Syracuse City Planning Commission Meeting
September 6, 2011

1. Meeting called to Order and Adoption of Agenda

Planning Commission Chair Gregory Day called the meeting to order at 6:01 p.m., indicating that City staff posted the agenda 24 hours prior to the meeting and delivered copies to all Commission members. Gregory Day offered the prayer, and Curt McCuistion led the pledge of allegiance.

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

Visitors: Gary Thorup, Robert Favero, Robert Clark, Bruce Barber, Wade Stoker, Bruce Schofield, Craig Johnson

Commissioners reviewed the September 6, 2011, Planning Commission meeting agenda.

T.J. JENSEN MOVED TO ADOPT THE SEPTEMBER 6, 2011, AGENDA AS OUTLINED, SECONDED BY TYLER BODRERO; ALL VOTED IN FAVOR.

2. Approval of Minutes

Commissioners reviewed the minutes of the August 16, 2011, meeting. Chairman Day noted the absence of Commissioner Rackham's opposing vote to the motion, under Agenda Item 5, to schedule a special meeting to review revised sketch plans of the Stoker Gardens PRD Subdivision.

GARY PRATT MADE A MOTION TO APPROVE THE AUGUST 16, 2011, REGULAR MEETING MINUTES AS AMENDED AND THE WORK SESSION MINUTES AS WRITTEN, SECONDED BY DALE RACKHAM; ALL VOTED IN FAVOR.

Commissioner Braxton Schenk arrived to the meeting 6:05 p.m.

3. TBCB Investment LLC Major Conditional Use Permit for Two-Family Dwelling

Bruce Barber, of 3544 West 1700 South, appeared before the Planning Commission requesting approval to convert a single-family dwelling, located at 1845 West 2700 South, to a two-family dwelling. Planner Andersen summarized the request from the executive summary, stating that the applicant met with City Building Official, Tex Couch, on June 6, 2011, regarding a notice left at the subject property regarding building-code and land-use violations. During that meeting, Official Couch outlined the violations found when he inspected the home, after receiving complaints from the renter, which were: **1) a bypassed Questar Gas fan interlock switch, which Questar deemed unsafe; 2) a temporary door attached to the furnace room, which could cause carbon monoxide poisoning; 3) no building permit for modifications made to the house since approval of the original building permit; 4) HVAC system, underneath slab, partially filled with water; 5) final grading needing restoration and improvements; 6) wet ducts; 7) no fire separation between dwellings; and 8) no conditional use permit for the home's use as a two-family dwelling.** The applicant claimed he had a furnace professional inspect and service the furnace and a plumber go over all the plumbing earlier that year and that the home's system had been in place for years; however, because the sump pump was noisy, the renter unplugged it. Official Couch advised him that the sump pump would not affect the HVAC if it had been sealed properly. Mr. Barber verified that the home did have separate HVAC equipment for both levels and that the home included a gutter directing water from the sump pump away from the house. Planner Andersen then recommended approval of the application subject to the condition that the applicant resolve the violations by bringing the home into compliance with current residential building and fire codes.

Mr. Barber explained that the home sat between other duplexes and had been used as a duplex since it was built; however, the original owner apparently never acquired a building permit other than as a single-family dwelling. Because of that, he would have to remodel in order to comply with building codes. He then referred to the duplexes on both sides of his property, which only had to comply with the 2009 standards, and expressed frustration at having to spend thousands of dollars to meet today's standards, specifically regarding fire codes, which seemed excessive just to get approval to continue its existing use. Official Couch pointed out that any building had to comply with current building standards whenever its

use changed and that the duplexes on both sides met the same fire codes the applicant's rental home needed to meet today.

Commissioner Jensen asked to know the source of the water in the HVAC system. Mr. Barber advised him that water filled the window wells and dropped down into the duct system, so the previous owner installed a sump pump, which worked effectively for the last 40 years without a problem until the renter unplugged it. Official Couch added that the applicant did some re-grading, which may have exacerbated the situation and would need addressing by sealing that duct work properly.

Commissioner Schenk asked to know what modifications the property owners made to the home without building permits. Official Couch explained that the original permit showed an unfinished basement, which was apparently finished and used as a separate dwelling. In approving a new building permit, he would need to investigate those improvements to ensure they either met proper codes or have the applicant upgrade them to current standards.

GARY PRATT MADE A MOTION TO APPROVE A MAJOR CONDITIONAL PERMIT TO TBCB INVESTMENT LLC TO CONVERT A SINGLE-FAMILY DWELLING, LOCATED AT 1845 WEST 2700 SOUTH, TO A TWO-FAMILY DWELLING, SUBJECT TO ALL APPLICABLE REQUIREMENTS OF THE LAND USE ORDINANCE. TYLER BODRERO SECONDED THE MOTION; ALL VOTED IN FAVOR.

4. Castle Creek Home Sketch Plan of Stoker Gardens PRD Subdivision

Kyle Hamblin, representing Castle Creek Homes, came forward requesting Sketch Plan approval of the Stoker Gardens PRD subdivision, located at approximately 2040 South 1000 West. Director Eggett reviewed the executive summary, stating the Planning Commission reviewed this request on August 16, 2011, and tabled the item until the applicant could provide drawings that reflected accurate acreage, a viable footprint of lots with an appropriate number of units that did not exceed the maximum density allowed for the new zone, and appropriate answers to the issue of the large accessory building as far as landscaping, maintenance, access, platting, how it would affect the open-space calculations, restrictions, the cell tower, and other legal impacts. The applicant submitted revised drawings with significant modifications, which included the appropriate number of units and identifying them as separate lots, the addition of parking and more open and functional open space, and the inclusion of the large accessory building and cell tower as Lot 68 with no frontage and a 15-foot access easement on the northern side of Lot 34. It also included totals for acreage, of 6.12 acres, net acreage, of 4.68 acres, park area/ functionable open space, of 1.99 acres, and other open space, of 3.18 acres, which included the park areas. Director Eggett provided the applicant with a revised review, dated September 1, 2011, with the following requirements: **1) Provide acceptable alternative for emergency access; 2) Identify sizes of individual lots; 3) Show other utilities in area, besides just storm-drain and storm-sewer lines; 4) Identify phases if not developing entire project simultaneously; 5) Show curb, gutter, and sidewalk; 6) Provide better detail for landscaping and other aesthetics that would indicate it to be a superior residential development/environment; 7) Submit information supporting Section 10-15-050 (A)-(G) of the Land Use Ordinance, which includes but is not limited to completion of a Development Agreement with City and also management of development with a homeowner's association, residential management company, or similar organization; 8) Establish a common building theme for development for preliminary plan review with a unification of exterior architectural style, building materials, and color and size of each unit without creating a dominant identical appearance; 9) Note that staff was currently reviewing proposed Lot 68 for compliance with Municipal Code as it relates to "legal building lots adjacent to a roadway" and other similar concerns to determine whether applicant needs to either redesign it within the confines of the PRD or amend it into Lot 507 of Harvest Point, directly west of Lot 68, for Michael and Angela Ford who own Lot 507 and are the soon-to-be owners of Lot 68.**

Mr. Hamblin explained that the specs on the plans referred to just lots 1-66, which involved only the land they would be purchasing and that the turnaround radius was now 60 feet. Vice Chair Pratt asked how they planned to handle lots 67 and 68 within the PRD zone. Mr. Hamblin advised him that they would support whatever the City staff recommended. Director Eggett explained that they could remove Lot 67 from the HOA and PRD without impacting their development; however, they were still uncertain as to how to manage Lot 68 and still needed to research it further in order to find the best remedy for the overall subdivision, which might be to amend the Harvest Point Phase 5 Subdivision.

Commissioner Schenk asked if the applicant based their density on the inclusion of Lot 68's acreage. Mr. Hamblin told him no, just the land they were purchasing. Commissioners Schenk and Jensen calculated their allowable maximum density, based on the verified acreage of 6.12 acres, as 74 units.

Commissioner Bodrero referred to the 15-foot access easement, shown coming from the far western-north parking area to access Lot 68, and asked if it addressed the question of accessibility and staff's determination as to how Lot 68 played into future development. Director Eggett advised him that he just voiced an interesting assessment that staff needed to explore further to verify whether it would lead to any future issues or conflicts.

Chairman Day then asked if Lot 67 would cause an issue with the PRD zoning. Director Eggett advised him that it would not be an issue unless the owner wanted to subdivide it in the future. Mr. Hamblin explained that they were only asking for sketch plan approval for lots 1-66, even though they rezoned lots 67 and 68 to PRD as well. Director Eggett pointed out that they included lots 67 and 68 so that those parcels had a home upon recordation, but they would not be subject to the covenants like the other lots in the development, which the applicant would outline in the development agreement in order to allow lots 67 and 68 to still function as residential PRD units as far as their legal definitions.

Vice Chair Pratt asked if the HOA would maintain that access to Lot 68, which was landlocked. Mr. Hamblin advised him that it would be very low maintenance for the HOA, since it would not be paved. It would most likely be just road base or something. Vice Chair Pratt asked if it would include a fence with a gate. Mr. Hamblin thought it probably would have a fence, but they would install whatever the cell tower company wanted them to provide for that access. Chairman Day asked if there was already an easement in place to access that tower, and Mr. Hamblin answered yes—on the north end of the property all the way from 1000 West to the tower. They planned to vacate that easement and establish this new one.

Commission Rackham asked if they would separate Lot 68 with a fence, and Mr. Hamblin told him yes. It would improve the aesthetics of their development, so they planned to fence the entire perimeter of the Subdivision. He then referred to their desire to include two-car garages in at least 50% of their development with landscaping in between units. Commissioner Hellewell warned Mr. Hamblin that past cluster and PRD developments typically submitted amendments to their plats in order to add more two-car garages, because that was what would sell.

BRAXTON SCHENK MADE A MOTION TO GRANT SKETCH PLAN APPROVAL OF THE STOKER GARDENS PLANNED RESIDENTIAL DEVELOPMENT SUBDIVISION, LOCATED AT APPROXIMATELY 2040 SOUTH 1000 WEST, SUBJECT TO ALL REQUIREMENTS OF THE LAND USE AND SUBDIVISION ORDINANCES AND CITY STAFF'S REVIEW LETTER DATED SEPTEMBER 1, 2011. T.J. JENSEN SECONDED THE MOTION; ALL VOTED IN FAVOR.

5. Dollar Loan Center Major Conditional Use Permit for Professional Non-Retail Services in GC zone

Gary Thorup, with the Durham, Jones, and Pinegar law firm representing the Dollar Loan Center, stood before commissioners requesting approval of a major Conditional Use Permit for the operation of a professional non-retail service in a General Commercial zone, located at 1588 South 2000 West Suite 101. Planner Andersen reviewed their request, stating that Baskin Robbins vacated this subject property at the west end of the commercial building. The applicant did not have a license to operate under Chapter 23 of the Utah Code as a check-cashing or payday-lending company. Based on the restrictions in the Land Use Ordinance for a maximum of 25% of professional non-retail services in GC zones, the current usage in that commercial subdivision was 16%. With the addition of this proposed use, the percentage would increase to 19%. The applicant submitted a letter of support from the property owner, a business model that explained how they were different from payday lending companies, and pictures of existing branches that showed how they would fit in with the character of the commercial subdivision. Mr. Thorup concurred, stating that the Dollar Loan Center was much like a lending institution against credit. They made very small loans to tide people over in order to prevent overdrafts, bounced checks, or having to go to payday lenders. They functioned much like banks.

Vice Chair Pratt asked what kind of security risk their branch would bring to the City. Mr. Thorup explained that any lending institution created a risk, but he could research it and provide commissioners an amount the branches kept on hand if that number was important to them.

Robert Clark, the Dollar Loan Center's West Valley Manager, approached commissioners to answer that question. He explained how their branches used a machine called a Recycler by Diebold, the premier banking-security company, which included a safe about the size of a podium. If someone came in with a gun, an employees would have to create an account to access any cash, which would take at least ten minutes. In the meantime, all four employees had access to panic buttons, which provided a lot of assurance in preventing robberies. Anyone scoping out the center would see that customers making payments did so through this machine, connected to a safe not accessible by employees.

Vice Chair Pratt asked about their security procedures for safeguarding personal information, and Mr. Clark advised him that they adhered to the same regulations as other financial institutions. They shredded a lot of information rather than keeping it on hand. What they did keep remained in a locked safe with a lock that was difficult to break. Their loans were better for customers, because they involved much lower interest rates with no exchanging of checks. These were signature loans that helped customers improve their credit histories. The average loan size at his location was about $500, and the loans were for 52 weeks. Customers could pay their loans off early with no penalties.

Commissioner Rackham asked to know the average number of customers at their branches, but neither Mr. Clark nor Thorup knew the answer. Commissioner Rackham believed such an answer was important in determining needed parking. Mr. Clark stated that most customers were in and out quickly, unless they were there for a new loan.

Planner Andersen asked if they would be utilizing the drive thru capabilities. Mr. Clark assured him they planned to use it for payments.

TYLER BODRERO MADE A MOTION TO GRANT A CONDITIONAL USE PERMIT TO THE DOLLAR LOAN CENTER TO OFFER PROFESSIONAL NON-RETAIL SERVICES IN A GENERAL COMMERCIAL ZONE IN THE SYRACUSE RETAIL SUBDIVISION, LOCATED AT 1588 SOUTH 2000 WEST IN SUITE 101, SUBJECT TO ALL APPLICABLE REQUIREMENTS OF THE LAND USE ORDINANCE. GARY PRATT SECONDED THE MOTION; ALL VOTED IN FAVOR.

6. Adjournment

T.J. JENSEN MOVED TO ADOURN AT 7:00 P.M.; ALL VOTED IN FAVOR.

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Gregory Day
Planning Commission Chair