

Syracuse City Planning Commission Meeting
December 15, 2009
Minutes

1. Meeting called to Order, Adoption of Agenda, and Approval of Minutes

Planning Commission Chair Pro Tem Kenneth Hellewell called the meeting to order at 5:36 p.m., indicating City staff posted the agenda 24 hours prior to the meeting and delivered copies to all Commission members. Judy Merrill offered the prayer, and Kenneth Hellewell led the pledge of allegiance.

Members Present: Chairman Pro Tem Kenneth Hellewell, Tena Campbell, Nathan Miller, and Mike Norton as well as City Administrator Rodger Worthen, GIS Specialist Troy Moyes, and Administrative Assistant Judy Merrill.

Excused: Chairman Robert Whiteley and Jamie Nagle

Visitors: June Thurgood T.J. Jensen Cassie Brood Michael Wangemann
D. Scott Brood Eva Ward Marlow Thurgood

NATHAN MILLER MADE A MOTION TO ADOPT THE DECEMBER 15, 2009, AGENDA AS OUTLINED, SECONDED BY MIKE NORTON; ALL VOTED IN FAVOR.

2. Approval of Minutes

There were no minutes for Commissioners to review.

3. Craig Estates Subdivision Phase 3 Public Hearing and Plat Amendment

Scott Brood, 2510 West Craig Lane, appeared before the Planning Commission requesting approval of a Subdivision Plat Amendment for Craig Estates Subdivision Phase 3 in order to add a 35-foot strip of land to his lot from an adjacent common area of the development. Specialist Moyes explained that the Subdivision divided into the Craig Estates and Bluff Estates HOAs. The applicant worked out an agreement with the Bluff Estates' HOA to acquire that common area, and this plan amendment simply redrew the boundaries of his lot and eliminated that common area. Because the common space was so small, removing it from the development would not affect any of the open-space requirements for the Subdivision approval. The City Engineer wrote a letter, dated December 11, 2009, outlining minor drawing errors that needed correcting. City staff emailed a copy of the letter to the applicant, reviewed the application and determined compliance with all requirements of the Land Use Ordinance, and recommended approval. Mr. Brood added that this piece of land was the only common area left in the new HOA, and they most likely did not want to take care of it or pay taxes on it. He expressed an interest in putting up a fence and taking over the maintenance, so they said they would look into deeding it over to him. This was right at the onset of the HOA splitting in two, so it took awhile for them to work through it and get to this point.

Chairman Pro Tem Hellewell opened up the meeting for public hearing.

Administrator Worthen advised the Commission that Eva Ward was in attendance and did not speak much English but was able to communicate to him that she lived on Lot 306, just to the east of this common space. She desired to purchase at least half of that property herself. He was not sure if Mr. Brood talked with her about this proposal, but, if the HOA decided to sell the property, he might want to purchase just half and allow the HOA to sell the other half to Ms. Ward. How the HOA decided to sell the property, if approved by the City, would be up to them. Although it was property benefiting members of this HOA, it did not come into play in any of the open space requirements initially needed for approval of the development. If she wished to purchase at least a portion for her lot, he assumed the HOA should consider her request, but it was really a private matter. Chairman Pro Tem Hellewell asked how the Commission needed to deal with it since it was really an HOA issue. Administrator Worthen was uncertain but stated the Commission had an applicant before them for an administrative, rather than legislative, decision. Since an approval would not necessarily be to the individual applicant, it might simply be a matter of remanding it back to the HOA with a request to present some type of sales agreement to help commissioners understand the circumstances better.

Scott Brood stood again to explain that he actually approached Ms. Ward, back in May or June, about joining him in the purchase of this property. The HOA was willing to deed it to them at no charge, but

they had to handle all of the engineering and application fees. She told him they might be moving, so he waited a few months and gave them chance after chance. He was not trying to just take the land and was very open to sharing it with her, but he fronted all the costs for the engineer and wondered where that would leave him if they split up the property now. He made numerous attempts to include them in this and to split up the costs before moving forward but finally concluded there was no reason to wait any longer. Commissioner Miller asked if he had an agreement yet with the HOA for the deeding of that land. Mr. Brood told him he made a number of requests to the HOA Board for something in writing on letterhead but received nothing at this point. Specialist Moyes indicated the deed was one of the items staff required.

Administrator Worthen stated that Ms. Ward mentioned a desire to know when to pay, so there could have been a communication problem. Mr. Brood agreed and had a friend, who spoke Spanish, help him talk with her, but it had been awhile. He thought they were still planning to move and found out just the other day that they were staying. Administrator Worthen suggested they get more help from someone to translate.

Commissioner Norton expressed a desire to see the deeded statement prior to making a recommendation. Specialist Moyes pointed out that both HOAs would need to sign the plat amendment.

T.J. Jensen, 3242 South 1000 West, came forward expressing concern with addressing the matter at this time by the Commission since the applicant had not yet acquired the letters from the HOA. He suggested they consider tabling it instead.

Chairman Pro Tem Hellewell closed the public hearing.

Commissioner Campbell expressed the same sentiments for making a recommendation to Council of this plat as shown, since it would put the entire parcel into Lot 307. If there were to be a future sale of that piece to Lot 306, they would need to amend the plat again. Administrator Worthen wanted to better understand the agreement between the applicant and Ms. Ward with the HOA. In all fairness, the HOA should consider selling half to each property owner if they no longer wanted to maintain this parcel. The resulting decision could affect the plat before them, so he suggested they wait for more information before moving forward. Chairman Pro Tem Hellewell added that the City should have a description of the sales or deed agreement. Administrator Worthen agreed, stating that, if each property owner wanted half, the plat needed to be drawn that way. If Ms. Ward were willing to pay for the recording and redrawing of the plat, it would seem only fair to go that direction. Commissioner Norton also agreed, indicating it was crucial to have the final agreement made with the HOAs in order to avoid complications in the future for both parties.

TENA CAMPBELL MOVED TO TABLE SCOTT BROOD'S REQUEST FOR PLAT AMENDMENT OF THE CRAIG ESTATES SUBDIVISION PHASE 3, LOCATED AT 2510 WEST CRAIG LANE, UNTIL THE APPLICANT COULD RESOLVE THE PROPERTY PURCHASE ISSUE AND OBTAIN A LETTER FROM THE HOMEOWNERS ASSOCIATION REGARDING THE SALE OR DEED OF THE SUBJECT PROPERTY. NATHAN MILLER SECONDED THE MOTION; ALL VOTED IN FAVOR.

Administrator Worthen advised Mr. Brood to find an interpreter to initiate those discussions with Ms. Ward and submit the information to Specialist Moyes as soon as possible. Commissioner Norton shared the same instructions to Ms. Ward in Spanish. She asked if she could speak, even though the Commission already closed public hearing. Chairman Pro Tem Hellewell agreed and invited her forward. He then asked for someone to bring the Broods back in since they were already in the lobby preparing to leave.

Through Commissioner Norton, Eva Ward explained that she asked for time to save her house and then saw the notice for this hearing and wanted to know more, since she did not understand. She met with her mortgage company the day before and was able to lower the price. Commissioner Norton advised her to work with the Brood family to arrange a compromise, since the applicant paid the fees. She needed to come to an agreement with them as to how they would divide past and future costs for this land. Ms. Ward agreed.

4. Marlow Thurgood Public Hearing and Conditional Use for Accessory Building

Marlow Thurgood, 4398 West 1700 South, approached the Commission requesting Conditional Use approval to construct a 48x64 foot accessory structure on his property. Specialist Moyes explained that the Thurgood property, along with other adjacent lots just over an acre in size, annexed into the City about seven years ago under the R-1 zone. The purpose for this building would be to store hay and a horse trailer as well as shelter farm animals. All exterior colors would be light gray. Staff discussed with the applicant two issues regarding the building's roof height and setbacks as they related to Ordinance requirements. According to the

structure's dimensions, staff calculated the roof height as 69% of the wall height, rather than the maximum 50%. Therefore, Mr. Thurgood would need to decide whether to increase the wall length or wait for a possible amendment to the Ordinance to address this issue. The applicant just recently brought up a valid point, however, regarding the roof height. Staff measured the higher outside wall structure of 12.6 feet. The applicant suggested measuring the wall height of the building's center section, which would be 18.6 feet and require a 20-foot setback that the Commission could reduce by half. The applicant used this property mainly for agricultural purposes. Mr. Thurgood added that he kept horses and cattle on his land for the last 15 years and finally wanted a barn to house what he had been doing all that time. After approaching the City for the requirements, he believed this design complied as he understood the Ordinance. Specialist Moyes called him last Friday with a question on the side yard and height based on the drawing, saying the building was too tall at the center peak since it was more than 50% of the wall height. Specialist Moyes measured the 12.6 foot wall on the east side, but he pointed out that the building actually had three sections. The center section was a 16-foot wide alleyway to move the animals around and park the horse trailer. The side section to the east was 12 feet wide for a stall, wash rack areas, storing hay, and a tack room, etc., while the west side was simply an open area for the animals to get out of the weather.

Commissioner Campbell asked if the barn was 64x60 feet or 48x64. Although the drawing on his site plan measured 64x60, Mr. Thurgood told her he would probably build the smaller size. He just wanted approval for the biggest barn possible in case the larger size became an option. It was a pole barn set up in 12-foot sections. He planned to have a contractor help him build part of it, but he would build the other part, since he was a building inspector, to help reduce costs.

Chairman Pro Tem Hellewell opened up the meeting for public hearing. Specialist Moyes pointed out that the larger 64x60-foot size would also violate another requirement of the Ordinance, prohibiting accessory structures from being bigger than the primary structure.

T.J. Jensen, 3242 South 1000 West, stood to express his opinion on the way the structure would be built with double walls. Since the taller wall was closer to the center, he believed the shorter wall was more applicable for determining setback, which the Commission could reduce as allowed by Ordinance. As long as the adjacent property owner to the east had no issues with the structure, the Commission should feel comfortable approving it. He then suggested flipping the construction to put the taller wall further away from the property line. Even though the applicant's property was R-1, it was essentially agricultural. Therefore, he supported this type of structure there. He then referred to a discussion the commissioners had a few meetings earlier regarding secondary uses, their sizes, and their purposes to primary structures. He could not remember the particulars or their decision but believed it would be applicable to this request.

Mr. Thurgood returned to the microphone, stating he was not aware of the Ordinance pertaining to size as it related to primary structures and was willing to reduce his request to the 48x64-foot building. His purpose was simply to get approval for the largest size possible. If the Commission was amenable to using the 18.6-foot wall to determine setback and roof height, he asked for a 50% reduction to the 20-foot setback in order to keep the building usable. It met the nature of neighboring uses. The adjacent property owner to the east had a very large, metal building. Although they built it prior to annexing into Syracuse, a lot of his other neighbors had similar structures as well, with some taller and closer to property lines. So this barn would definitely blend in with existing uses. If the Commission was unable to approve his request that night, he was willing to wait but did not want to spend any more money engineering and designing this building if the City would not approve it eventually.

Pro Tem Chair Hellewell closed the public hearing.

Commissioners asked for clarification on the building's direction, with Commissioner Campbell asking specifically if the tall wall faced the property line. Mr. Thurgood explained that the shorter section faced the east side of the property line. The roof section on the east side was longer than the west side. Commissioner Campbell stated she understood why staff used the shorter wall as the measuring base since it was closer to the property line, whereas the taller wall was towards the center of the property.

Specialist Moyes advised the Commission to decide if the building and its height complied with the Ordinance. If it did, the only remaining question before them regarded the setback and if they were willing to reduce it by half or require him to stay 20 feet from property line.

Commissioner Miller asked Mr. Thurgood about his plans for drainage since it was a rather large building that sloped mostly towards the neighboring lot. Mr. Thurgood referred to a surface irrigation system in place when they originally moved to this lot. A ditch on the east side of his property tied into a storm drain going north and off to the lake. He actually had ditches on both his east and west sides that tied into that same ditch for the subdivision. Specialist Moyes assured commissioners that building codes handled such issues and required all structures to slope away. Commissioner Miller agreed but wanted answers to these questions before making a decision.

Administrator Worthen explained how the Commission would be making a simple administrative decision. If it met the requirements of the Ordinance, they had to approve it. Commissioner Campbell asked for clarification as to which wall they had to use to determine compliance. She believed it needed to be the 8.6-foot wall since it was closer to the property line. Administrator Worthen, as the Land Use Authority who interpreted the Ordinance, advised her that, in his opinion, it would be the wall closest to the property line. Commissioner Campbell indicated that the wall closest to the property's boundary line would then be the shorter wall, making the roof too tall. Mr. Thurgood pointed out that the 8.6-foot wall was actually on the west side, 40 feet from the east property line and 28 feet from the west property line. Pro Tem Hellewell asked if he was saying the taller of the two walls was closer to the property line and if commissioners were getting the east and west sides of the building confused. Commissioner Campbell told the applicant this was the reason she tried to clarify that fact earlier and that maybe they just confused his answer. Mr. Thurgood explained that the wall height was 12.6 feet. In order to comply, he would need to raise it another 2.4 feet, which made no sense to him because he would derive no benefit from the change. It would simply cost him more money and not be usable space. Commissioner Campbell asked Specialist Moyes if staff was requiring the applicant to make his building taller. Specialist Moyes advised her that staff simply recommended an increase to the 12.6-foot wall height so the roof height would not be greater than 50% of that wall. By raising it closer to the peak of the structure, it would meet that requirement but make the awning a flatter roof line. Mr. Thurgood stated his preference to lowering the pitch of the roof. Pro Tem Hellewell referred to a situation months earlier where a resident requested approval to build a very tall structure in his back yard on a much smaller lot. The best way to avoid having to approve similar structures was to amend the Ordinance requiring roof pitches to be no greater than 50% of wall heights. Unfortunately, Mr. Thurgood had to comply with that requirement even though his lot was big enough for such a tall structure.

Administrator Worthen disagreed, apologizing for his misunderstanding. The interpretation he gave earlier was relative to the setback issue rather than ascertaining roof height of the building. He believed the interior wall governed the roof height and that it complied with current Ordinance requirements. Specialist Moyes shared his last discussion with the applicant in trying to determine which wall determined roof height, the outer or interior walls. The facade of the building should be the highest point, which was 18.6 feet, so the roof height requirement would not even come into play. Pro Tem Hellewell asked if the Commission had to figure height compliance and setback from two different walls. Specialist Moyes told him yes. If the Commission based their decision on the 18.6-foot wall, they needed to impose the 20-foot setback, which they could reduce to 10 feet. Pro Tem Hellewell asked if the Commission could use two separate walls instead of the same wall to determine roof and setback requirements. Specialist Moyes told him the Commission would use the same wall. The middle section of this proposed barn was the structure with awnings coming off each side. Pro Tem Hellewell expressed his understanding that the roof height was fine due to the 18.6-foot walls, which also determined the setback requirement. Specialist Moyes told him he was correct, but the 20-foot setback would begin at the point of the entire structure rather than at the point of the 18-foot walls. Commissioner Campbell reiterated their discussion and stated the only change to the application would be the 20-foot setback rather than the requested 8-foot setback. She asked Mr. Thurgood if the barn would be sufficiently usable 10 feet from property line. Mr. Thurgood told her he would be fine with 2 feet less.

NATHAN MILLER MADE A MOTION TO GRANT CONDITIONAL USE APPROVAL FOR THE CONSTRUCTION OF AN ACCESSORY BUILDING, LOCATED AT 4398 WEST 1700 SOUTH, SUBJECT TO ALL REQUIREMENTS OF THE LAND USE ORDINANCE SPECIFIC TO ACCESSORY STRUCTURES BUT WITH A 10-FOOT REDUCTION IN THE REQUIRED SETBACK AND THE CONDITION THAT IT BE NO LARGER THAN THE PRIMARY STRUCTURE. TENA CAMPBELL SECONDED THE MOTION; ALL VOTED IN FAVOR.

5. Nilson Homes Extension of Conditional Use for Model Home

Specialist Moyes provided some background on this request, stating the City originally granted approval for this model home, located at 1719 South Doral Drive, for the Miller Springs Subdivision on November 8, 2005, and then six subsequent extensions. The last extension granted was September 15, 2009, but was retroactive to the expiration date of the previous extension on May 8, 2009. Nilson Homes made no changes to the site since they first received approval. City staff reviewed the application, determined compliance with all requirements of the Land Use Ordinance regarding temporary uses of buildings, and recommended approval.

NATHAN MILLER MOVED TO GRANT NILSON HOMES ANOTHER SIX-MONTH EXTENSION TO CONTINUE CONDUCTING BUSINESS FROM A MODEL HOME, LOCATED AT 1719 SOUTH DORAL DRIVE, UNTIL MAY 8, 2010, SUBJECT TO ALL REQUIREMENTS OF THE LAND USE ORDINANCE SPECIFIC TO TEMPORARY USES OF BUILDINGS. MIKE NORTON SECONDED THE MOTION; ALL VOTED IN FAVOR.

6. Planning Commission Business

Commissioner Campbell attended the last City Council meeting and reported their approval of the one item, regarding Rock Creek Phase 4, commissioners forwarded to them. It was the Council's third shortest meeting ever. Pro Tem Hellewell pointed out that the Chairman did not have anyone assigned to attend the next Council meeting. Administrator Worthen mentioned the Council's next agenda would only include the Mayor's recommended appointee to fill the Commission position left vacant by Craig Jenkins, since the Commission tabled the plat amendment earlier that evening. He would talk with the Mayor to see if he preferred to cancel that final meeting of the year.

Pro Tem Hellewell expressed his appreciation for Commissioner Nagle's service on the Commission. She was a valuable asset. This would have been her last meeting if she could have attended. She would be sworn in as Mayor on January 4.

Administrator Worthen briefed commissioners on the Syracuse Road widening project, stating there would be a road closure on Thursday evening from 8 p.m. to 5 a.m. to relocate a junction box to the other side of the road. It would affect both south- and north-bound traffic on 1000 West at the 1700 South intersection. Detours would be in place. Pro Tem Hellewell asked if UDOT would install a left-turn signal at 1000 West with the 700 South improvements. Administrator Worthen could not tell him, since they would most likely conduct a warrant study. However, Syracuse City did request one, but it did not meet their guidelines at the time. UDOT was currently reviewing the data on a warrant study conducted on 3000 West 1700 South for a light. A light there would impact accessibility from Bluff Road a little bit.

Pro Tem Hellewell reminded commissioners and staff of the Christmas social on Thursday at 6 p.m. in the lobby.

7. Adjournment

MIKE NORTON MADE A MOTION TO ADJOURN AT 6:31 P.M.; ALL VOTED IN FAVOR.

Kenneth Hellewell
Pro Tem Planning Commission Chair