

Minutes of the Regular Meeting of the Syracuse City Planning Commission held on August 6, 2013, at 6:00 p.m., in the Council Chambers, 1979 West 1900 South, Syracuse City, Davis County, Utah.

- Present:**
- Commission Members: Curt McCuiston, Chairman
Tyler Bodrero, Vice-Chairman
TJ Jensen
Wayne Kinsey
Anne Greeson
Ralph Vaughan
Sean Dixon
 - City Employees: Jenny Schow, Planner
Noah Steele, Planner
Kelly A. Janis, Planning Administrator
Brian Bloemen, City Engineer
Jo Hamblin – Deputy Fire Marshall
Steven Garside – City Attorney
 - Excused: Dale Rackham
 - City Council: Craig Johnson
 - Visitors: Dean & Holly Rasband
Trevor Rhoades
Connor Clark
Dale Meredith
Randy Abood
Colby Bond
 - Hugh Parke
Troy Christopulos
Ramiro Meredith
Peter Corroon
Eric Rice
Stephen Fackrel
 - Mark Millard
Sara Huntsman
Nick Miuzo
Gary McEntee
Tom Freeman

1. Meeting Called to Order

[6:07:27 PM](#)

- a. Invocation or Thought – Commissioner McCuiston
- b. Pledge of Allegiance – Commissioner Jensen
- c. Adoption of Meeting Agenda -

COMMISSIONER JENSEN MADE A MOTION TO APPROVE THE SYRACUSE CITY PLANNING COMMISSION AGENDA, AS WRITTEN FOR AUGUST 6, 2013, WITH THE EXCEPTION OF THE WORK SESSION TO REMAIN IN COUNCIL CHAMBERS. COMMISSIONER KINSEY SECONDED THE MOTION; ALL VOTED IN FAVOR, THE MOTION PASSED.

[6:10:23 PM](#)

2. Approval of Minutes - Work Session Minutes for May 7, 2013 and July 2, 2013. Commissioners Vaughan, Greeson, Dixon will be abstaining from this action.

COMMISSIONER JENSEN MADE A MOTION TO APPROVE THE PLANNING COMMISSION WORK SESSION MINUTES FOR MAY 7, 2013 AND JULY 2, 2013, AS WRITTEN AND AS AMENDED. COMMISSIONER BODRERO SECONDED THE MOTION; ALL VOTED IN FAVOR, THE MOTION PASSED.

[6:11:24 PM](#)

3. Public Hearing, Major Conditional Use Permit, M&H Tools LLC, Mark Millard, located at 1119 S 2200 W, R-2 Residential Zone, mobile tool sales.

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Planner Schow - This application is for a home occupation permit for the mobile sale of tools. The applicant has been in business for nine years and has recently moved to Syracuse. Ordinance 12-7-40-(B)1. requires vehicles associated with the home occupation that are between ten thousand pounds and twenty thousand pounds to obtain a major conditional use permit. The applicants Work Vehicle is 15,000 pounds and photographs have been submitted in the packet. The applicant is in compliance with the off street parking requirements. We are recommending approval for this application.

Mark Millard – I am trying to get a Conditional Use Permit for my home business.

Commissioner Jensen – Does the vehicle need to be parked on a hard surface?

Planner Schow – The vehicle will be parked on a designated hard surface.

Commissioner Jensen – Where do you plan on parking your vehicle?

Mark Millard – On my RV pad which is next to my house, which is gravel.

Commissioner Vaughan – How are you going to screen the vehicle?

Mark Millard – If I have to, I will park my truck 100’ back. I can do that, but I have power cables that need to be plugged in to charge my batteries.

Planner Schow – A 6' vinyl fence would be considered screening by ordinance. Ordinance requires a 6' fence and does not allow for higher fencing in residential zones.

Public Hearing Open

[6:19:08 PM](#)

No Comment

Public Hearing Closed

[6:19:24 PM](#)

Commissioner Jensen – In the past, we have had numerous residents that are parking their work vehicles at their house and is something that we are not really worried about.

Planner Schow – That is accurate; in addition, we also have 2 other vehicles in the city operating as a home business.

Commissioner Jensen – With that being said, is that something that we need to address in the ordinance?

Planner Schow – We could add that to the items for work session.

Commissioner Bodrero – Are you aware of any complaints from any other residents about this or any other commercial trucks that are parked in residential areas?

Planner Schow – No, not in the time that I have been here.

COMMISSIONER BODRERO MADE A MOTION TO GRANT APPROVAL FOR A MAJOR HOME OCCUPATION CONDITIONAL USE PERMIT FOR MARK MILLARD, LOCATED AT 1119 SOUTH 2200 WEST, FOR MOBILE TOOL SALES, SUBJECT TO ALL APPLICABLE REQUIREMENTS OF THE CITY'S MUNICIPAL CODES. COMMISSIONER JENSEN SECONDED THE MOTION; 6 COMMISSIONERS VOTED IN FAVOR, 1 NAY FROM VAUGHAN, THE MOTION PASSED.

[6:21:39 PM](#)

4. Public Hearing, Letrono Cross Fit Site Plan, Troy Christopulos, located at 1754 S 750 W, Industrial Zone.

[6:22:02 PM](#)

Planner Steele – I did the site plan review for this application. Letrono is an existing business that has been operating for a number of years near the Pizza Factory. This past winter due to the snow load, their roof collapsed and was forced to demolish the building. Letrono is not changing the use; they are just reconstructing their building. That building was approximately 5,600 square feet. They are rebuilding a new facility on the same site. The new building is approximately 7,579 square feet. This use is not listed on the allowed uses in this chapter of the ordinance. The zone allows 'uses considered similar and compatible by the Land Use Administrator'. This use would be considered similar and compatible to the surrounding uses. The minimum lot standards: The lot area is .44 acres or 19,166 ft². The property to the West is zoned agriculture which requires a 20 foot setback between the uses, unless an exception is granted by the Land Use Authority. The agriculture property is general planned for general commercial. We did not see any signs on the site plan. The total landscaping on the site plan is 19% and the requirement is 10%. The clear-visibility triangle located at the intersection of the driveways shown in the site plan and 750 W have multiple trees that will need to be maintained to not impede view. The street tree species shown in site plan are on the list as being appropriate for a small park strip. However, the size of the tree symbol drawn does not reflect the actual average mature spread of the species. Preliminary research by staff has found that the Rocky Mountain Maple grows to an average spread of around 15'-20'. The drawing is showing them with a 30' spread. The small park strip trees should be spaced at a minimum distance of 30'. The plan shows them spaced at 20', 23', and 34' apart. Trees must be spaced at least two feet from the curb and sidewalk. Per (F) in the Street Tree Ordinance, street trees must not be planted within 5' of utility lines or wires. The utility locations are not shown on the landscape plan and it is not possible to accurately evaluate whether or not this requirement is met. The biggest item on this site plan is to work through the parking. We have received some complaints about the street parking. They are trying to accommodate as much off street parking as possible; however, it is very tight on the site plan. The site plan includes 20 parking stalls. The site has a frontage of 118.76 feet. The site plan shows two ingress / egress spaced approximately 60' from each other. Per the ingress/egress, and spacing requirements in this chapter there is not sufficient frontage for two driveway approaches as shown in the site plan. The site plan shows parking spaces sized 9' x 18' which does not meet the ordinance's requirement for 9' x 20' spaces. The northern edge of the parking is up against the property boundary without any screening. There were not any lighting details on the plan, but Troy has submitted on this latest one which will depict some of the lighting areas. A painted pedestrian walkway is provided from the sidewalk to the building however, it is located in the middle of the parking ingress/egress. Staff recommends that this walkway is moved out of the ingress/egress. The plan does not include any bike parking which would be important to provide to clients. Staff recommends a sidewalk for pedestrians to safely walk from the north parking area to the building. The sidewalk should be placed on the north edge of the building which would also protect the building from backing cars. The Architectural Review Committee (ARC) has also met for preparation of this review. Those are the items that we found on the planning side and we are trying to work through the parking issues and we seek the Planning Commission's advice and comments.

Planner Schow – You are the decision making body on this application.

Troy Christopulos – We want to rebuild Letrono and to help that area of the City, with the off-street parking. We have a proposed a larger gym with more parking. We are trying to dress up our building with more landscaping to make it look nice for the City and for us.

Commissioner Vaughan – How many members did you have before the building failure?

Troy Christopulos – Probably between 100 – 120 members.

Commissioner Vaughan – And how many did you have in the building at one time?

Troy Christopulos – We are not a typical gym, we have classes. In those classes, it varies between 5 – 25 members.

Commissioner Bodrero – I see that the landscaping percentage was reduced from 19% to 13%.

Planner Steele – Yes, they do have plenty of landscaping and the requirement is 10%.

Commissioner Bodrero – Having participated in the ARC meeting, is he using appropriate trees?

Planner Steele – Yes, he is using the appropriate street trees per the City's ordinance.

Commissioner Bodrero – We want as much parking as we can and it seems that parking is an issue.

Planner Steele – We have had a few adjacent land owners with concerns about the parking situation.

Planner Schow – Could you please tell me how many parking stalls were in the old plan?

Troy Christopulos – I believe 12.

Commissioner McCuiston – I am concerned with the zero lot lines because we are setting the building completely to the southern line. How do we impact the neighbor to the south? Without the 20' buffer that is required to the north, what would the buffer be that was required for the Master Plan for future zoning?

Planner Steele – I think the buffer would be the same.

Troy Christopulos – I think one thing that is important to point out is that the gymnastics studio does not have a 20' buffer off the back property line, and their front yard is entirely parking.

Planner Steele – There are projects that have parking in front and there are others that have gone through the process. But currently our ordinance states that it is not allowed.

Jo Hamblin – This is the first time that I have seen the second set of plans and I do know the IFC does require a zero lot line and there are some stipulations in there. I would need to look that up.

Planner Steele – I did find in the ordinance about the 20' buffer. When an industrial lot is adjacent to or faces upon another non-industrial zone, the yards in the industrial zone that are adjacent to or face upon the other non-industrial zone shall be a minimum of 20' on all sides. Exceptions to this requirement may be granted by the Land Use Authority for industrial zones that are adjacent to other industrial zones or agricultural zones if all proposed structures on the industrial property meet minimum fire protection requirements.

Troy Christopulos – What is that agricultural land zoned as and what will it potentially be?

Planner Steele – Yes, the General Plan has it zoned General Commercial.

Commissioner Jensen – It is agricultural now, and it is going to commercial and neither of those uses is industrial.

Planner Steele – It could even be residential in the future depending on what zone changes are applied for.

Commissioner Vaughan – What would the fire marshal for a side yard setback on a structure that only has access on two sides currently?

Jo Hamblin – Per code, it is 26'; however we are looking for 150' access around the building. Look

Planner Steele – The planning staff or the engineering department have not had a chance to review this plan. This was resubmitted today.

Commissioner McCuiston – How would that work into the industrial zones? The property to the north would have to front all of the buffer.

Planner Steele – All industrial zones are required to go through the ARC, and a site plan process. Ideally, it would be nice to have a buffer along the north edge for future uses.

Troy Christopulos – One thing we have tried to do to compensate that, we realize it is an issue and we would probably prefer to have a buffer there, but with the way things have laid out, it is really stretching it to put one in there, so we have increased the length of the landscape around to help offset that.

Commissioner Vaughan – Unless the footprint of the building was reduced; if the footprint was reduced by 10 or 20%, would you have room to do that?

Troy Christopulos – Yes.

Public Hearing Open

[7:04:29 PM](#)

No Comment

Public Hearing Closed

[7:04:45 PM](#)

Commissioner Jensen – I am struggling with the front yard requirement. I am very hesitant to just ignore the 30' requirement because we have other industrial zones in the city, and I would like to see them get the biggest building they can, but that does not trump the ordinance. I would like to table this until staff and commission have more time to review this.

Commissioner Vaughan – I think the statement of the fire marshal speaks well, because he has not had enough time to adequately review this. Above all else, safety is a priority.

Planner Steele – Fire and engineering need to review this latest submittal.

Commissioner Bodrero – They reviewed what the ARC saw last week.

Commissioner Bodrero – Parking...we have looked at this in the past when a building has burned down; however, what is proposed is much different than what it was before. Being able to look at that parking in the front is an issue.

Commissioner Jensen – I am hesitant on that argument. That being said, it is a unique situation with that lot. I do not like making exceptions.

Troy Christopulos – The ordinance with the front yard, doesn't that apply to commercial as well? That is one of the things that is perplexing to us is that 95% of all buildings in Syracuse City are in violation of that ordinance. It is difficult for us to understand why we are being held to that standard when two buildings to the south of us have their entire front yard as a parking lot.

Planner Schow – The fact of the matter is they meet the parking requirements with those stalls.

Troy Christopulos – We are doing it because of the outcry from the neighborhood to help with the on street parking. We are doing this to help the City and the neighborhood function better.

Commissioner Vaughan – If those three parking spaces were eliminated, that would eliminate one of the handicap spots. That would require the handicap spot to be placed on the north property line which would change the dynamic for access; the number of spaces across the top property line and also the access across the parking lot for a handicap carrier. I do not believe that would work if those three spaces were eliminated.

Planner Schow – Yes, that is correct and that may be a separate issue as well.

Planner Steele – I am not familiar with the requirements.

Brian Bloemen – There is going to be a requirement for van accessibility and you are going to lose two spots, and 4 spots total if you take away the three in the front.

Commissioner McCuiston – My only concern is the northern property line without a buffer or offset; I am concerned what impact that would have.

Planner Schow – Attorney Garside, how do you think about the interpretation of the 10-24-050 off street parking?

Attorney Garside – There is some internal confusion with the code because it uses the term front yard to measure both the setbacks as well as defined in area. The code is also mixing residential and commercial.

Planner Schow – It does say the permissible location of the principal building for the front yard location.

Attorney Garside – Some of the larger commercial areas or even the strip malls, there's obviously some parking in front of those and it is within the 30' setback and they still meet the landscaping requirements. There is some internal conflict within the code. If you maintain your landscaping requirements and still allow the parking in front of the building, one way to interpret the code is how it has been applied historically. I think that everyone here would agree that there is parking in the front yard of commercial and industrial areas.

Commissioner McCuiston – If these stalls were denied, they would fall below the minimum of 15?

Planner Steele – Curt, your question if they were to take away the front parking in the front yard, would they still meet the minimum parking requirement?

Commissioner McCuiston – Yes.

Planner Steele – The minimum parking requirement is 15; that's per the square footage. If they were to reduce square footage, they would not be required to have as many parking spaces.

Commissioner Jensen – There is also another option, on a 16th stall, they could put a handicap stall on the side of the building.

Commissioner Vaughan – The only thing we haven't addressed are signs and lighting. I also think that every major issue of this project indicates that it is not ready yet. I

Commissioner Jensen – I would like to table this, but before we do this, I would like to give the applicant some direction as to what the Commission is going to expect.

Hugh Park – Just in looking at this, I hope we are tabling this for these three stalls. From what I understand from the PC point of view, you want to look at the general requirements. We want to work with staff and do not want to lose another two weeks on our timeframe.

Commissioner Jensen – Do they have to have two driveways?

Planner Steele – If they remove the parking in the front, then they would be required to have a handicap stall elsewhere, which would probably remove some of their parking on the north, which would put them below the 15.

Troy Christopulos – We are comfortable with asking staff to help us come up with a solution.

Commissioner Jensen – Would staff like more time to review?

Planner Steele – I think there are things that need to be modified.

Commissioner Vaughan – The fire marshal said he would like more time to review this plan.

Commissioner Jensen – Before we table, I want the applicant to understand all of our concerns.

Jo Hamblin – I reviewed the plans that were given to me, but right now I am not comfortable saying that this is in compliance.

Commissioner Jensen – If we were to table this for two weeks, would that give you enough time to review the new plans?

Jo Hamblin – Yes. The other question would be, are they entertaining ideas of sprinkler systems?

Troy Christopher – We do not need to table this over that. Per our square footage, I believe that we are required to have sprinkler systems.

Jo Hamblin – With a zero lot line, I believe yes.

Hugh Park – I know that there are things in the building and fire codes that we know we need to comply with. We are eager to move forward.

Commissioner Jensen – How does the commission feel about this?

Planner Steele – I think through our discussion, we have identified that there are things that need to be modified and if we can come up with a defined list of things that need approval upon, I would be comfortable with that.

Commissioner Jensen – I would like to see final plans before.

COMMISSIONER JENSEN MADE A MOTION TO TABLE THIS FOR 2 WEEKS WITH THE CONDITIONS THAT THE PARKING STALLS THAT ARE CURRENTLY LOCATED TO THE EAST GET MOVED, LANDSCAPING, AND THAT THE CONCERNS FROM BUILDING AND FIRE ARE ADDRESSED. COMMISSIONER VAUGHAN SECONDED THE MOTION; 6 COMMISSIONERS VOTED IN FAVOR, COMMISSIONER BODRERO VOTED AGAINST THE MOTION. THE MOTION PASSED.

[7:36:57 PM](#)

5. Harvest Point Subdivision Phase 6 Final Plan, THR Investments LLC, located at approximately 2150 S 1170 W, R-2 Residential Zone.

Planner Schow – This project is here for final approval. The applicant for Harvest Point has decided to bring Phase 6 at this time. We are only looking at 10 lots in Phase 6. There were a few small changes in my staff report, and I have discussed those with the engineer and the applicant has been very compliant. The applicant has been more than willing to make adjustments. I do not have any issues.

Trevor Rhoades – I am representing my father and uncles.

Planner Schow – Everything meets the zoning.

Jensen made a motion to approve; Vaughan 2nd – all in favor.

COMMISSIONER JENSEN MADE A MOTION TO APPROVE TO HARVEST POINT PHASE 6 FINAL PLAN LOCATED AT APPROXIMATELY 2150 S 1170 W. COMMISSIONER VAUGHAN SECONDED THE MOTION; ALL VOTED IN FAVOR, THE MOTION PASSED.

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6. Trailside Park Phase 6&7 Preliminary Plan, Ovation Homes, located at approximately 1800 West 2900 South, R-1 Residential Zone.

Planner Schow – This is phase 6 & 7 and located near Jensen Park. The subdivision will be tying into the existing homes and will become part of the existing HOA. The applicant from Sketch to Preliminary has made some changes. All the lots meet the size for the subdivision. Due to the potential of a protection strip that is not allowed by ordinance, staff is recommending that this be incorporated into Lot 77 & 78. I would like to clarify that the applicant has indicated that it is not their intention to create a protection strip; it is their intention is to purchase this piece of land in the future. Because of the problems this creates, we are recommending that this is incorporated and if the land is purchased at a later date that this plat is amended.

Attorney Garside – Our recommendation is to incorporate the specified piece of land into lots 77 & 78.

Brad Frost – We are fine with that situation. We have that option and we are just waiting for work from the Corps of Engineers to see if we can build on that.

Commissioner Jensen – As long as that applicant is in agreement to absorb that strip into those two lots, and then I am good with this.

Bodrero – Did the previous phases have an abundance of open space?

Schow – Yes; they did exceed it. With this addition, it still exceeds and it does meet the open space requirement.

Commissioner Bodrero – And this was discussed previously?

Planner Schow – Yes, that is correct.

Commissioner McCuiston – There is not an issue with the number of lots on the end of the cul de sac?

Planner Schow – I am not aware that we have a maximum requirement. The cul de sac meets our maximum length.

Commissioner Jensen – That does exceed 500' and that should be a through road.

Brad Frost – I do not know the exact measurement, but Sherrie Christensen checked on that and we are within the ordinance.

COMMISSIONER JENSEN MADE A MOTION TO APPROVE THE PRELIMINARY PLAN FOR TRAILSIDE PARK PHASE 6 & 7 LOCATED AT APPROXIMATELY 1800 WEST 2900 SOUTH, WITH THE NOTED CHANGE THAT THE PARCEL A BE INCORPORATED AND THE ACREAGE FROM THAT PARCEL BE INCORPORATED INTO LOTS 77 & 78. COMMISSIONER BODRERO SECONDED THE MOTION. ALL IN FAVOR. MOTION PASSED.

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7. Zaugg Meadows Final Plan, Zaugg Meadows LLC, located at approximately 700 S 1600 W, R-1 Residential Zone.

Planner Schow – This piece of property will soon be Zaugg Meadows and in the R-2 zone and the applicant has been before us for Sketch Plan and Preliminary and we are looking at the final plan. I do not recall any red flags, there are a few small things that need to be discussed between staff and engineering, including addressing. Planning does not have any outstanding items.

COMMISSIONER KINSEY MADE A MOTION TO APPROVE THE FINAL PLAN FOR ZAUGG MEADOWS BY ZAUGG MEADOWS LLC LOCATED AT APPROXIMATELY 700 SOUTH 1600 WEST SUBJECT TO ALL REQUIREMENTS OF THE CITY'S MUNICIPAL CODES AND TO THE CITY'S STAFF REVIEWS. COMMISSIONER JENSEN SECONDED THE MOTION. ALL IN FAVOR. MOTION PASSED.

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Commissioner Jensen – Before you get to the next item, I need to disclose that on the Still Water Lakes that I own the property immediately adjacent to the east and north of this parcel, and since this development will have a direct impact on my property values, I need to recuse myself.

[7:54:18 PM](#)

8. Still Water Lakes Estates, Sketch Plan, Irben Development LLC, located at approximately 1500 W Gentile, R-1 Residential Zone.

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Planner Schow – This project has been before us for Sketch Plan already once; the Planning Commission did table this, the West Davis Corridor (WDC) has indicated that it will be coming in this general direction. Due to the communication requirements between UDOT and the City, we had to submit a letter to the Director of UDOT indicating that we had received an application and we had to have a 45 day waiting period before the Planning Commission could act on it; this was required and that has now expired. I do want to indicate that we did receive an email from Randy Jeffries who is the coordinator from UDOT for the WDC and he could not be here tonight and I wanted to read his email so that he could indicate his concerns.

The letter is read as follows:

“I will not be able to attend the meeting due to other city council meetings I must attend. However, on behalf of UDOT, I'd like to weigh in on the proposed sketch plan approval for Still Water Estates. As you know, this development is in the path of both of the West Davis Corridor routes in Syracuse. In response to the city notification of this pending development, UDOT has contacted the developers, shared engineering information, reviewed their appraisal, and have scheduled a meeting with them this Thursday, August 8th to discuss possible acquisition of portions of this parcel. In addition, the developer has made some shifts to Alternative B that UDOT has not reviewed and approved. We feel it is important for the Planning Commission to be aware of these pending discussions and issues as it considers the sketch plan for approval. UDOT is committed to working with the developers and Syracuse City in a timely manner to find a solution that will be satisfactory to all parties. Thanks.”

Planner Schow – As this project was originally Sherrie's, I am not completely as current on this. This is a very unique project that has been brought to the City and there has been a lot of pre-meetings with the applicant and discussions with staff at all levels in regard to the uniqueness of this project. What they are proposing is two ski lakes. The homes within a certain section will be a gated community for those lakes which will have its own HOA. Another section of the plan has an area that is higher density, which has been established through our PRD ordinance. They have made a flag lot to a cul de sac.

Commissioner Vaughan – Are any of the numbered blocks, are any of those at risk if UDOT comes through with West Davis?

Planner Schow – I do believe that there is a possibility; I am not sure that we have the exact route of the corridor on this site plan.

Mike Thayne – I am with Irben Development.

Commissioner Vaughan – Based upon the map, are any of those lots at risk?

Mike Thayne – Potentially yes.

Commissioner Vaughan – If they take away any of those lots, then the entire development will need to be restructured.

Mike Thayne – Yes, but Sherrie Christensen asked us that a few months ago and she has run the numbers in terms of the density with and without the UDOT piece and we fit well within the allowed lots.

Mike Thayne – Phase 8 is townhomes and they fit in with the allowed density. Because UDOT has not purchased property and because it is not a done deal that there is going to be a West Davis Corridor, that is why that is Phase 8. We are working with UDOT.

Commissioner Bodrero – If Phase 8 went away, everything would have to be recalculated as far as density and allowable areas and requirements per the code.

Mike Thayne – Yes, and those are the calculations that Sherrie Christensen has done and we are fine with that.

Commissioner Bodrero – My remaining concern is approving a subdivision plat which is in negotiation with UDOT. So is Phase 8 part of this plat or not?

Mike Thayne – Yes.

Commissioner Bodrero – I love this project, but I feel that I would have a hard time approving the entirety of the plat with Phase 8 associated. I would recommend removing Phase 8 with the possibility of approving it later depending UDOT with WDC.

Mike Thayne – The Corridor Preservation Act (CPA) was put into place for this very purpose. The state statute allows a developer, according to ordinance, to go through the process and as long as they meet the requirements, go through it. The CPA came in and stated if a corridor is designated as a high priority

transportation corridor, which the WDC has, then the city is required to notify UDOT, which is what happened in June but should have happened a year ago, the notification was sent and the 45 days began. The purpose of those 45 days is so that UDOT can get with the developer and come to terms with the acquisition of that property should they choose to. They took 3 weeks to get back to us and set up another meeting. The purpose of those 45 days is so that they have the opportunity to purchase that property before it is further entitled. We have met all of the requirements; we have done everything the state required. I do not think we should be held up for any reason. We have met with Randy Jefferies for the last year and a half, and we did everything we needed to do within that 45 day period. We are ready to move on.

Commissioner McCuiston – This is zoned R-1 and according to staff notes we have a bonus density of 25% because of an open space.

Planner Schow – That is something that we have discussed in the meeting as incorporating a change into the ordinance to accommodate so that the open space is for the whole community, but as it is written right now, it meets the requirement for open space. The only issues that we really have that we need to address are whether or not the parks are private or public. I think we were leaning toward private parks and have them maintained by the HOA.

Mike Thayne – We have agreed to do that.

Attorney Garside – That brings up the issue of the HOA and a development agreement. I would strongly encourage the creation of the development agreement. The other issue with regard to the UDOT potential acquisition regardless of what happens, there are going to have to be some changes that need to take place: the buffering would need to be significantly different, the road patterns would be different, I do not know how this impacts the transportation element of the City's General Plan and I do not know if the City or the General Plan has contemplated this area, but those are the things that need to be taken into consideration. With those pending issues, it would not be ill advised for the Planning Commission to review that and take a couple of weeks, at a minimum, to look at what those potential impacts would be.

Planner Schow – I just read Sherrie's staff report and I will point out that many of the items were in were items that need to be addressed prior to coming back for preliminary. Sherrie did state that the density without Phase 8 does meet the requirements and if that were removed from your recommendation, their density allowances would still meet the PRD ordinance.

Attorney Garside – Has there been a development agreement proposed?

Planner Schow – No, that would be the next step that we would work on once we move to preliminary. We will not start that until the Sketch plan has been finalized.

Mike Thayne – I appreciate the conversation. I do not know how many times a development can be tabled. We were tabled last time for the flag lot, lot sizes on the density, and the 45 day waiting period. We have met all of those requirements and the 45 days has expired, we are meeting with UDOT and have done everything we have been asked to do. For us to be tabled again for different reasons as this point; we have agreed to fix everything. Some of those items will take place in preliminary and that was working with staff. The ones that we were tabled for, we have corrected. I think we are entitled for approval of the Sketch Plan.

Commissioner Vaughan – Is that true? Has the applicant met all of the previous requirements that have been asked of them?

Planner Schow – Yes, to my understanding. The project has shifted over the land; this has been a long road. Could you tell us a little more about your meeting on the 8th and what you plan to accomplish or possibly accomplish with UDOT?

Mike Thayne – That meeting was the first negotiation of the acquisition of the land. I do not have the agenda; Randy Jefferies set the meeting.

Planner Schow – So it is a meeting to discuss acquiring Phase 8 of this subdivision? With that said, I do not think it is unreasonable to table it for 2 weeks to see the results of that meeting.

Mike Thayne – I disagree. They had 45 days to do that, we've given them more than 45 days. We deserve to be approved. Like I said, the appraisal took place in June without the entitlements, but we need to move forward because we have deadlines to meet and I do have a good reason yet why we should be tabled.

Commissioner Bodrero – Understanding this Sketch, there is a Preliminary and Final stage to grant subdivision entitlement. Understanding the applicant has worked diligently with staff and completed everything asked, and understanding what has been presented to us tonight, my greatest concern is wherever that corridor goes, essentially crosses through this general area. Either way, it is highly likely that the corridor will be in this area. Tax dollars would be used to purchase the property, that value changes based on entitlement; however, understanding the process in which you have locked in time with this 45 day period, and complying with UDOT's requirements for application, submittal, and appraisal, understanding that would be the negotiating point for you. Governmental entities do not move at the speed of light; I find that it is very appropriate to move to grant approval with the conditions outlined in staff report.

Commissioner Vaughan – I would second that based on the premise unless we have cause to deny the project.

Commissioner Bodrero – Essentially it has been tabled and the conditions have been met from the table. I see no reason to hold proceeding from Sketch to the Preliminary stage, understanding that during this process, as we go through Preliminary, you will be negotiating with UDOT.

Commissioner Dixon – If we go forward with this, we are not locked into a decision tonight? I am not sure what we are deciding here.

Commissioner McCuiston – As I understand this, this is Sketch Plan approval, so we still have to go through Preliminary, Site Plan, and Final Site Plan, but this does change the entitlement to the land.

Planner Schow – That is correct; it does change the entitlement to the land. This is the first of three steps that we come through with the Planning Commission. First we will see this for Sketch Plan, then Preliminary is a much more in depth process before they can come back before you for approvals. Essentially at that point, once we approve Sketch, the developer will be submitting full sets of drawings, full engineering, and putting forth the cost to move this project forward. You will see this two more times, but after this step, it becomes much more in depth.

COMMISSIONER BODRERO MADE A MOTION TO RECOMMEND APPROVAL OF SKETCH PLAN OF STILL WATER LAKE ESTATES, BASED ONWHAT HAS BEEN PRESENTED TO US TONIGHT, THE INFORMATION SHARED BY APPLICANT CONCERNING WITH MEETING WITH UDOT AND COMPLYING WITH THEIR REQUIREMENTS,UNDERSTANDING THAT IN FUTURE APPROVALS OF PRELIMINARY AND FINAL, THERE MAY BE A CONDITION TO REMOVE PHASE 8 COMPLETELY FROM THE SUBDIVISION PLAT. COMMISSIONER VAUGHAN SECONDED THE MOTION. COMMISSIONERS KINSEY AND MCCUITION VOTED AGAINST THE MOTION. MOTION PASSED.

[8:24:46 PM](#)

9. Ninigret North 2, Zone Amendment from A-1 to R-3, located at approximately 1525 W 700 S.

Commissioner Jensen has returned.

[8:25:14 PM](#)

Planner Schow – This is the Ninigret North 2 project and we are only looking at the Residential. The biggest change on this is that they have removed the previously requested PRD and have submitted to do the entire parcel as R-3 Residential. The applicant was not after the highest density that they could get, but rather a quality project. To smooth things out and to move this forward in a better fashion, they decided to go with the R-3 Residential zoning.

Peter Coroon – We are just asking for the zoning to conform with the General Plan.

Commissioner Jensen – Does the rezone require a public hearing?

Planner Schow – It does which we held several meetings ago.

Nick Mingo – The original application was for a Zone Change and General Plan Amendment simultaneously.

Commissioner Bodrero – Both public hearings were held.

Nick Mingo – City Council has already approved the General Plan Amendment, so this is in line with the General Plan.

Commissioner Bodrero – Are there any changes to what you presented last time.

Nick Mingo – The biggest change is we will have all 8,000 square foot lots. Originally, we were trying a blend of densities, but it is not easy to do, so we decided an 8,000 square foot lot subdivision was the best bet under the R-3 Residential zone.

COMMISSIONER BODRERO MADE A MOTION TO GRANT APPROVAL FOR NINIGRET NORTH 2 LLC A REZONE TO ALIGN WITH THE GENERAL PLAN WHICH NOW SHOWS THIS 40.8 ACRES LOCATED AT APPROXIMATELY 1525 WEST 500 SOUTH TO THE R-3 RESIDENTIAL ZONE. COMMISSIONER JENSEN SECONDED THE MOTION. ALL IN FAVOR. MOTION PASSED.

[8:34:53 PM](#)

10. Motion to adjourn

[8:35:21 PM](#)

COMMISSIONER JENSEN MADE A MOTION TO ADJOURN INTO WORK SESSION. ALL VOTED IN FAVOR.

Adjourn

Curt McCuiston, Chairman

Kelly A. Janis, Planning Administrator

Date Approved: September 3, 2013