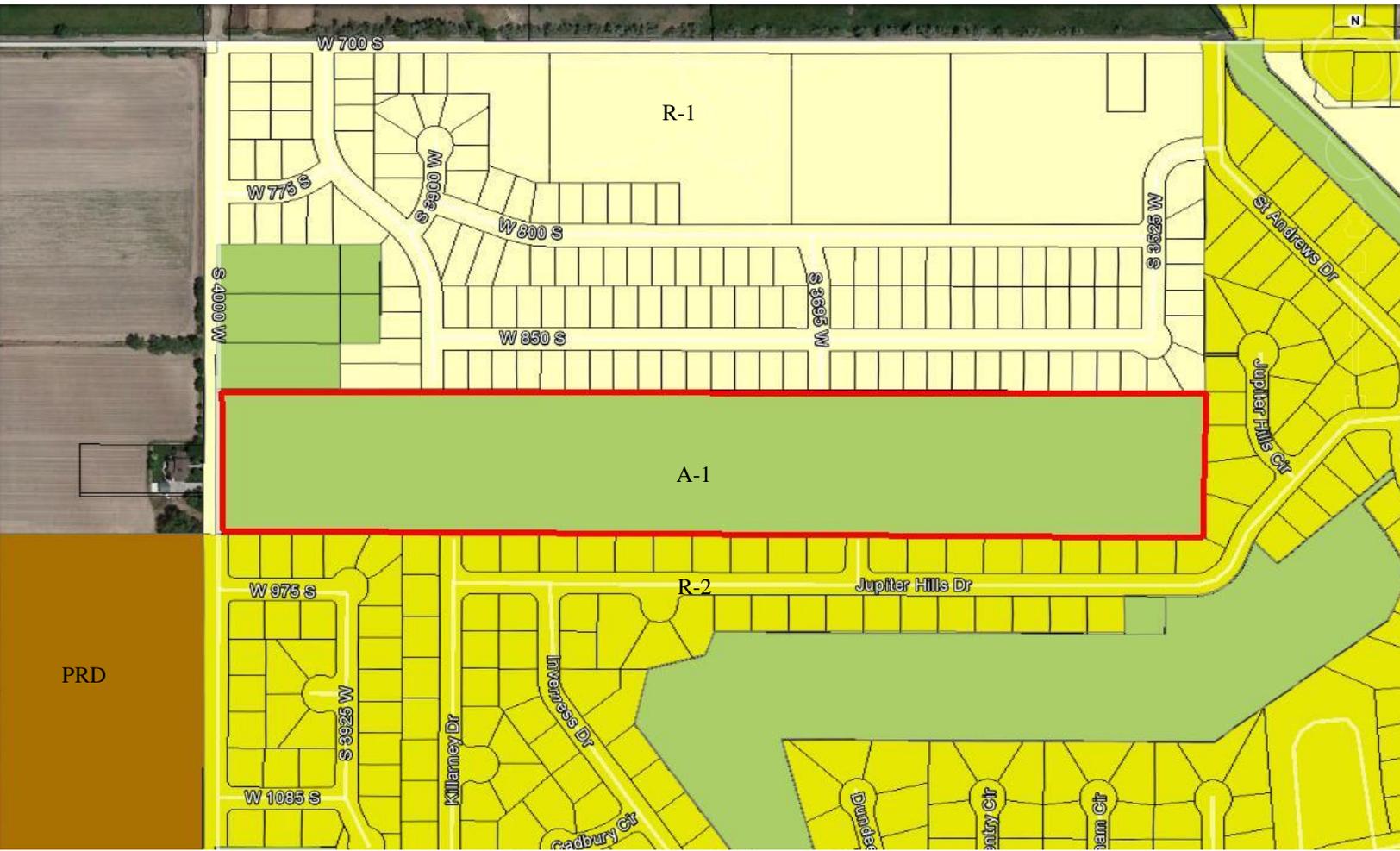
# AERIAL MAP



# GENERAL PLAN MAP



# CURRENT ZONING MAP



# PROPOSED ZONING CHANGE MAP

