

## Syracuse City Planning Commission Meeting August 16, 2011

### 1. Meeting called to Order and Adoption of Agenda

Planning Commission Chair Gregory Day called the meeting to order at 6:16 p.m., indicating that City staff posted the agenda 24 hours prior to the meeting and delivered copies to all Commission members. Dale Rackham offered the prayer, and Gregory Day led the pledge of allegiance.

Members Present: Chairman Gregory Day, Vice Chairman Gary Pratt, Kenneth Hellewell, Braxton Schenk, Tyler Bodrero, T.J. Jensen, Dale Rackham, and Curt McCuiston as well as Community Development Director Michael Eggett, City Planner Kent Andersen, and Administrative Secretary Judy Merrill

Visitors: Fred Newhouse	Shirley Newhouse	Robert Favero	Jessica Ringler
Mathew Ringler	Wade Stoker	Rhonda Stoker	Kyle Jones
Tonya Jones	Matt Gertge	Charlise Stoker	Burt Stoker
James Perrone	Craig Johnson	Mike Rhoades	Charlotte Rhoades
William E. West	Carrie Hendricks		

Commissioners reviewed the August 16, 2011, Planning Commission meeting agenda.

BRAXTON SCHENK MOVED TO ADOPT THE AUGUST 16, 2011, AGENDA AS AMENDED, SECONDED BY GARY PRATT; ALL VOTED IN FAVOR.

### 2. Approval of Minutes

Commissioners reviewed the minutes of the August 2, 2011, meeting. Commissioner Bodrero referred to his comments under Item 3, just after the motion, regarding temporary occupancy, and directed staff to change it from him proposing an amendment to the motion to just a clarification of said motion in order for staff to outline the process to the applicant. Director Eggett also pointed out that Dale Rackham, marked as present, was not in attendance at that meeting. Commissioner Jensen then referred to the second to the last paragraph of the work session minutes and stated that he remembered asking for a discussion on committees' duties and responsibilities during the meeting after this one, meaning two meetings hence, since he knew the August 16 agenda would be full.

TYLER BORDRERO MADE A MOTION TO APPROVE THE AUGUST 2, 2011, REGULAR MEETING AND WORK SESSION MINUTES AS AMENDED. T.J. JENSEN SECONDED THE MOTION; ALL VOTED IN FAVOR.

### 3. Syracuse Assisted Living Site Plan

Planner Andersen summarized this site plan request for the Syracuse Assisted Living Center, which was to locate at 2063 West 1900 South, just west of the Wasatch Peak Physical Therapy building, currently zoned Professional Office. The applicants recently submitted revised plans, which staff had not yet had time to review but included in commissioners' packets. This project would be within the Town Center Overlay, so the Architectural Review Committee met the previous Thursday. Staff included their recommendations in the packets as well, along with his and the City Engineer's site plan reviews. He suggested the Commission reference all those documents in their motion should they recommend approval. The current Land Use Ordinance did not allow more than four unrelated individuals residing in an assisted living facility, so this request did not comply due to the number of beds the plan proposed. However, the applicant submitted a request for reasonable accommodations as allowed by the Federal Fair Housing Act, which included the elderly as a protected class of disabled citizens, specific to the viability of the project. This also supported the legal opinion staff received from the City Attorney.

Matt Gertge, owner of the proposed lot, came forward, stating that the proposed facility would be the best use for that land, since there were no other similar uses within the City and would serve as a nice buffer between residential and commercial uses to the east. He also pointed out that the facility would be close to the adjacent medical facilities.

Vice Chair Pratt voiced concern for parking, since employees typically took most of it. Mr. Gertge explained that they researched typical parking needs for these types of facilities and planned to submit

letters from adjacent business owners willing to share their parking spaces for special events. The proposed plans included sufficient parking for the facility but not for added parking needs during certain holidays and other celebrations. Since he was the land owner of the Syracuse Family Fun Center and several other businesses to the north, he was also willing to submit a letter for shared parking, but it would be farther away. Mark Flinders, the operator of the proposed facility, discussed this with Tanner Clinic and Wasatch Peak Physical Therapy and already acquired their verbal permission.

Commissioner Bodrero referred to the revised plan and stated that it appeared to have addressed a lot of the issues brought out in the Architectural Review Committee meeting, such as the trash enclosure, landscaping, driveway approach, etc.

Vice Chair Pratt referred to the single entrance and asked if they would have signage or arrows painted on the asphalt to direct traffic. Matt advised him that it would include signage, but they had not yet made their final decisions and would be submitting that for approval later. When asked if this facility would be managed by a corporation, Mr. Gertge explained how Mark Flinders worked with a lot of different facilities around the State, took ideas from each of those that would work best here as far as functionality, and would run this separately as a private facility.

Chairman Day asked if they reviewed the Fire Chief's comments. Mr. Gertge indicated that they went over it only briefly, since they received it just earlier that day, but did not see any major issues. Chairman Day then asked for an overview of the City Attorney's letter, since he believed it gave mixed opinions. Planner Andersen explained that the City could grant reasonable accommodations for a protected class based on financial viability, which was why the applicant submitted the financial statements indicating it would take approximately 16 to 17 units before the project began to break even financially. The City Attorney recommended commissioners not get too involved with profitability points and just move forward with the project as proposed.

Commissioner Jensen asked if they addressed all the Architectural Review Committee's comments. Commissioner Schenk believed they addressed all of them but the shared parking letters. Planner Andersen pointed out that the Professional Office Zone allowed this use as permitted and that the State Department of Health defined it as a Type I facility. Director Eggett added that the density issue required the City Council to approve the use as well.

Robert Whiteley, the City Engineer, stood before commissioners at Director Eggett's request to address his comments relating to the general site layout, utilities, and grading and drainage. A few items were just drawing errors that their engineer might have already corrected. The site fit within the platted lot with bearings, distances, and easements already established and suggested they look at specific issues, such as proposed driveway location and sidewalk thickness and locations. The lot had utility laterals serving the site and a lot of utilities already outside the street and in the lot. The applicant needed to do a little field exploration to verify one storm-drain line for draining the parking lot to the east, because there was possibly a storm-drain line on the south side of that road. The Public Works Department looked into it and found a clogged drain in the pipe. He suggested they do some uncovering to see what was there and how it all connected. They needed to insure that the grading drained to a specific point. The plans showed a detention basin, but oftentimes plans overlooked roof drains, which could potentially carry surface drainage onto neighboring properties. The detention basin calculations worked with the size proposed but would be out of date, and in need of enlargement, if they planned to build the second facility. He recommended building the basin for both buildings rather than enlarging it later.

Commissioner Hellewell pointed out there was no exterior materials description. Commissioner Bodrero added that the applicant provided a verbal description and colored renderings and asked if the Commission needed to require a physical color board as well. Planner Andersen preferred a written description of the materials as opposed to just an image. Commissioner Bodrero suggested the applicant attach it to his colored rendering.

Planner Andersen asked to meet with the applicant again to go over the list of what they still needed to provide. Commissioner Schenk did not see a need to hold up the process for minor issues, especially if the motion required the applicants to resolve them prior to going before City Council. Vice Chair Pratt agreed, but Commissioner Rackham was not as confident the applicant met all the requirements. Commissioner Bodrero believed that staff would ensure the applicant addressed every issue referenced in

any motion. If not, they would prohibit the request from going before Council. Mr. Gertge pointed out that no applicant could expect a positive recommendation by Planning Commission at the first meeting if they did not send approved requests to City Council with conditions.

Planner Andersen mentioned that the motion needed to include requirements for a revised floor plan based on the Fire Chief's concerns and a more specific number of units in the facility. Commissioner Rackham asked what controlled the square footage on these types of facilities. Mr. Gertge advised him that the State Committee reviewed the plans as well to ensure they addressed all ADA requirements. They submitted their floor plans to the State but had not yet received their review comments.

GARY PRATT MOVED TO RECOMMEND SITE PLAN APPROVAL OF THE SYRACUSE ASSISTED LIVING FACILITY ON LOT 4 OF THE RAMPTON MEDICAL PLAZA SUBDIVISION, LOCATED AT 2063 WEST 1900 SOUTH, SUBJECT TO A REASONABLE ACCOMMODATION STATUS UNDER THE FEDERAL FAIR HOUSING ACT AND ALL APPLICABLE REQUIREMENTS OF THE CITY MUNICIPAL CODES, CITY STAFF'S REVIEW LETTER DATED AUGUST 12, 2011, CITY ENGINEER'S REVIEW LETTER DATED AUGUST 9, 2011, THE ARCHITECTURAL REVIEW COMMITTEE'S FINDINGS ON AUGUST 9, 2011, THE FIRE CHIEF'S REVIEW LETTER DATED AUGUST 15, 2011, AND ANY FUTURE RECOMMENDATIONS FROM THE FIRE CHIEF BASED ON REVIEWS OF THE FINAL PLANS WITH THE FINAL NUMBER OF UNITS AND RESIDENTS THE FACILITY WOULD ACCEPT, THE STATE LICENSING PACKET, AND ALL REQUIREMENTS FROM THE STATE FOR LICENSING AND CONSTRUCTION OF THE FACILITY, AND TO FORWARD IT TO CITY COUNCIL.

Commissioner Schenk asked for clarification on the motion, since the applicant could not acquire a license from the State Health Department until after a final inspection of the building. If that was to be part of the motion, the applicant could not comply. Planner Andersen pointed out that his review letter referenced the proper requirements from the State.

GARY PRATT AMENDED HIS MOTION TO ELIMINATE THE CONDITION REGARDING THE STATE LICENSING PACKET. BRAXTON SCHENK SECONDED THE MOTION.

Chairman Day suggested the motion include the requirement that the applicant meet all the conditions of the motion prior to staff forwarding their request to City Council.

GARY PRATT AMENDED HIS MOTION TO INCLUDE THE CONDITION THAT THE APPLICANT MEET ALL THE STIPULATIONS OUTLINED IN THE MOTION PRIOR TO STAFF FORWARDING THEIR REQUEST TO CITY COUNCIL. BRAXTON SCHENK ACCEPTED THE AMENDMENT. ALL VOTED IN FAVOR, EXCEPT KENNETH HELLEWELL WHO OPPOSED.

4. Public Hearing to Rezone 6 acres at approximately 2040 South 1000 West from GC and R-2 to PRD

Director Eggett provided an overview of this request, stating that it comprised the area bounded by 1000 to 1160 West and 2030 to 2050 South. Staff forwarded the Commission's recommendation to amend the General Plan for this site, and the City Council approved the change. The applicants were now applying for the City's current zoning map to reflect the requested rezone.

Kyle Hamblin, with Castle Creek Homes, advised commissioners that this request was a great opportunity for the City to address this type of development, which would be a benefit to residents.

Commissioner Hellewell asked about the portion of land on the far west end with the cell tower and storage building. Mr. Hamblin advised him that it would become Lot 2 in the proposed PRD development. Commissioner Hellewell pointed out that cell-phone towers were not allowed in residential zones, so including it in the rezone created an issue. Director Eggett explained that commissioners could grant a rezone and grandfather the cell tower, which would simply prevent improvements to that site. Commissioner Hellewell preferred not to create legal nonconformities. Mr. Hamblin asked if it made more sense not to rezone that piece. Director Eggett did not believe, from staff's perspective, that it had a bearing either way on the future of the other properties around it. Chairman Day believed it merited discussion.

Chairman Day opened up the meeting for public hearing. No one came forward, so he closed the public hearing.

T.J. JENSEN MADE A MOTION TO CLOSE PUBLIC HEARING, SECONDED BY TYLER BODRERO; ALL VOTED IN FAVOR.

Commissioner Bodrero questioned the listed acreage for the rezone. After some discussion, the Commission determined that the rezone would be for 6.4 acres.

TYLER BODRERO MOVED TO RECOMMEND APPROVAL OF THE REZONE OF 6.4 ACRES, COMPRISING LOTS 1 AND 2, LOCATED AT APPROXIMATELY 2040 SOUTH 1000 WEST, FROM GENERAL COMMERCIAL AND R-2 SINGLE-FAMILY RESIDENTIAL ZONES TO A PLANNED RESIDENTIAL DEVELOPMENT ZONE ON THE SYRACUSE CITY ZONING MAP, SUBJECT TO ALL APPLICABLE REQUIREMENTS OF THE CITY MUNICIPAL CODES AND CITY STAFF'S REVIEW LETTER DATED AUGUST 12, 2011. GARY PRATT SECONDED THE MOTION; ALL VOTED IN FAVOR, EXCEPT DALE RACKHAM WHO OPPOSED.

5. Public Hearing Sketch Plan Stoker Gardens Subdivision

Director Eggett explained that the original drawing submitted for this development, located at approximately 2040 South 1000 West, did not include Lot 2, so he asked them to note that amendment. He referred to staff's review of the plan and the issues outlined in that letter. The feasibility report, submitted by the applicant, might resolve some of the items noted, and Commissioners should discuss it if they believed they would grant approval.

Vice Chair Pratt asked why the density exceeded that allowed by the PRD zone granted to this property. Mr. Hamblin explained that they understood sketch plan review was to establish a basic layout of units and understanding of the road's location rather than address density. They planned to reduce the density on their preliminary plan but simply took the footprint of another project in Harrisville and put it onto the acreage for this development. They planned to include some two-car units, which were not shown on this plan, and were not asking for approval of density at this point. He explained that they did not want to invest the time and money into that much detail without having the rezone approval. As far as open space, parking, and density, they anticipated developing approximately 60-65 units, well below the 12-unit maximum.

Commissioner Bodrero voiced concern with factoring in Lot 2 with their density. Director Eggett explained that the land owner shaved off that parcel for Lot 2 and sold it to a different property owner, which needed resolution through some kind of land-use methodology for recording with the County. Staff would be looking at that as part of this process to establish an easement to the cell tower. The Commission could calculate Lot 2 as part of the overall subdivision, should they approve it. Commissioner Bodrero asked if the applicant had permission from the new property owner.

Wade Stoker, 2016 South 1000 West, came forward to explain that his family was selling it to a property owner to the west of their storage building in order to prevent having to tear it down. For now, he believed it was still his father's property until next year at this time when the buyer paid it off and took ownership. The potential buyer was fully aware of this development request, signed a waiver, and understood that it would remain open space. There were already easements in place for the cell tower from the west and east.

Commissioner Bodrero referred to the property owner to the west of Lot 2, stating that he purchased Lot 2 with the understanding that it would be open space. He asked if there would be any problem with the lot meeting current zoning. Director Eggett advised him that it would be another legal nonconforming structure on that site. He then pointed out that the subject parcel would not have sufficient acreage to subdivide separately under the PRD zone anyway, so the only development options available, other than what currently existed, would be to eliminate the current building and add units to the development. Commissioner Bodrero clarified that statement by saying that the previous statement would only be true if they used less than the allowed density. If they built over the 8 unit density, they would have to include that building. He then asked the applicant if Lot 1 would be a part of the HOA and applicable restrictions. Mr. Hamblin said it would not be a part of the HOA and would remain its own individual lot but just part of the development acreage. Commissioner Jensen asked if his calculations were correct in that the applicant would only be allowed 76 more units. Director Eggett advised him he was correct. Subtracting Lot 2 would leave the development at 5.261 acres. Commissioner Jensen calculated the density for that as being 63 more units. Commissioner Pratt suggested subtracting the acreage of Lot 3 out of their considerations as well as lots 1 and 2.

Commissioner Bodrero believed the Commission brought up some good points and conditions, such as clearly labeling Lot 2 in the acreage. He asked for an updated design spec that indicated the acreage of Lot 1 as well as labeling Lot 3 as its own parcel because it would be part of the land use but not a part of the density.

Chairman Day asked about the need for a second access based on the proposed density. Director Eggett referred to his review letter under B2, with the comment referencing 8-2-11, requiring them to provide an acceptable alternative for emergency access. To meet or supersede that burden, they would need a letter from the fire and police departments representing their support as to how the developer would route traffic and support of the turnaround with the understanding that, long term, there would be full circulation as other subdivisions developed around it. Mr. Hamblin stated that he forwarded his design to the police department and was told they were fine with the plan. However, the actual radius of the turnaround was 55 feet, and the Police Chief suggested it be 60 feet.

Gary expressed concern for rezoning it all PRD and separating that parcel into Lot 2 with its potential for being sold off into a different use. Chairman Day advised him that Lot 2 would become another unit of the development. Director Eggett pointed out that lots 2 and 3 needed to be part of the overall development for the subdivision to meet the 5-acre requirement. Commissioner Pratt suggested using Lot 1 for the density and excluding lots 2 and 3 from the homeowners' association language. Director Eggett advised him that could be a requirement of the approval.

Commissioner Hellewell asked staff if there were any issues with the land drain tying into the storm drain system, since he knew that the existing homes in the past had already overwhelmed that line before. Mr. Hamblin advised him that the development would not include basements. The exteriors would be stucco with rock on the front.

Commissioner Jensen asked staff about the existing home and whether that was something that could normally done in a PRD. Director Eggett told him it would be an existing conditions subject to whatever standards allowed it to be erected, so the development would not have any impact on the existing building. Tyler: what is the benefit of having Lot 3 as part of the PRD. Kyle: there is no benefit, and the applicant had no preference. TJ: it would increase their density by two more units with including Lot 3. Kyle: time, instead of having to subdivide that quarter acre off from the other parcel and recording the new legal, etc. Gary: preferred better clarity, since all of these units will be sold individually, I don't see an issue separating these lots 2 and 3, in case at some given time in the future they may want to be sold separately as well that they would stand alone on their own piece of parcel and be designated, even though they are part of the PRD, but exclude those from the footprint in calculating density. Mike: they would still have to be part of the project to meet the 5 acre minimum requirement. Gary: but as far as density calculations, he wanted to exclude those lots with their own APNs separately from the development's APNs.

Chairman Day opened up the meeting to public hearing. No one came forward, so he closed the public hearing.

**T.J. JENSEN MADE A MOTION TO CLOSE PUBLIC HEARING, SECONDED BY TYLER BODRERO; ALL VOTED IN FAVOR.**

Commissioner McCuiston asked for clarification about those separate lots and whether, if figured into the PRD's open space, it needed to be of beneficial use for the entire development or separated and excluded. If so, he asked who would be responsible for maintaining Lot 2 in order to keep it from becoming a problem in the future. Director Eggett explained that, if they were to exclude it from the HOA, there would be no legal requirements for maintenance. As it related to the overall development, 30% had to be parks or functional open space. In order to exceed the 8 unit density, 50% had to be set aside for parks or open space, so Lot 2 could go into the overall 50% open space. However, the development had to clearly establish at least 30% as useful open space or parks. Commissioner Bodrero stated that, if Lot 2 were included in the open space calculations, that parcel would need restrictions placed on it in order to comply with the overall development requirement for open space. Director Eggett agreed, adding that Lot 2 would need landscaping to be included in that calculation and maintenance by the HOA or in conjunction with the CC&Rs. Commissioner Jensen pointed out that all the PRD residents would then need access to Lot 2 and permission to use it as communal open space if the Commission were to include it into the density allowance, and the owner of that lot would need to understand that arrangement. Commissioner Bodrero expressed his refusal,

if he were that property owner, to allow the PRD residents to use Lot 2 in such a manner if he were responsible for maintaining the shed and had plans to install a basketball court or some other amenity there.

Commissioner Bodrero advised the applicant that he would need to come back at preliminary review to explain how that would work. Commissioner Jensen was not comfortable with including Lot 2 as part of the development, because the Commission could not be sure its acreage would count against or towards the development's density at this point. He assumed that this was something commissioners should address at the time of sketch plan review. Director Eggett advised him that the Commission just needed to determine if they could agree with the concept of the development, because they had a lot of flexibility at sketch plan review. Commissioner Jensen directed the applicant to submit a letter from the person buying Lot 2 identifying acceptable conditions the Commission could place on that property.

Commissioner Hellewell preferred approving a sketch plan that included a more accurate footprint, since he had sufficient concerns as to how it would fit. Even sketch plan needed to show locations of open space and two-car garages, which they could then manipulate for preliminary review. He recommended tabling the request until the applicants could give more details on how they would handle Lot 2 as far as maintenance. Commissioner Rackham agreed and added a request for information as to how the applicants would address the cell tower as well.

Commissioner Jensen suggested allowing the applicants, if the Commission tabled their request that evening, to submit their preliminary plans for commissioners to review at their next meeting, along with the revised sketch plan. Director Eggett was uncomfortable with that proposal because of the potential for further revisions from the sketch plan review.

Commissioner Bodrero asked the applicant about their timeline and the impact of tabling their sketch plan review. Mr. Hamblin explained that they submitted application for sketch with the understanding that it would result in a lot of questions. He then reminded them that sketch was just to present a basic idea for staff and commissioners to give them direction. The issues commissioners identified were valid but recommended allaying their worries until they reviewed the preliminary plans. Commissioner Hellewell disagreed, advising Mr. Hamblin that commissioners had greater flexibility in recommending changes at the time of sketch plan review than at the time of preliminary. If the applicants submitted a good sketch plan, then the preliminary plan review was much easier. Vice Chair Pratt agreed and preferred to keep it in sketch plan review. Commissioner Hellewell continued, stating that the applicant needed to address the issue of density, with better information regarding open space and lots 2 and 3. He suggested they be prepared to explain how to maintain their approved density if the Stokers sold off Lot 2. Director Eggett then went through the PRD Chapter of the Land Use Ordinance and reiterated all the requirements the applicant needed to address.

In order to accommodate the applicant's timeline, commissioners discussed the possibility of holding a special meeting in August due to the availability of a fifth Tuesday. Because City Council was also meeting on that night, commissioners discussed other options for reviewing the next set of revised sketch plans in order to consider the applicant's preliminary plans on September 6. After much debate, most agreed there was just not enough time to accommodate the applicant.

Commissioner Schenk took issue with allowing Lot 2 to remain private if the Commission included it in calculating a higher density and believed it needed to be functional open space for the entire development. These were serious questions preferred having the applicant address prior to receiving sketch plan approval.

Chairman Day requested two motions from the Commission—one regarding the scheduling of a special meeting and the other regarding the submitted sketch plans. Commissioner Hellewell suggested that commissioners apply the first motion to the submitted sketch plans.

**T.J. JENSEN MOVED TO TABLE SKETCH PLAN REVIEW OF THE STOKER GARDEN PLANNED RESIDENTIAL DEVELOPMENT SUBDIVISION, LOCATED AT APPROXIMATELY 2040 SOUTH 1000 WEST, SECONDED BY GARY PRATT; ALL VOTED IN FAVOR.**

**TYLER BODRERO MADE A MOTION TO CONVENE A SPECIAL PLANNING COMMISSION MEETING ON AUGUST 22, 2011, AT 6 P.M. TO REVIEW REVISED SKETCH PLANS OF THE STOKER GARDEN PLANNED RESIDENTIAL DEVELOPMENT SUBDIVISION, LOCATED AT APPROXIMATELY 2040 SOUTH 1000 WEST. T.J. JENSEN SECONDED THE MOTION.**

Commissioner Hellewell asked commissioners to consider the fact that this was not the first time the Commission tabled a sketch plan and asked if scheduling special meetings whenever they tabled sketch plans in the future would be the norm in order to allow every developer the same advantage of getting their projects done within their desired timelines. He believed that scheduling a special meeting was going out of the ordinary to support one developer, which the Commission had not done for other developers in the past. Commissioner Bodrero stated that scheduling these special meetings was certainly a possibility but did not believe it would become the norm. Their intent was simply to just help the developer since there was an extra week between meetings. Commissioner Jensen asked the applicant if they planned to begin construction this year. Mr. Hamblin told him it was always better to build roads when there was no snow.

Commissioner Rackham referred to the staff's review letter, dated August 12, and asked when the applicant received that review. Director Eggett advised him that staff emailed it to them that same day. Commissioner Rackham then asked Mr. Hamblin if they addressed any of those issues outlined in the staff review letter. Mr. Hamblin advised him that they forwarded that letter onto their engineer who was still working on the changes but re-emphasized their desire to not invest a lot of time and money into the concept plan until they could prepare their preliminary plans.

T.J. JENSEN, BRAXTON SCHENK, AND TYLER BODRERO VOTED IN FAVOR OF THE MOTION. GREGORY DAY, GARY PRATT, DALE RACKHAM, AND KENNETH HELLEWELL OPPOSED THE MOTION. Therefore, the motion did not carry.

5. Adjournment

GARY PRATT MOVED TO ADJOURN AT 8:31 P.M.; ALL VOTED IN FAVOR.

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Gregory Day  
Planning Commission Chair