

Syracuse City Planning Commission Meeting
April 17, 2012

1. Meeting called to Order and Adoption of Agenda

Planning Commission Chairman Day called the meeting to order at 7:37 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 Gary Pratt led the pledge of allegiance.

Members Present: Chairman Gregory Day, Vice Chair Gary Pratt, Kenneth Hellewell, Braxton Schenk, T.J. Jensen, Tyler Bodrero, and Dale Rackham as well as Community Development Director Michael Eggett, City Planner Kent Andersen, City Attorney Will Carlson, City Engineer Brian Bloemen, and Commission Secretary Judy Merrill

Excused: Curt McCuiston

Visitors: Dean Rasband

Holly Rasband

Ray Zaugg

Dan VanZeben

Andy Hubbard

Brett Coleman

Commissioners reviewed the April 17, 2012, Planning Commission meeting agenda. As requested by Secretary Merrill, commissioners agreed to remove Agenda Item 2.

T.J. JENSEN MOVED TO ELIMINATE ITEM 2 AND ADOPT THE APRIL 17, 2012, AGENDA AS AMENDED, SECONDED BY BRAXTON SCHENK; ALL VOTED IN FAVOR.

2. Public Hearing: Pheasant Crossing Business Park Sketch Plan

Planner Andersen gave a brief overview of the applicable request for a one-lot subdivision within the Benchmark Real Estate's Canterbury Commercial Plaza. Although the original development received site plan approval by the City, the property owner never submitted a recordable plat to legally subdivide the land. Benchmark eventually recorded several parcels, within the larger lot, through meets and bounds and sold this portion to BND Development who now hoped to follow the appropriate steps to develop it as a one-lot subdivision. City staff advised them that they needed to record the original development in order to vacate this section and create its own subdivision. The applicant, Dan Vanzeben, as representative for BND Development, and Andy Hubbard, from Great Basin Engineering, were both present to answer questions. He then reminded commissioners that the request before them was for subdivision plat, not site plan, approval.

Chairman Day opened up the meeting to public hearing.

Dan VanZeben, of VanZeben Architect, stood to explain that he came before them a few years earlier and received site plan approval for this property, but the economic downturn postponed their start of construction. He met with City staff last week and disagreed with their findings. Benchmark separated this property from the Canterbury Commercial Plaza, which the County accepted and recognized through meets and bounds, and sold it to BND Development. He believed it should remain separate from the original plan, because the two property owners had very different requirements for their developments. Although they recognized the issues resulting from this chain of events, it did happen. The City's demands for resolution were problematic for BND Development's efforts to receive a new approval and be good neighbors with the Canterbury Commercial Plaza. The feasibility report exceeded open space percentages with landscaping, and they would not inundate the parcel by maximizing the allowable building space. Because Benchmark already segregated the subject property and sold it to BND Development, they did not believe it appropriate to require them to spend the extra time and effort necessary to comply with the City's recommendations and possibly lose the opportunity to develop this parcel because of the City's oversight. He therefore requested sketch plan approval for a legal subdivision separate from Benchmark's property. Another issue for them to consider in requiring the recordation of the larger subdivision, to include Benchmark's property, were the two land owners' differing concepts for the restrictive covenants and development procedures, which would make it very difficult for both to change their contrasting approaches in order to reach a compromise.

Andy Hubbard, project surveyor of the subject property, stood up next to explain that he had been a part of the Canterbury development for the last 15 years. In regards to City's staff's argument that a subdivision required at least two lots, as determined by the ULCT, he said the subject parcel was a piece that fell into a category that made compliance with such a determination impossible. One parcel was all that existed. It had its own tax identification number and would be losing 5 feet on 2000 West for the required dedication to UDOT. Sate code allowed the subdivision of land through meets and bounds with a few variables. One requirement not met was the approval of sewer and culinary water providers. An approved subdivision plat would allow the City to correct that issue.

Mr. VanZeben interjected with a comment that they already took care of the conflict identified by City staff between the total acreage of the development (88,500sf) and the size reflected in the feasibility report (89,995sf) in an effort to reinforce their good faith in working with the City. Those numbers now agreed. They received the City Engineer's review and made those recommended changes as well, including a correction of the culinary water and irrigation line connection locations on 700 South. He again emphasized his request for approval to allow them to move forward with their requested development of a single lot subdivision.

Director Eggett advised commissioners that the County might record and recognize a parcel separated through meets and bounds, but it was not authorized by the Syracuse. Therefore, the City did not recognize it as a legal building lot. It needed to go through the formal subdivision process with Benchmark. His staff contacted Meg Ryan, the ULCT's land-use consultant for the State, and she advised them that a subdivision of land had to come from a larger piece of property, and that was how Syracuse should apply its evaluation of this circumstance. Based on the handbook prepared by ULCT, a legal building lot had to be legally subdivided and recorded and comply with other zoning and building requirements. He displayed the diagram in the handbook showing parcels A and B and the explanation that cities should not consider parcel A without considering a parcel B. His recommendation was for the applicant to contact Benchmark to resolve the issue, even in light of staff's desires to be sensitive to BND's request and avoid being an impediment. If there was a good faith effort on the applicant's part to make that contact and try to comply with these requirements, staff would work with them to try and evaluate how to proceed with a one-lot subdivision to align, as much as possible, with ULCT's recommendations.

Chairman Day asked about their efforts with Benchmark. Mr. VanZeben said he made a phone call to Brent Nelson a couple of weeks earlier and asked him who he considered responsible for recording the original subdivision to make the sale of land to BND legal. Mr. Nelson advised him that BND Development would be responsible for their property, and he would be responsible for his. He had no interest in contributing to a resolution. Mr. Hubbard also had a subsequent conversation with Mr. Nelson after that meeting with City staff. Mr. Hubbard explained that Mr. Nelson did not want to discuss it until he was able to talk with City staff and said he would get back with Mr. Hubbard once that happened. They were still waiting. He knew Mr. Nelson and did not believe he wanted to participate in solving this dilemma.

Planner Andersen asked about the potential of subdividing this one lot further in the future after construction of the other buildings. Mr. VanZeben explained that they were not sure what would happen. They might need to ask for an amendment to the subdivision in order to sell the corner to a different owner or for approval of a condominium-type subdivision. Although this lot was part of the Canterbury Commercial Plaza, they did not believe the City should penalize BND Development by requiring them to deal with Benchmark to solve the problem of his previous actions by selling the parcel properly.

Director Eggett suggested that having the applicant submit some sort of written acknowledgement of Benchmark's position on the matter would help City staff know how to move forward with its review of this property. Commissioner Jensen asked Attorney Carlson if the City could compel such a letter. Attorney Carlson advised him that the City could not require the applicant to compel Benchmark to provide a letter, but the City could require the applicant to mail a written request to increase the likelihood of a response rather than just a phone call. Commissioner Schenk suggested the request be mailed certified. Commissioner Jensen recommended having the letter require a response within a certain timeframe. Attorney Carlson suggested using the first Planning Commission meeting date in May as that deadline for a reply.

Chairman Day asked if requiring the applicant to split their parcel into two lots would resolve the problem. Director Eggett said no, because it would not address the need for a recorded subdivision of the Canterbury Commercial Plaza. No one else came forward, so Chairman Day closed the public hearing.

BRAXTON SCHENK MADE A MOTION TO TABLE CONSIDERATION OF THE PHEASANT CROSSING BUSINESS PARK SUBDIVISION PLAT UNTIL MAY 1, 2012, IN ORDER FOR THE APPLICANT TO MAKE A GOOD FAITH EFFORT TO CONTACT THE ADJACENT PROPERTY OWNER VIA REGISTERED LETTER TO SOLICIT A RESPONSE REGARDING THEIR POSITION ON THE DISPOSITION OF THE CANTERBURY COMMERCIAL PLAZA.

Commissioner Rackham did not believe two weeks would give the adjacent property owner sufficient time to respond to such a letter, in case he wanted his legal advisor to review it. Planner Andersen advised the Commission that they could discuss the site plan on May 1 with a preliminary, final, and site plan review on May 15, 2012. Commissioner Schenk considered two weeks as sufficient time for both property owners.

GARY PRATT SECONDED THE MOTION; ALL VOTED IN FAVOR.

3. Proposed amendments of a Business Park Zone

Director Eggett reminded commissioners of their many discussions regarding this proposed zone in previous meetings and of the public hearing. City staff refined the language many times based on those discussions, and he believed the Commission would now be comfortable with the current language.

Chairman Day preferred removing any reference to an overlay zone. Commissioner Bodrero and Vice Chair Pratt agreed. After Commissioner Hellewell reviewed the purpose of the overlay zone again, commissioners discussed the potential for adding a new subsection under development theme to reference a design book and guide. Director Eggett suggested using the language in the overlay zone as well.

KENNETH HELLEWELL MOVED TO RECOMMEND APPROVAL OF ADDING THE BUSINESS PARK ZONE INTO THE LAND USE ORDINANCE AS PROPOSED BUT REMOVING ALL REFERENCES TO THE OVERLAY ZONE, ADDING LANGUAGE FOR A DESIGN AND PATTERN BOOK UNDER THE DEVELOPMENT THEME SUBSECTION AND ARCHITECTURAL REVIEW COMMITTEE SUBSECTION, AND RELOCATING LANGUAGE FROM THE OVERLAY ZONE TO ITS OWN SUBSECTION OF THIS CHAPTER, AND TO FORWARD IT TO CITY COUNCIL. GARY PRATT SECONDED THE MOTION; ALL VOTED IN FAVOR.

4. Proposed amendments of a Flex Development Zone

Chairman Day believed this proposed zone had a lot of value but struggled with its compatibility with the General Plan and did not consider it useful in certain areas of the City and would probably vote it down. Vice Chair Pratt stated that, in the past, Syracuse preferred to have more control. A good example was eliminating R-4 and beefing up the PRD zone to be more accommodating but with a lot of language that provided appropriate controls. He believed that the proposed Flex zone abandoned that position and had no place in Syracuse. The General Plan identified the scope and feel of the City, which was a single-family destination.

Commissioner Bodrero offered a contrasting view by stating that commissioners spent a significant amount of time on this Zone and refined it the same way as the Business Park zone by incorporating into it the best portions of the overlay zone. They looked at Light Industrial and C-2 and incorporated the best components of them both for this Zone in order to allow development and growth with appropriate oversight. The Flex zone did accomplish their goal if they did not stamp it all over the City. Syracuse was a bedroom community and should retain that look and feel, but he shared some of the viewpoints expressed by SBOSS and some residents regarding the need for balance to be a well-functioning City. Part of that growth required smart development in commercial and any facet of light industrial they adopted, whether they called it neighborhood services or flex development, and commissioners' comments and changes provided a lot of validity to this Flex zone. Vice Chair Pratt countered with the fact that there was plenty of property across the street in another city for the types of uses proposed by the predominant developer rather than having to allow 100,000-150,000 square-foot buildings in a City consisting of just 8 square miles. Syracuse did not need to be like every other city. Balance fell within the determination of the community rather than the direction of a developer, state, or adjacent cities. Commissioner Jensen believed this Zone did have a place in

Syracuse, such as by the North Davis Sewer District property, and that it was irresponsible to place all the employment burdens on other cities when Syracuse needed a tax base as well. Residential did not bring in the needed revenues, and they could no longer rely on R.C. Willey to support all the residents here. Long term, they had to look at having these types of developments locate here. Whether the Flex zone belonged on 200 South was another discussion, but he emphasized the need to have this type of zoning in their toolbox.

Vice Chair Pratt agreed with Commissioner Jensen's use of the term burden on the City. He did not believe Syracuse wanted to entertain an industrial area via the Flex zone. Syracuse already had areas in the Syracuse with the Industrial zone, which were sufficient. The idea that it would provide a tax base was flawed. The numbers and formulas provided were inaccurate, because they were not using numbers the City could use and the payback would take over a decade. He did not believe this community wanted to support something like an industrial park for a tax base, especially in light of the testimonies disputing the fact that it would bring in high-paying jobs. Those types of employees could only afford high-density housing, which Syracuse did not provide, so they would have to commute, which would increase the traffic.

Commissioner Bodrero cautioned against looking at a specific development or even just District 1 of the General Plan, they needed to discuss the Flex Development zone as a tool for any appropriate area of the City to provide a balance and benefit to our residents. They could argue about the tax base, but he did his own research and determined that this Zone would bring a broader tax base than a professional office type business. Before they discussed locations for these different zones, they needed to consider whether it had merit, and he considered this to be a well crafted zone that could guide good development in Syracuse. The goal of any zone was to elevate standards so that residents traveling north, south, east, or west could realize by the quality of development and structures that it was different than surrounding cities.

Commissioner Rackham asked staff about the optional motions and what would happen if they denied this proposed zone. Attorney Carlson explained that, as an advisory board, it would be a misnomer and would go to City Council, who could not address changes until after being presented to the Commission. Since it was before them, tabling it would not preclude the Council from addressing the issue, but it would deprive them of their advice as the advisory commission on the issue. Under City code, Title 3, the Commission should act within 30 days on any issue before forwarding it to Council but could extend it through a motion as necessary for additional information or other good reasons.

Commissioner Hellewell could see some locations where it might work, but it was not as tight as he wanted it. A lot of places would be appropriate for the Business Park zone because there were a lot of controls. If they were going to continue developing a Flex zone, he wanted more restrictions and discussions as to what types of industries we would want in the City. Some of the things he wanted to take out were industrial warehousing, because he did not believe it was an appropriate use there. Commissioner Jensen disagreed. He did not think the focus should be on high-paying jobs. Commissioner Hellewell said he was not trying to discriminate against blue-collar jobs and that he was fine with light manufacturing, just not the huge warehouses.

Chairman Day expressed concern that it was too broad and also felt it needed more controls. He preferred light industrial there with more controls. Commissioner Jensen wanted more discussion and was not ready to deny it.

T.J. JENSEN MADE A MOTION TO TABLE THE PROPOSED FLEX DEVELOPMENT ZONE LANGUAGE FOR FURTHER DISCUSSION. GARY PRATT SECONDED THE MOTION.

Vice Chair Pratt asked Attorney Carlson if any zone brought up for discussion by commissioners always ended up with City Council and, if so, whether they needed to be more careful about what they discussed. Attorney Carlson explained that, once commissioners were presented language for consideration, it met the statutory requirement. Under City code for changing zoning, staff, Council, or the Commission could initiate it. The Commission actually directed staff, in the January 17 meeting, to draft language for a Flex zone.

CHAIRMAN DAY CALLED FOR A ROLL CALL VOTE. VOTING IN FAVOR WAS: T.J. JENSEN. VOTING AGAINST WERE: BRAXTON SCHENK, TYLER BODRERO, GARY PRATT, DALE RACKHAM, AND KENNETH HELLEWELL. MOTION FAILED.

TYLER BODRERO MOVED TO RECOMMEND APPROVAL OF ADDING A FLEX DEVELOPMENT ZONE INTO THE LAND USE ORDINANCE AS DISCUSSED IN WORK SESSION, AND TO FORWARD IT TO CITY COUNCIL. T.J. JENSEN SECONDED THE MOTION. CHAIRMAN DAY AGAIN CALLED FOR A ROLL CALL VOTE. VOTING IN FAVOR WERE: T.J. JENSEN AND TYLER BODRERO. VOTING AGAINST WERE: BRAXTON SCHENK, GARY PRATT, DALE RACKHAM, AND KENNETH HELLEWELL. MOTION FAILED.

BRAXTON SCHENK MADE A MOTION TO DENY THE PROPOSED FLEX DEVELOPMENT ZONE, BECAUSE INDUSTRIAL USES DID NOT BELONG IN SYRACUSE. GARY PRATT SECONDED THE MOTION. ROLL CALL VOTE INDICATED THOSE IN FAVOR WERE: GARY PRATT, DALE RACKHAM, AND KENNETH HELLEWELL. VOTING AGAINST WERE: T.J. JENSEN AND TYLER BODRERO. MOTION CARRIED.

T.J. JENSEN MOVED TO EXTEND THE MEETING BY 20 MINUTES, SECONDED BY KENNETH HELLEWELL; ALL VOTED IN FAVOR.

5. Proposed amendments to the General Plan District 1

Planner Andersen referred to the subcommittee regarding 1700 South and their recommendation to change the zoning designation from PO to GC. He advised commissioners of some inquiries made by the public regarding requirements to retrofit existing homes along Antelope Drive for PO type uses. He then pointed out that the PO zone allowed some GC uses on parcels less than 1 acre; however, commissioners might want to consider the proposed neighborhood services zone as a good fit for those properties instead.

Commissioner Hellewell recommended tabling this item until after the City Council made a decision on the BP zone. At that point, they could consider possible locations for a NS zone. Commissioner Jensen asked that the proposed NS zone be included on their next agenda. Commissioner Schenk recommended changing the name of the newly-proposed zone from

Neighborhood Services to Neighborhood Commercial. Commissioner Hellewell suggested modifying the C-2 zone as a smaller commercial zone and changing the NS zone into a Neighborhood Commercial zone.

T.J. JENSEN MADE A MOTION TO TABLE THIS ITEM UNTIL THEIR MAY 1, 2012, WORK SESSION.

Director Eggett pointed out that the NC zone was a common term. From a planning perspective, it was easily transferrable, so he considered it a good idea. Commissioner Hellewell asked about renaming the C-2 zone. Director Eggett advised him that the Commission would still be creating a new zone by changing the name, which would result in having to disregard the function of that zone going forward.

GARY PRATT SECONDED THE MOTION.

Commissioner Hellewell requested having a discussion of NC or NS before discussing GP.

ALL VOTED IN FAVOR.

6. Adjournment

T. J. JENSEN MOVED TO ADJOURN AT 9:08 P.M.; ALL VOTED IN FAVOR.

Gregory Day
Planning Commission Chair