

Minutes of the Regular Meeting of the Syracuse City Planning Commission held on August 21, 2012, at 6:00 p.m., in the Council Chambers, 1979 West 1900 South, Syracuse City, Davis County, Utah.

Present:

Commission Members: Kenneth Hellewell, Chairman
TJ Jensen, Vice-Chair
Dale Rackham
Tyler Bodrero
Braxton Schenk
Gregory Day

City Employees: Sherrie Christensen, Planner
Jenny Schow, Administrative Professional

Excused: Curt McCuiston
Gary Pratt

Visitors:

Johnny Wood	Julie Wood
Mike Velasquez	Sheila Velasquez
Ed Gertge	Robert Gardner
Lori Gardner	Laura Streeter
Duaine Saurez	Rita Wingert
Lance Pealer	Jo Huahe
Matt Gertge	Clint Sherman
Joe Slinquist	

1. Meeting Called to Order

- a. **Invocation or thought-** Commissioner Bodrero
- b. **Pledge of Allegiance-** Commissioner Jensen
- c. **Adoption of Meeting Agenda-** COMMISSIONER JENSEN MADE A MOTION TO ADOPT THE MEETING AGENDA FOR AUGUST 21, 2012. COMMISSIONER RACKAM SECONDED THE MOTION; ALL VOTED IN FAVOR, THE MOTION PASSED.

2. Approval of August 7th, 2012, Regular Meeting and Work Session Minutes

[6:04:12 PM](#)

COMMISSIONER JENSEN MADE A MOTION TO APPROVE THE AUGUST 7TH, 2012 REGULAR MEETING MINUTES AS AMENDED. COMMISSIONER BODRERO SECONDED THE MOTION; ALL VOTED IN FAVOR, THE MOTION PASSED.

3. Public Hearing-Gertge Business Park Lot 1 & Rampton Medical Plaza Lot 2, located at approximately 1806 South 2000 West, Plat Amendment

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CED Director, Mike Eggett introduced project as a Plat Amendment to the Gertge Business Park and the Rampton Medical Plaza. Mr. Gertge is consolidating a lot of the Rampton Medical Plaza into the Gertge Business Park. He directed the Planning Commission to review submitted packet items and approve as recommended. Item does not need to go to City Council.

Ed Gertge stated the purpose of the plat amendment is to bring the lot into the Gertge Business Park to provide parking for the proposed expansion for an aquatic center.

Public Hearing Open, no public comment was received

[6:09:41 PM](#)

Public Hearing Closed

[6:10:05 PM](#)

Commissioner Jensen addressed the plan review done by Sherrie Christensen and the letter of concerns from Brian Bloemen, dated August 14th, regarding detention basin and construction over the storm drain.

Ed Gertge, applicant, stated he is building over the storm drain with reinforced concrete. It's deep enough not to be affected by footings and will save cost, as other designs were complicated, cumbersome and costly. The detention pond was always a part of the plan, it is just being reshaped. Mike Eggett stated he has discussed the issue with Brian Bloemen and Robert Whitely. Although it is not traditional practice, there is no City standard to prohibit construction over the private storm drain; however it does concern the City. Commissioner Jensen asked the applicant if he plans to reinforce the area around the pipes, so it won't be an issue. Ed Gertge, yes, we are using reinforced concrete and footings that go across the drain with the slab above. Commissioner Jensen stated the storm drain is probably deep enough, and asked how big the storm drain is. Ed Gertge believes it either 18 or 24 inches. Commissioner Rackham asked if there were adequate cleanouts on both sides of the drain. Ed Gertge stated it is clear with big 3' square open pits, no bows or bends, just a straight shot between clean outs. He stated it exceeds necessary capacity.

Commissioner Bodrero had a question regarding the re-plat of the property, does it take into account any cross access easement agreement with Tanner Clinic. Tanner Clinic wanted an access on a side road, back when the Clinic Expansion came through previously. Ed Gertge has received the request and stated he will

grant access. He is waiting for approval from his Attorney. Commissioner Bodrero is concerned with traffic flow. Gertge informed that city staff stated that traffic flow does not affect the ability to get site plan approval and approved off on the access.

[6:14:59 PM](#)

COMMISSIONER JENSEN MADE A MOTION TO GRANT THE AMENDED PLAT APPROVAL TO THE GERTGE BUSINESS PARK LOT 1 & RAMPTON MEDICAL PLAZA LOT 2, LOCATED AT APPROXIMATELY 1806 SOUTH 2000 WEST, SUBJECT TO ALL REQUIREMENTS OF THE CITY'S MUNICIPAL CODES AND COMPLIANCE OF CITY STAFF REVIEWS DATED AUGUST 13-16, 2012. COMMISSIONER RACKAM SECONDED THE MOTION; ALL VOTED IN FAVOR, THE MOTION PASSED.

4. Public Hearing-Family Fun Center, located at approximately 1806 South 2000 West, Site Plan Approval-Expansion

[6:15:38 PM](#)

Ed Gertge, applicant, stated he is enhancing the existing Fun Center to create a draw to the City. The expansion will provide a unique year round venue. He has gone to the RDA board and City Council and received unanimous approval. The pool doors will open during the summer of 2013.

Mike Eggett addressed a meeting with the applicant in which architectural changes were made and submitted in the amended packet including the elevation, enhanced landscape plan and other items. Remaining items of concern include the parking being noted correctly to gain 10 spaces required by City code, and recommend the Planning Commission look closely at the staff comments highlighted in yellow. Not all the highlighted comments are met yet.

Commissioner Hellewell asked, aside from the parking, is there anything else that jumps out. Mike Eggett stated that the majority of items have been fulfilled or addressed. Ed Gertge stated he didn't know the parking needed to be on the Mylar. He has cross easements with everyone in the center. The lot across the street next to the assisted living center will be used for overflow & staff parking.

Commissioner Jensen stated that Tanner Clinic asked for more spaces than they were required to provide. Mike Eggett stated there is a note saying the facility use agreement needs to be executed.

Open Public Hearing

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Robert Gardner, 1843 S 2150 W, stated he likes this type of facility. He has objections to the location of the facility. Believes it is not conducive to the adjacent residential zoning. He searched for a city noise ordinance, and could not find one. He would like a Noise Ordinance in place before the Syracuse Family Fun Center plan continues. He cited the City code with respect to the industrial where uses should not create objectionable noises, dust or fumes, which could otherwise be incompatible with the residence being buffered. Stated it is unlawful for any person to make, continue, maintain or cause to be made or continue any excessive unnecessary or unusually loud noise, or any noise which disturbs, injures or endangers their comfort repose, health peace or safety of others within the city limits. Mr. Gardner provided example codes from the Salt Lake City Noise Ordinance. He is concerned with noise from the pool, and pointed out that the Clearfield Aquatic Center has a large buffer, and Boondocks is appropriately located near I-15. He stated that a pollution ordinance also needs to be addressed. Mr. Gardner does not feel the facility is conducive located within 25 feet of the neighboring residences. If the plan is approved, he requests: 1-fencing to separate the commercial from residential zones, tall & sturdy to prevent scaling as a shortcut to the center. 2-provide an aesthetically pleasing buffer zone on the back side, equally pleasing as the front. Noted he does not like the ugly air handlers on the building 3-Noise and Pollution study and ordinances created.

Commissioner Hellewell asked Mr. Eggett if the noise ordinance was addressed in our nuisance ordinance. Mike Eggett stated he will address that after the public hearing

Laura Streeter, 1857 S 2150 W, discussed eco healthy childcare website. Stated children should not be located within 500 feet of major exhaust sources. Noted the Children's Health Study stated children living within 250' of major exhaust are 1.5 times more like to have asthma. She is concerned with a negative effect on property values and taxes. Ms. Streeter does not want a 32' brick wall installed. Stated parks and open space are just as conducive to boosting business.

Close Public Hearing

[6:30:03 PM](#)

Commissioner Jensen clarified that we don't have industrial performance standards in the C2 Zone, but we do in the Industrial Zone. He suggested introducing performance standards for commercial zones. Mike stated that he has spoken with the City Attorney and Police Chief, the City does not have a specific noise ordinance, but it does have a Disorderly Conduct, referencing anything that disturbs the peace shall be enforced by the police department. It is also reflected in the Performance Standards in both Neighborhood Services and the Industrial Zone. Commissioner Jensen referenced Section E, clause 2 of the Commercial Ordinance. Mr. Eggett clarified; the ordinance applies to existing buildings in the C2 zone. Commissioner Jensen confirmed.

Commissioner Braxton questioned the scheduling when the pool doors will be open during the summer months. Ed Gertge stated that the doors would open when it's hot outside and close at closing time.

Commissioner Hellewell wants to know if anything is being located south of the pool. Ed Gertge stated the splash pad and pavilion is on the north side. The doors on the south side open to the sidewalk, parking lot and street for aesthetics and ventilation. A fence will surround the pool per swimming code, preventing open entrance and exit.

Commissioner Jensen wanted to clarify ordinance requirement for the fencing and, landscaping buffer, referenced Buffer Table B. Mike Eggett confirmed that an impervious fence and the landscaping are both

required. The landscape plan was shown. The proposed landscaping and fencing meet the requirement. Ed Gertge stated the existing 4' chain link fence will be replaced with vinyl. He will work with home owners to see if they want their fenced replaced or to install the Vinyl in addition to their existing fencing.

Commissioner Jensen discussed the adverse effects on the water system and sewage from the pool. He contacted the city Engineer who said existing water pipe will be sufficient to fill the pool, and the drainage will help to clean the sewer. Ed Gertge confirmed saying the pool water, once full will be recycled. In addition surge vaults will be installed to address potential overflow.

Ed Gertge wanted to clarify the elevation drawing. He stated the architect misunderstood canopies. Currently the drawing shows them on the North side and the South side. Signs will only be located on the North and East side.

Commissioner Hellewell addressed the exhaust and fumes from the go-karts. Ed Gertge stated the exhaust will be professionally engineered. Safety features will be in place.

Commissioner Hellewell addressed the noise from the go karts. Ed Gertge said they should not be heard, and reminded the commissioners, the original approved plan included go karts, bumper boats and batting cages located outdoors.

Commissioner Bodrero questioned the screening on the roof. Ed Gertge stated there is a parapet on three sides, not the back, due to drainage and cost, it will screen the rooftop equipment.

Commissioner Day questioned hours of operation for the aquatic center. Ed Gertge stated they will open at 6 am for fitness programs, recreational swimming will be same hours of regular operation, closing at 10 pm on week nights and 12 am on Saturdays.

Commissioner Rackham asked if the racetrack will have the same hours. Ed Gertge stated yes, but will consider changing in the future if it is a problem, but does not believe it will be.

Commissioner Jensen wanted to clarify the use agreement for Syracuse Schools. Ed Gertge stated it is part of the RDA agreement, and he will allow an agreement between the City and the schools for programs. The Parks and Recreation department are to submit a schedule. Commissioner Jensen clarified there are 6 lanes in the pool. Ed Gertge confirmed, then stated the pool is designed for competition, includes touch pads and a 1 meter diving board.

Commissioner Jensen inquired that the applicant understands the class D buffering requirement. Ed Gertge confirmed the landscaping is also part of the retention system.

Mike Eggett stated that a facility use agreement must be in place, regarding the dark store ordinance, prior to a building permit.

Commissioner Jensen asked the Commissioners if they were comfortable moving the project forward. The Commissioners agreed further changes can be handled on staff level. Ed Gertge stated remaining issues, including signature block correction, addressing parking on the mylar. Mike Eggett will ensure the changes are met and the project meets ordinance standards.

Commissioner Bodrero commented on some additions to the pool, including the 6th lane and a small heated pool for possible physical therapy uses. Ed Gertge stated they are still working out the pool details with the pool designer.

Commissioner Bodrero questioned the proposal for additional bowling lanes. Ed Gertge is adding bowling lanes to accommodate two additional leagues and family use.

Commissioner Bodrero asked the developer to put the aesthetics and noise issues on the forefront. Ed Gertge points out that they are going to be agreeable with the request.

Commissioner Hellewell requested that the temperature of the pool be a consideration and noted that Clearfield Aquatic Center is usually cold. Ed Gertge states the pool will be heated.

Commissioner Jensen advised that the City is not allowed to delay a project in order to change ordinance as requested in the public hearing. Decisions must be based on current zoning.

Commissioner Bodrero requests the applicant complete additional due diligence per the concerns discussed in the meeting to minimize the impact on the local residents.

Commissioner Rackham questions the direction of air flow through the building. Ed Gertge states the air will go out to the south over the parking lot. CO2 sensors, heat, airflow or stagnant air will be censored. Commissioner Bodrero states the Fire Marshall will need to review the plans for airflow. Ed Gertge said the full set of plans will go out for peer review and be stamped by an HVAC Engineer, because it is not a standard design.

Commissioner Hellewell allowed additional public comment

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Joe Wingert 1829 South 2150 West, challenges why the City cannot establish ordinance to help with the raised concerns. He request a study be done regarding the pollution and noise. He asked for help from the commissioners to protect the residents.

Commissioner Jensen asked Mr. Wingert if he has noticed improvements in the noise, with the current owner. Mr. Winger replied yes, it is much better. He is still concerned with the noise level of the pool when the doors open. Requested establishment of a noise ordinance. Commissioner Hellewell reaffirmed that the City is held to ordinances that are in place at the time of the application. Commissioner Jensen stated that City residents have made calls to the police department regarding noise from the movie theatre. He stated he is in favor of establishing a noise ordinance for the city. Mr. Eggett stated the decision for a noise ordinance is handled by the City Council and recommended the resident to direct a letter to the City Attorney and City Manager.

Commissioner Jensen stated the General Commercial Zone and C2 Zone do not include industrial performance standards. Mr. Wingert requested clarification on the standards for different zones. Commissioner Schenk agreed there is a need to establish noise standards.

Ed Gertge understands the impact on direct residences but reminded the City of the benefit for the City as a whole. He stated the main building runs behind the pool and assists to deflect sound. Stated commercial zones have certain expectations. He feels he is reducing the noise by moving the amenities inside.

Commissioner Jensen asked if the pool doors will close at dusk due to mosquitoes. Mr. Gertge did not foresee closing early for that reason.

Joe Wingert stated he purchased his home before the bowling alley was there.

Commissioner Bodrero stated that everyone has to work together. The applicant will go through final design. He sees the need to regulate, but are often told the city regulates too much. He noted it is a fine balance.

Commissioner Jensen verified that Mr. Eggett was comfortable with the facility use agreement.

COMMISSIONER JENSEN MADE A MOTION TO GRANT THE AMMENDED SITE PLAN APPROVAL FOR THE FAMILY FUN CENTER EXPANSION, LOCATED AT APPROXIMATELY 1806 SOUTH 2000 WEST, SUBJECT TO MEETING ALL REQUIREMENTS OF THE CITY'S MUNICIPAL CODES AND CITY STAFF REVIEWS, DATED AUGUST 13 & 16, 2012, THAT A FACILITES USE AGREEMENT BE SUBMITTED TO THE CITY. COMMISSIONER SCHENK SECONDED THE MOTION; ALL VOTED IN FAVOR, THE MOTION PASSED.

5. Public Hearing-Fox Haven Subdivision, located at approximately 2900 South 2400 West, Sketch Plat

[7:15:07 PM](#)

Planner Christensen presented the project.

Commissioner Hellewell stated that the feasibility report has no secondary water. Item will be discussed later in the meeting.

Commissioner Jensen requested Title 10, Chapter 25, Sensitive Area Overlay, to be visible on the screen following the public hearing.

Public Hearing Open

[7:16:48 PM](#)

Johnny Wood, 2501 West 2700 South, stated he spoke with a UDOT employee doing an impact study for the West Davis Corridor. Mr. Wood asked if this subdivision is located on the route for the West Davis Corridor. Commissioner Jensen confirmed that it is on the proposed route. Mr. Wood is concerned with the ethical conduct of reclassifying the land. Commissioner Jensen stated the land has already been zoned R2 by City Council. Commissioner Hellewell stated it is still undecided where the Legacy Parkway route will be located. Until UDOT makes a decision, we cannot restrict the property owner based on a potential for road development. Commissioner Jensen stated UDOT will likely make a decision in the fall.

Commissioner Schenk reaffirmed that we are to precede according to the property owners rights, until we hear otherwise from UDOT. Commissioner Bodrero stated the city has been in this situation before and reaffirmed that the City does not have the right to withhold an applicant based on what we think may happen, those are the rights of the property owners. He stated this could pose a burden to tax payer dollars, unfortunately. Commissioner Jensen stated we try to discourage and keep corridors open. The applicant has been notified of the potential. It is up to UDOT to buy the right of way. Commissioner Bodrero stated the water ski development is also in the same situation.

Mike Velasquez lives next door to Mr. Wood, asked if the property is located next to the riding arena and if any changes will be made to the arena. Commissioner Bodrero stated arena will stay as is.

Public Hearing Closed

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Commissioner Jensen stated Syracuse City has a Sensitive Area Overlay Zone. This property is located in that zone. He wants to make sure the applicant is aware of city code 10-25-020A requiring the applicant to obtain a letter from the Army Corp of Engineers for wetlands delineation. Commissioner Hellewell requested clarification on the preliminary requirements. Planner Christensen stated the requirements need to be completed in plans for sketch or site plan approval. The commissioners will need to make the letter conditional or table the item. Commissioner Jensen stated he is good to move forward conditionally.

Commissioner Day stated there is no secondary water. Mr. Sherman stated there is a well on the property with 1.59 acre feet. He will need closer to three and will have to purchase addition water shares. Commissioner Jensen clarified the requirement.

Commissioner Day revisited the wetlands and stated the applicant has done some level of due diligence. Commissioner Jensen stated the location has hard pan. Mr. Sherman confirmed that it is 6 feet down. Homes will be slab on grade.

Commissioner Day asked if the water lines and sewer lines are located next to each other. Mr. Sherman stated the water line is located on the west side. It was installed by the city.

Commissioner Day asked if Mr. Sherman is aware of the survey gap. Mr. Sherman stated yes. The gap will be dedicated to the city for right-of-way. His surveyor is working on the issue.

Planner Christensen stated the City Engineer, Robert Whitely, informed we would hire a third party surveyor.

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COMMISSIONER JENSEN MADE A MOTION TO GRANT THE SKETCH PLAN APPROVAL OF THE FOX HAVEN SUBDIVISION, LOCATED AT APPROXIMATELY 2900 SOUTH 2400 WEST, SUBJECT TO ALL

REQUIREMENTS IN THE CITY'S MUNICIPAL CODES, AND CITY STAFF REVIEWS DATED AUGUST 13, 16, 2012, CALLING OUT SPECIFICALLY THAT THE SURVEY BE RESOLVED, ALSO THAT TITLE 10 CHAPTER 25 CONSTRUCTION AND DEVELOPMENT REQUIREMENTS ARE ADDRESSED BEFORE PRELIMINARY. COMMISSIONER BRODRERO SECONDED THE MOTION; ALL VOTED IN FAVOR, THE MOTION PASSED.

6. Castle Creek Homes, located at approximately 2154 West 2700 South, Conditional Use Permit-2 Family Dwelling

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Planner Christensen stated there are two dwelling units in the proposed structure. One unit is for elderly family. Noted there was an error in the address, the correct address is 2154 W 2700S. Noticing was amended on time.

Kyle Hamblin, West Point, Castle Creek Homes is the Contractor. The home is located on a single lot, no subdividing requested, single home on little over 1 acre. The home will have a mother-in-law section with a back entrance. No impact on the front elevation.

Commissioner Hellewell stated the project is a conditional use and is not a duplex.

Commissioner Jensen verified the conditional use will not transfer between owners.

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COMMISSIONER PRATT MADE A MOTION TO APPROVE THE CONDITIONAL USE PERMIT FOR CASTLE CREEK HOMES AND MALINDA SUTTLEMEYER FOR A TWO FAMILY DWELLING LOCATED AT APPROXIMATELY 2154 WEST 2700 SOUTH, SUBJECT TO MEETING ALL REQUIREMENTS OF THE LAND USE ORDINANCE. SECONDED BY COMMISSIONER DAY; ALL VOTED IN FAVOR, THE MOTION PASSED.

7. Adjournment-COMMISSIONER JENSEN MOTIONED TO ADJOURN

APPROVED: _____ DATE: _____
Kenneth Hellewell, Chairman

ATTEST: _____ DATE: _____
Jenny Schow, Administrative Professional