

Minutes of the Regular Meeting of the Syracuse City Planning Commission held on May 21, 2013, 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-Chairman
Gary Pratt
Dale Rackham
Tyler Bodrero
Curt McCuistion
Wayne Kinsey
Brandon Haddick
 - City Employees: Jenny Schow, Planner
Will Carlson, City Attorney
Deborah Rainford, Administrative Assistant
Jo Hamblin, Deputy Fire Chief
 - Excused: Sherrie Christensen, Community & Economic Development Director
 - Visitors:

Travis & Amy Jackson	Brent Moss	Joe & Natalie Levi
Ed Gertge	Ryan Chandler	Michael Summerways
Brody Bannister	Ray Zaugg	Peter Corroon
Randolph Abood	Terry Palmer	Dean & Holly Rashbond
John & Lois Linder	Trisha Bodily	Chris Lewis

1. Meeting Called to Order

[6:03:01 PM](#)

- a. **Invocation or Thought**-Commissioner Rackham
- b. **Pledge of Allegiance**-Commissioner McCuistion
- c. **Adoption of Meeting Agenda**-

COMMISSIONER PRATT MADE A MOTION APPROVE THE AGENDA WITH THE FOLLOWING CHANGES: TO STRIKE ITEM 2 AND SWAP ITEMS 4 & 5. COMMISSIONER JENSEN SECONDED THE MOTION; SIX COMMISSIONERS VOTED IN FAVOR; COMMISSIONER BODRERO VOTED NAY. MOTION PASSED.

2. Approval of Minutes (STRICKEN FROM AGENDA)

3. Major Home Occupation Conditional Use Permit, Amy Jackson, located at 2144 S 1800 W, Daycare for up to 16 children.

[6:10:00 PM](#)

Planner Schow – This applicant is currently running a day care in the home and has received a conditional use permit for a minor home occupation when they originally applied. This applicant would like to increase the number of children to 16, which requires a major conditional use permit and approval from Planning Commission. At this time, staff does not see any land use regulations that would prohibit this type of use.

Amy Jackson – Some of the concerns from my neighbors in reference to the expansion of my daycare included more traffic on the street. In addition, my neighbors were also concerned about registered sex offenders in neighborhood. We do not let the children roam the neighborhood; they are always supervised and we do not let them walk home from school and provide transportation. The State has approved everything.

Commissioner Jensen – To your knowledge, does the fire department have any issues with this application?

Jo Hamblin – I have not reviewed this application.

Planner Schow – Commissioner Jensen, I did not actually send it the fire department for approval; however, Riley Jones did do the inspection on their home within the last year and all the fire equipment is all up to date and current.

Travis Jackson - Explained the improvements on the home and the building permit.

COMMISSIONER PRATT MADE A MOTION TO APPROVE THE MAJOR CONDITIONAL USE PERMIT FOR AMY JACKSON, LOCATED AT 2144 SOUTH 1800 WEST, SYRACUSE, UT 84075, FOR ALLOWING UP TO 16 CHILDREN FOR A HOME DAY CARE, SUBJECT TO ALL APPLICABLE REQUIREMENTS OF THE CITY'S MUNICIPAL CODES. COMMISSIONER RACKHAM SECONDED THE MOTION. ALL VOTED IN FAVOR. MOTION PASSED.

4. Public Hearing - Planning Commission proposed General Plan & Map amendments for Districts 1, 2 & 9 amending C-2 zoning and PO Professional Office to GC General Commercial, BP Business Park and R-1 Residential.

COMMISSIONER PRATT MOVED TO TABLE ITEM 5, PROPOSED ZONING MAP CHANGE, UNTIL NEXT MEETING. MOTION WAS SECONDED BY COMMISSIONER JENSEN.

5. Public Hearing- Planning Commission proposed Zoning Map & Code amendments to rescind the C-2 zones and rezone to GC General Commercial.

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Commissioner Hellewell – The C-2 zone has been in Syracuse since the mid 2000's. We have also created other new commercial zones. The Planning Commission is recommending removing C-2 because its uses have been absorbed into other zones and as part of that, we need to make changes to the zoning map. I would like to make one recommendation to the Planning Commission because of the area where that is at is right where the IHC is. Instead of making it a rezone to General Commercial, IHC would like it to be Neighborhood Services Zoning. I think that we should make it Professional Office, because Professional Office is set up to allow medical facilities.

Planner Schow – The applicant said Neighborhood Services, but I believe they would be happy with any zoning that would allow their type of use.

Commissioner Hellewell – I believe Professional Office makes more sense in that area. The purpose of the Professional Office zone is exactly for that use, a medical facility, offices, etc... The public hearing we are going to have in a moment is to discuss the rescission of C-2 and on the rezoning on this one piece of property. As part of this and because of the new state law, there is a 10 day protest period, and the only person who can protest this would be the land owner.

Attorney Carlson – That is correct, at least for the 10 days after the hearing.

Commissioner Hellewell – Tonight we can take a motion on rescission of C-2, but we have to table the rezone until our next meeting in order to meet that protest period as outlined by state law. It will have to be 2 motions.

Public Hearing Open

[6:25:10 PM](#)

Ed Gertge - I am representing Linquist Mortuaries. When I talked with Craig McMillian with Linquist Mortuaries who has the frontage along 2000 West; their only concern was to make sure this zoning change from C-2 to General Commercial would not affect their ability to put in their mortuary.

Commissioner Hellewell – Professional Office would benefit Linquist Mortuary as well.

Public Hearing Closed

[6:31:06 PM](#)

Commissioner Jensen – I would like to state that the Planning Commission discussed this for quite a while. We spent about 8 months discussing certain variations and how we are going to deal with handling the residential component in the C-2 zone.

Commissioner Bodrero – Before the motion, I would like to state that it would be wise to hear the information coming from the public tonight.

Attorney Carlson – If the Planning Commission today were to recommend rescission of C-2 and table the change of the zoning map, I would recommend that you wait on addressing the rescission of C-2 until the areas of the map that are already zoned C-2 are also being considered.

Commissioner Bodrero – That would resolve my concern. The Council should have the ability to see both of these at the same time.

COMMISSIONER PRATT MADE A MOTION TO TABLE THE ZONING MAP CHANGE UNTIL NEXT PLANNING COMMISSION MEETING. COMMISSIONER JENSEN SECONDED THE MOTION. ALL IN FAVOR. MOTION PASSED.

[6:39:51 PM](#)

Code Amendments.

COMMISSIONER PRATT MOVED TO RECOMMEND THE RECISSION OF COMMERCIAL II ZONE TO CITY COUNCIL AS PROPOSED. COMMISSIONER RACKHAM SECONDED THE MOTION. FIVE COMMISSIONERS VOTED IN FAVOR, COMMISSIONERS JENSEN AND BODRERO OPPOSED THE MOTION. MOTION PASSED.

[6:41:40 PM](#)

6. Public Hearing - Planning Commission proposed General Plan & Map amendments for Districts 1, 2 & 9 amending C-2 zoning and PO Professional Office to GC General Commercial, BP Business Park and R-1 Residential.

[6:42:46 PM](#)

Commissioner Hellewell – My suggestion is instead of this being General Commercial on the corner where IHC is located and Linquist Mortuary, that those pieces instead of being re-master planned as General Commercial, that they be changed to Professional Office.

Planner Schow – Are you proposing all of the General Commercial?

Commissioner Hellewell – No, just where IHC is located and the piece directly to the south.

Planner Schow – So the property in between, you are proposing to stay with the General Commercial?

Commissioner Hellewell - The one that IHC owns now that is C-2, I recommend that to change to PO Professional Office. The one that Mr. Gertge discussed with us that Linquist has.

Planner Schow – So everything would go to Professional Office?

Commissioner Hellewell – Except for the area right behind IHC. There is also some Commercial to the east.

Planner Schow – So we have 4 parcels.

Commissioner Hellewell – Prior to the meeting, I gave the Planning Commission a copy. As we went through this General Plan change, this was the biggest C-2 in the City. The Master Plan or General Plan has a master goal.

Public Hearing Open

[6:57:25 PM](#)

Peter Caroon – As you all are aware, Ninigret is next on the agenda with our proposal for one of the same properties. Our proposal is for west of the power lines. Our product is coming from input that we received from Planning Commission and City officials over the past few years. We would ask that you table, at least for Ninigret's parcel, any discussion for changing the general plan and zoning through this process until we have gone through the process; we are going next. While there some underlying similarities between the two proposals, the current Planning Commission proposal for our parcel is Business Park/General Commercial, and R-1. Whereas our proposal incorporates Light Industrial and warehousing in conjunction with Industrial Zone, R-3, and PRD; we believe our plan is the most compatible for the property and actually provides the greatest benefit for the City and its citizens as taxpayers. The City already has an abundance of commercial zoning. Zoning for other business and light Industrial and warehousing meet the growing market demand. The Business Park zoning doesn't reflect what is currently zoned and currently being constructed. The existing EDA overlay zone would conflict with the proposal. We feel our proposal is consistent with the City's General Plan. We respectfully ask that you hold off on any changes to the General Plan and the zoning until we have had further discussion on the next item.

Terry Palmer – I would think the original plan with the R-1 zoning would be ideal and more compatible for the community and the original proposal would be better for City.

Ryan Chandler – I think we need to be careful. I recommend that everyone read the entire document and I am very concerned that the High School is too close to Industrial park. We need to refrain from using the term Light Industrial; there is either industrial or no industrial. PRD and R-3 is still high density housing; five units per acre are undesirable and I do not like that.

Don Wood, Clearfield Mayor – The residents have a responsibility to provide jobs for people. There is a need to use property for much needed jobs.

Braxton Schenk - I want to voice my support for the proposed changes. I know the business park allows for many uses. I do not like to see industrial west of the power lines and I voice my support for proposed changes.

Dave Wakefield – We don't need the industrial park in Syracuse. This would bring in crime (drug use), domestic violence charges etc. The police take more calls at apartments than in homes. Mr. Wakefield presented a petition with people's signatures of residents not wanting zoning changes. Mr. Wakefield also brought in statistics of crimes in high density zoning.

Ray Zaugg – I feel that there should be absolutely no industrial near the high school. PRD and industrial zoning should never be allowed in Syracuse. The traffic on 700 South would be worse for the community because of High School students.

Ed Gertge – The commercial development would be bad for all other commercial businesses already in Syracuse.

Lois Binder - Industrial zoning would bring in a lot of air pollution and toxic waste.

Chris Lewis, Ivory Homes – I would not be in favor of R1. Even though high density may be a concern, this will bring in a very high quality homes. The argument against any apartments is unfounded. People don't become good people because they live in a single family home. People aren't bad because they live in apartments. Just need a good management company to take care of the apartments. Ivory is the largest multi-unit builders in the State.

Jeff Edwards – We are pleased to have Syracuse help us bring new opportunities to the state. I believe there is a good opportunity for businesses are coming to Utah. Freeport is nearing capacity. Non- Retail jobs are needed in the community. An industrial park would bring in high quality jobs for the community.

Commissioner Hellewell read a letter that was submitted by David & Julie Griffin - Please leave plan as currently zoned.

Commissioner Hellewell – In my opinion, there are no other large properties are available to build commercial buildings. This General Plan is a long interview; the Commercial is going to come. The other large portions of land have already been used. If a Costco or some other similar type store wanted to come into Syracuse, this is the last spot in the City where larger scale businesses could open.

Commissioner Jensen – I do not have a problem with zoning higher than R1. Adult retirement communities are a good example of good use of high density properties.

Commissioner Bodrero – R-3 and PRD is not high density, it is a medium density development. We can't control by development what crime may come into the city. The few people out of 25,000 residents that have come to make comments does not change his opinion. The current Light Industrial and residential proposal makes the most sense.

Commissioner McCuiston - R1 is not a good proposal for the area.

Commissioner Jensen – We are getting close to build-out. Need a tax base for the City. Taxes are paid more from commercial businesses than residential properties. Residents don't want the city to raise taxes.

Commissioner Hellewell wants to table the item for now.

COMMISSIONER PRATT MADE A MOTION TO TABLE ITEM 4 UNTIL ITEM 6 FROM THE NINIGRET PRESENTATION. COMMISSIONER RACKHAM SECONDED THE MOTION. ALL IN FAVOR. MOTION PASSES.

[8:17:12 PM](#)

7. **Public Hearing – Ninigret Construction North LLC, located at approx. 1525 W 500 S, General Plan Map amendment from C-2 Commercial and Professional Office to R-3 Residential, PRD Planned Residential Development and Industrial.**

Peter Corroon – We are proposing that half of the property will be residential and the other half will be industrial. The C-2 Commercial area for the General Plan will be rezoned Industrial and Residential and what is currently PO Professional Office will be proposed for Residential. The Residential uses will be R-3 and PRD. The zoning change is what is Agricultural zoning will be Residential and Industrial zoning. We feel our proposal meets the requirements of the General Plan. Ninigret builds light industrial and we do not build heavy industrial and our proposal will not create smoke or pollution. Drugs are less used by workers in an industrial park because they are more frequently drug tested. Retail jobs don't pay as well. Retail properties are struggling right now in this area. The City needs jobs for residents. Retail needs rooftops. We have talked about using PO Professional Office as a buffer between Residential and Industrial. Truck traffic will be on SR193; there will be no truck traffic on 700 South or other local roads, unless necessary. Development will help tax base for city.

Chris Lewis (Ivory Homes) – We are comfortable having Light Industrial next to Residential. I have all the confidence in the Ninigret Group and we open to R1 with PRD development. We will buffer the Residential on 700 South.

Commissioner Jensen – Syracuse residents would like to see more green and open space.

Chris Lewis - We have vested interest in Syracuse City and we want to be good partners with you. We will execute the plan we say we will execute. There would be 8 to 9 units per acre and our townhomes are high quality. Townhomes are 10 homes per acre.

Randy Abood (owner of Ninigret) - PRI still owns corner. Industrial is the only thing that will work in that area.

Ryan Chandler - Syracuse residents were here first. Syracuse City owes Ninigret nothing. The market will change again. Once this change is made we will never be able to change it.

Ray Zaugg - Changes will inevitably occur in the future. As the dynamics of our city changes, especially with the road coming through, it will attract people who want to be on that road with their businesses. The only people who are in favor of the Ninigret zone changes are those who are here as owners or as a developer. There are no residents that are in favor of this; if there were, where are they? I am offended at what Commissioner Bodrero said when he talked about a small percentage of residents. At least we show up and voice our concerns. Where are the ones who are for it besides the ones who have the money? Would you build a home next to an industrial park?

Tom Freeman (Ninigret Group) – I think that pride is shared with Syracuse residents, Ivory Homes, and with Ninigret. We want to contribute to that pride. The property would be something to be proud of.

Commissioner Pratt – I do appreciate the partnership that is now here and both groups are highly respected in the state. I think that Ivory Homes can put out an exceptional product. I also think that when you put Residential next to Industrial, you will not build your best homes there because people will not be drawn to that, so lower priced properties will be the product of that. We do need lower income and moderate homes to come in to meet the Federal law that mandates that every city must have some type of lower income housing so we do not get sued. Syracuse can afford to be patient with this property; it is the only we've got and when it is gone, that is it. I talked with Peter Corroon today extensively and the only line in the sand is semantics. You want Industrial; we want Business Park minus manufacturing, distribution, and warehousing. That is the only difference we are talking about. All the buildings that Ninigret builds are conducive to all of the applications in the Business Park.

COMMISSIONER RACKHAM MADE A MOTION TO TAKE A FIVE MINUTE RECESS. COMMISSIONER PRATT SECONDED THE MOTION. ALL IN FAVOR. MOTION PASSED.

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COMMISSIONER HELLEWELL CALLED THE MEETING BACK TO ORDER.

[9:36:15 PM](#)

COMMISSIONER RACKHAM MADE A MOTION TO RECOMMEND TO CITY COUNCIL DENIAL OF THE REQUESTED GENERAL PLAN MAP CHANGE FROM C-2 COMMERCIAL AND PO PROFESSIONAL OFFICE TO R-3 RESIDENTIAL PRD PLANNED RESIDENTIAL DEVELOPMENT AND INDUSTRIAL. COMMISSIONER BODRERO SECONDED THE MOTION.

[9:39:16 PM](#)

COMMISSIONER BODRERO MADE A MOTION TO RECOMMEND APPROVAL OF ITEM 6 WITH THE CLARIFICATION THAT THE RESIDENTIAL PORTION ON 700 BE AN R-1 CLUSTER TO CITY COUNCIL

COMMISSIONER MCCUISTION SECONDED THE MOTION. 4 COMMISSIONERS VOTED NAY; 3 COMMISSIONERS VOTED AYE; MOTION FAILED.

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COMMISSIONER JENSEN MADE A MOTION TO APPROVE THE GENERAL PLAN CHANGE WITH THE CHANGE THAT THE R-3 ON THE MAP BE CHANGED TO R-1 WITH THE UNDERSTANDING THAT WE WILL EXPECT CLUSTERING AND THAT THE INDUSTRIAL STOP AT APPROXIMATELY 1550 WEST GOES EAST OF THE POWER LINES AND WEST OF THE POWER LINES TO BE MADE GC GENERAL COMMERCIAL. NO SECOND. MOTION FAILED.

[9:44:44 PM](#)

COMMISSIONER PRATT MADE A MOTION TO DENY NINIGRET CONSTRUCTION, LLC GENERAL PLAN MAP AMENDMENT FROM C-2 AND PO PROFESSIONAL OFFICE TO R-3 RESIDENTIAL AND PRD PLANNED RESIDENTIAL DEVELOPMENT AND INDUSTRIAL FOR A COMPLETE DENIAL OF ITEM 6. MOTION SECONDED BY COMMISSIONER RACKHAM. 4 COMMISSIONERS VOTED IN FAVOR AND 3 COMMISSIONERS VOTED AGAINST MOTION. MOTION PASSED.

[9:45:49 PM](#)

COMMISSIONER PRATT MADE A MOTION TO RECOMMEND APPROVAL OF THE GENERAL PLAN MAP AMENDMENTS FOR DISTRICTS 1, 2, & 9 AMENDING C-2 ZONING AND PO PROFESSIONAL OFFICE TO GC GENERAL COMMERCIAL AND BUSINESS PARK AND R-1 RESIDENTIAL, WITH THE EXCEPTION OF THE HOSPITAL PROPERTY LOCATED AT APPROXIMATELY 745 SOUTH 2000 WEST ALONG WITH THIS MOTION TO BE REZONED TO PLANNED PROFESSIONAL OFFICE.

Commissioner Jensen requested clarification. The hospital property came into question.

COMMISSIONER RACKHAM SECONDED THE MOTION. 5 COMMISSIONERS VOTED IN FAVOR OF THE MOTION; COMMISSIONERS JENSEN AND BODRERO VOTED AGAINST. MOTION PASSED.

[9:49:35 PM](#)

8. **Public Hearing - Ninigret Construction North LLC, located at approx. 1525 W 500 S, rezone request from A-1 Agriculture to R-3 Residential, PRD Residential and Industrial.**

Ninigret respectfully objects to the Planning Commission's proposed rezone as applicable to the property owned by Ninigret within the rezone area. The City's proposed rezone if passed will cause undue harm to Ninigret, will harm Ninigret's property values, and will impair Ninigret's investment and expectations. As applied to Ninigret's property, the City's proposed rezone is arbitrary and capricious and it very frustrating at this very moment. Ninigret is attempting to develop its property in a manner that will provide much needed jobs and tax revenue to the City. Ninigret has not been asked to provide any input regarding the City's proposed rezone that would negatively affect Ninigret's property. Ninigret reserves all arguments to appeal a decision in favor of the City's rezone including, but not limited to, the lack of legal notice and failure to comply with the City's ordinance. The manner in which this decision was reached and the facts that formed the basis.

Commissioner Hellewell – This was not a rezone action. This is a General Plan change, a recommendation to the City Council from the Planning Commission; it is not a rezone.

Attorney Carlson – Do you want to proceed with the rezone application?

COMMISSIONER JENSEN MADE A MOTION TO TABLE ITEM # 7 UNTIL THE PLANNING COMMISSION HAS MORE CLARIFICATION ON THE GENERAL PLAN. COMMISSIONER BODRERO SECONDED THE MOTION. ALL IN FAVOR. MOTION PASSED.

[9:56:26 PM](#)

9. **Adjourn**
COMMISSIONER HELLEWELL MADE A MOTION TO ADJOURN. ALL VOTED IN FAVOR.

[9:57:00 PM](#)

Kenneth Hellewell, Chairman

Debbie Rainford, Administrative Assistant

Date Approved: