

Minutes of the Regular Meeting of the Syracuse City Attorney Clint Planning Commission held on April 15, 2014, at 6:00 p.m., in the Council Chambers, 1979 West 1900 South, Syracuse City Attorney Clint, Davis County, Utah.

**Present:**

Commission Members: Curt McCuiston, Chairman  
Tyler Bodrero, Vice-Chairman  
Anne Greeson  
Dale Commissioner Rackham  
Ralph Vaughn  
TJ Jensen  
Wayne Kinsey

City Employees: Sherrie Christensen, Director of Community & Economic Development  
Jenny Schow, Planner  
Jackie Manning, Admin Professional  
Clint Drake, City Attorney  
Terry Palmer, Mayor  
Brian Bloehman, City Engineer  
Jo Hamblin, Deputy Fire Chief

Excused:

City Council: Craig Johnson

Visitors:

Dick Thornley	Bill Bytheway
James Steady	Stephen Fackrell
Colby Bond	Brad Frost
Norm Frost	Mark Sandberg
Dave Galyen	Troop 852

## 1. Meeting Called to Order

6:05:20 PM

- a. **Invocation or Thought** – Commissioner Bodrero
- b. **Pledge of Allegiance** – Troop 852
- c. **Adoption of Meeting Agenda** – Chairman McCuiston

MOTION TO ADOPT APRIL 15, 2014 AGENDA BY COMISSIONER JENSEN. SECONDED BY COMISSIONER RACKHAM. ALL IN FAVOR, NO OPPOSED. MOTION PASSED.

## 2. Public Hearing- General Plan Amendment request from Mark Sandberg for property located at approximately 3200 W 700 S, change from R-1 & PRD Residential to R-3 Residential and General Commercial.

6:08:35PM

Planner Schow introduced applicant and presented the General Plan Amendment map and invited Mark Sandberg to discuss his project. Mark Sandberg, Syracuse, Utah, stated he represented 5 other property owners in Syracuse and the total acreage of the property they own is 119 acres located in the top Northwest corner of Syracuse City. He wanted to consider the impact that West Davis Corridor would take to connect 200 South to the West Davis Corridor with an interchange. Mr. Sandberg showed a presentation of the impact study that he had done showing the current proposed location of the West Davis Corridor, and they listed their guess of where the interchange would most likely be located.

He stated he had a discussion that day with Randy Jefferies, UDOT regional manager, regarding his presentation and Mr. Jefferies found the presentation to be compatible with the West Davis Corridor design. He stated there were two problems with the West Davis Corridor. He stated the first problem being, the West Davis Corridor would take a lot of their property. He stated that 19 percent of their property will be taken by the state to make room for the West Davis Corridor and Interchange. He stated that the property will be cut up into many little parcels making it difficult to use the property in the future. He proposed putting commercial developments close around the corridor to both benefit the property owners and Syracuse City. He stated there are currently a lot of zoning around the property that allows for commercial development in that location. He stated that West Point has regional commercial zone in that area, and they have a professional office zoning off of 200 South, as well as community commercial zoning, and high density R-5 zoning all in that same area. He stated to achieve the highest and best use for the property owners would be to complete the Corridor with commercial property. He stated that as the commercial property is developed there will need to be a buffer between the high density commercial properties and the rest of the residential properties, therefore he request an R-3 residential zone as part of that buffer.

He clarified that the Thornley property located to the west was not a part of their master plan change request at this time. He stated that with the R-3 zoning he ensured that only 58 percent of the lots were under nine thousand square feet, and the

other 42 percent were over nine thousand square feet which would put them in an R-2 zoning. He asked the planning commission to consider his proposal.

Doug Thornley, Syracuse, Utah, stated he is a previous attorney and he is aware how important the planning commission is for the development of a city. He thanked the planning commissioners for their service. He stated he is the owner of the farm west of the Sandberg Property, [proposed zone change]. He showed the commissioners his property of 35 acres, located on the slideshow that was provided. He stated he supported the proposed plan change, and that his main irrigation ditch that runs along the north side of their property and they will protect that with the proposed change. He stated his property needed to stay agricultural, because if he sold 5 acres it would be a high tax of \$144 thousand dollars. Therefore he stated he won't sell while he is still living. He stated if the highway gets his property prior to his death he would be willing to zone it commercial to make it consistent with Mr. Sandberg's proposal. Commissioner Jensen asked Mr. Thornley to confirm on the map where his property was located. Mr. Thornley confirmed the location. Commissioner Jensen stated that currently the general plan showed that zone as R-1. He stated that the current zone for Mr. Thornley is A-1. He stated that the current zoning wouldn't change, it would be the master plan that would change. Mr. Thornley reiterated that he wanted to stay A-1, unless the highway came through his property, and at that point he would want to change the zoning to commercial. Commissioner Bodrero inquired if Mr. Thornley was OK with a master plan change. Mr. Thornley stated he would be OK with a master plan change, just not a current zone change.

Commissioner Jensen asked about the total density for the R-3 zoning. Mr. Sandberg clarified that the density would be a minimum of 8 thousand square foot lots with a density of 5.44. He stated that his current density is a total of 3.26 for the property, as it is currently laid out. He stated that the R-3 will allow smaller lots, but still keep a good layout with a good mix of lots. He stated that 58 percent will be under 8 to 9 thousand square feet, and the remainder of 42 percent will be over 9 thousand square foot lots. Commissioner Jensen clarified that R-2 was at 3.79, and clarified that it was not the density Mr. Sandberg is after. Commissioner Jensen mentioned it would be nice to have an R-2.5 density. Mr. Sandberg stated he could make a lot of recommendations on the zoning and how it worked, but he was not going to do that today. Chairman McCuiston stated he didn't expect the West Davis Corridor to go through the golf course, but mentioned he didn't know for sure. Mr. Sandberg stated that the project manager of the West Davis Corridor, and the project manager understood the problem that the further the project was pushed to the north, 200 South would cut across the golf course, bisecting it and creating havoc. He stated that the further the project was shifted to the south, it would start taking out homes and they do not want to take out a lot of homes to make the West Davis Corridor. Mr. Sandberg stated Mr. Jeffries, project manager for West Davis Corridor, indicated his design was compatible with the West Davis Corridor and they didn't have any concerns about it. Mr. Sandberg quoted Mr. Jeffries as saying, "It was commendable that the property owners were forward thinking enough to make this study." Mr. Sandberg stated that was what Syracuse city was about, trying to look forward 10 years down the line.

Planner Schow confirmed the quote that Mr. Sandberg read, regarding Mr. Jeffries. Planner Schow stated that Mr. Jeffries mentioned to her that he spoke with Mr. Sandberg and the project appeared to be compatible with both the West Davis Corridor and the state road 193 projects. She stated they had no immediate plans to develop any properties impacted by either project at this time, and so they didn't have any concerns with the proposal. She quoted Mr. Jeffries, "I commend him for being proactive, and for working with the property owners to plan for the corridors, should they go that way."

Commissioner Vaughan clarified that there was a hard copy of the email in the file. He stated that anytime there is another government referenced, he would like a hard copy in the file. Chairman McCuiston asked the staff if the zone change would increase the property value for the West Davis Corridor. Planner Schow stated that generally property that is zoned commercial has the potential for increasing the property value. She stated that at that time there were not any discussions or concerns with that from Randy Jeffries. Chairman McCuiston clarified that this was just a general plan amendment, not a zoning change. He stated the general plan amendment wouldn't affect the prices at this time, but it in the future should they request the zone change it could affect the property value at that time. Commissioner Jensen clarified that the zoning change that showed in the packet did not include what is on the presentation. He stated it could be included if they desired, but it was not included in the application. Mr. Sandberg clarified that area was Mr. Thornley's property, and clarified that he did not want that done currently. Commissioner Jensen reiterated that Mr. Thornley's property is not included in the application. Director Christensen stated that the property was not in the application, and therefore has not been advertised, so it could not be discussed or acted upon at this time. She stated that Council Member Duncan commented that there have been a lot of R-3 zone changes, as well as general plan changes of late and he wanted to caution that they were carefully considering those and the implications they could have. Commissioner Jensen stated he would be more comfortable with R-2 over R-3 in that area, but they are taking out some PRD which has a density of 8 and R-3 has a density of 5.44. He clarified that the applicant had indicated that he would be going to about 4. He stated that if there were some way to tie the sketch plan to the zone change he would. He stated that where they are trading PRD for R-3, he felt it was a fair trade. He stated he did consider it in this case, and asked if there were any other letters from other property owners. Planner Schow stated there were not. Commissioner Jensen stated that the property owners in the area have not expressed an outcry stating they do not want an R-3 in their area, which is what he was concerned about.

Commissioner Greeson asked Mr. Sandberg what their plans were if the West Davis Corridor did not put the highway in, because it is not yet funded. Mr. Sandberg stated that in any case 200 South will still turn across their property. He stated that 200 South will not dead end at the golf course, it will still bisect their property, so there will still be an impact, and he would assess it at that time. He stated he had done research with West Point City, Syracuse City, engineers, West Davis Corridor, property owners, and believes it will probably happen. Commissioner Greeson asked if UDOT said that 200 South would curve down through their property. Mr. Sandberg stated that there was no guarantee that it would, but he knows that they wouldn't want to dead end 200 South right at the golf course, so somehow it would have to make its way down. He reiterated that he will be impacted in one way or another. Commissioner Greeson asked what would happen to the residential development if the West Davis Corridor did not fund. She stated that it would create an island. Mr. Sandberg disagreed stating that they have a

development of residential homes across the street of 700 South that will be looking at that plan. He stated there are residential developments that will go directly to the east, and they would be tying into that. Commissioner Greeson asked if the worst case scenario happened and it didn't go through, she inquired if Mr. Sandberg would keep the development. Mr. Sandberg confirmed that he would complete that phase of the residential lots. He stated as far as the commercial is concerned, he will wait until they know what exactly is going to happen with the corridor. He stated this was something that was made clear to Mr. Jefferies. He stated he had no intention of developing anything until they knew what would happen with the West Davis Corridor, 200 South, and the interchange.

Mr. Thornley stated that one scenario might be if Farmington City prevailed on their law suit and the high way did not go through, then that might leave them with not necessarily wanting commercial and would probably want to change back to residential. He stated it was likely that 200 South would end on 2000 West, rather than come clear down if the highway was not down there. Mr. Thornley stated if that scenario took place, he would want commercial to change to residential. Commissioner Jensen clarified that they keep stating 200 South and he believed they were meaning SR-193. He stated it could just be 200 South that went through, but SR-193 is what was being shown. He commented that he believed that both West Point City and Syracuse City, regardless of what happens with the West Davis Corridor, would like to see SR-193 extended through there for commercial opportunities. He stated that West Point's master plan, as Director Christensen indicated in a prior meeting, showed commercial in that area and some higher density residential and so Syracuse may not mind seeing that as well. He stated that SR-193 could not extend all the way down to 700 South there and go through 3500 West, or 4000 West, whatever that street may be, with or without West Davis Corridor.

Commissioner Jensen reiterated that he reviewed the West Point general plan, and part of their general plan showed that they did want 200 South to loop over to 700 South, similar to what the applicant was showing. He stated it may not be the exact alignment, but essentially they didn't want the golf course taken out, so he stated this may be an example of them trying to accommodate the other city, which he felt was a good thing.

#### **6:38:00PM**

**Chairman McCuistion opened the public hearing.** No comments were made, public hearing closed.

Commissioner Jensen stated they are getting a lot more R-3 than the PRD that is being taken out. He asked the commissioners how they felt about the amount of R-3 in that location. Commissioner Vaughan asked staff if there was any concrete information, such as dates or tentative mapping for the extension for 200 South going to the west or southwest, or in any direction. Director Christensen stated they hadn't entered into any studies for the environmental impact statements, so it was not in the works as of yet. Commissioner Vaughan asked how soon they might expect something like that to occur. Director Christensen stated she wouldn't expect them to start into the planning phases any earlier than 3 years.

Commissioner Rackham asked with the development being designed around the future location of the West Davis Corridor, if they could put in an area reserved for Legacy Highway in their general plan, so they don't get someone in trying to change it later. Director Christensen stated that the property was not touching the area of the West Davis Corridor. She stated that the area is the SR-193 connection that they were looking at and is the most likely alignment based upon their investigation with Randy Jefferies as well as general engineering principals about how to get around the golf course. She stated that the properties that were requested for general plan were not within the identified corridor for the West Davis Corridor. She stated that Mr. Thornley would be affected, but not Mr. Sandberg and the other property owners he spoke on behalf of.

Commissioner Bodrero stated that the layout shown is closer to R-2 than it is to R-3 and if the corridor were to go through, it would be the most likely place to have a higher density residential and commercial around the interchange. He stated the planning principals would suggest this is the best use of the land. He stated he understood they wanted to keep R-3 at a minimum, but he stated it would fit there if the scenario played out. He clarified that the applicant did not want to develop until they were sure where things were going to go, so it is just a general plan amendment at that time. Commissioner Jensen stated it was his impression the residential would be developed soon.

Commissioner Vaughan stated that they won't know anything definitive for 200 South for about 3 years. He expressed concern over some of the comments made by Mr. Sandberg, quoting him, "we are looking 10 years into the future...". Commissioner Vaughan also quoted Mr. Sandberg as stating, "nothing to be done until we know what is going to be done with the West Davis Corridor...". Commissioner Vaughan stated that by looking at the plan they are creating islands if they went ahead with the proposal. He stated they would be isolating the proposed proportions and creating a massive impact on that area creating a domino effect for the zoning in that area. He stated that no one knew where the West Davis Corridor will be placed, and he commended the applicant for his research and time spent in the proposal, but thought that his proposal was 3 years premature. He stated he saw no reason to make a recommendation today to change the general plan. He suggested keeping the proposal on file and address the concern at a later date to prevent the creation of islands.

Director Christensen stated, regarding the areas that would be isolated, the first 2 parcels were areas that would be the remainder of the PRD, part of it is in the golf course and the other part is Rocky Mountain Corridor easement that goes through that area. She stated that it would actually never be developed PRD because it is a golf course and is already part of the holes in there. Commissioner Jensen asked if Syracuse City owned part of West Point golf course. Director Christensen stated that the city did not own the golf course, but she stated part of the golf course is in the jurisdiction. Commissioner Jensen suggested doing a boundary line agreement to fix that, because it was confusing.

Commissioner Vaughan stated that if that area is showing inside of Syracuse, they have general plan zone control over it, regardless of what is on the land right now. He reiterated that Mr. Sandberg's proposal is premature until they know what is going on with 200 South, Legacy Highway, and West Davis Corridor.

Commissioner Jensen invited the applicant to return. He asked when the applicant was planning on starting construction on the residential area. Mr. Sandberg stated they wanted to move forward with the residential as soon as possible, this year.

Mr. Sandberg stated that the purpose of a master plan is to look into the future many years down the road to see what will work then. He stated he had done master planning from Idaho to Las Vegas, California, Arizona and he stated that a master plan meant they needed to think 10 years down the road. He stated it is too late to make a difference if you are looking only 1 year ahead and that is why they, as property owners, wanted to get ahead of that now. Commissioner Bodrero asked if there was a specific set-back, eight hundred to one thousand feet, that would off-set the curvature of the anticipated SR – 193. Mr. Sandberg stated there was and it is a 700 foot set-back, which would allow flexibility to where 200 South might be.

Commissioner Bodrero asked if the applicant considered off setting that same 700 feet off of the anticipated West Davis Corridor. He noted that the adjacent property was not included. He stated the residential area came up in parcel 1 identified there up against the anticipated alignment of the West Davis Corridor. His thought was if the commercial corridor was off-set on both sides, wherever that may be, that same 700 feet, that would put commercial in that one parcel, and also into that second parcel on the angle. Mr. Sandberg stated that was Mr. Thornley's property and that commercial access would be from 200 South, not the West Davis Corridor. He stated you would exit on the West Davis Corridor, but you would access the commercial property from 200 South. He stated that was where the R-3 buffer between the corridor and the commercial property would be. Commissioner Bodrero stated he would agree with that, but he was looking at the Southwest corner of that parcel, noting that the commercial could be extended with frontage up against the West Davis Corridor. Mr. Sandberg stated it could, but he felt that they're leaving enough flexibility in the commercial properties to address any future issues. He stated they want to have a master plan, but have some flexibility as well.

Commissioner Jensen stated that he supported the applicant. He stated the general plan has never been officially closed, and is in limbo at this time because of the West Davis Corridor. He stated he was in attendance when the area was seriously discussed in 2005 and 2006. He stated if you look at the current general plan there is a strip of commercial that extended down from 3000 West into the PRD and the PRD continued West to where the golf course is. He stated that was done, because the city at that time anticipated that SR 193, or some road, would go through that area to make that commercial viable. He stated that essentially the city was planning at that time for a corridor going through there, and with what the applicant is submitting today with support, the only change is he is taking out the PRD and putting in commercial. He stated the applicant is also moving the residential over into the R-1 and making an R-3. He stated that essentially the applicant is just moving the residential around and he is adding more commercial where the city previously identified the need for commercial. He stated that regardless of where West Davis Corridor goes in, he felt the city wanted to see some development along 200 South and what the applicant put forward would support that. He continued that the diagonal is a little interesting, but if it ended up not panning out they could always look at it another way. He stated that it has always been envisioned as a commercial corridor for the city, so he didn't feel it was premature to further act on something that the planning commission was working towards already in the past.

Commissioner Vaughan suggested they either table the discussion until the first meeting after they receive confirmation of any plans for development of 200 South and the West Davis Corridor, or they deny this request based upon intangible variables such as, 200 South and the West Davis Corridor. He stated he is reluctant to make a recommendation for just a portion of the area, 119 acres change in the general plan.

Commissioner Jensen asked City Attorney Drake if there was any way to tie the sketch plan with the general plan change. He stated the reason this was relevant was because his sketch plan showed a lower density than the 5.44. City Attorney Drake stated he was not aware of any way they could tie that to it, without them applying for sketch, so they couldn't propose it. Director Christensen advised against doing that because staff had not fully evaluated as to whether the road layout worked, or if the utilities would work with the proposed layout, so she felt it would be premature. She stated if you gave them the zoning, when they come forward with the zoning request they could do something similar to this or they could go a little higher, but it would have to meet the minimum requirements of the code. City Attorney Drake stated there were 2 things to consider.: 1) note the maximum zoning and 2) note that this applicant has done a great deal of homework and invested a lot of time and effort into this, and even though they are not bound by what they proposed, it appears they are set on moving forward with that.

Commissioner Jensen asked the applicant how soon they could have that sketch plan ready to submit before the planning commission. Mr. Sandberg stated his current proposal would be his sketch plan and they will submit it as soon as they get the master plan amended. He stated the process for the city is to amend the master plan first, and then submit the sketch plan. He stated he will submit that same sketch plan as soon as they are allowed. Commissioner Jensen stated in the recent past they had applicants do both at the same time. Mr. Sandberg stated he was not aware they could do that. City Attorney Drake reminded that was not the case this time because it hadn't been properly noticed for both. Mr. Sandberg stated he put a lot of time into his proposal and reiterated that his sketch plan will not change from what has been presented to them, except for what the city engineer may say. Commissioner Jensen suggested approving only the R-3 right now, but then they would have to take the PRD out. Chairman McCuiston stated they wouldn't be able to do that, because it hadn't been noticed. Commissioner Jensen stated they could approve part of the application, but not all. He stated the PRD would have to change to something at that point, possibly commercial, because of the commercial to the East. Chairman McCuiston stated that Commissioner Vaughan raised a few good points pertaining to the R-3 island in the middle of the R-1 residential, not unprecedented, but a little bit unorthodox.

MOTION TO DENY THE GENERAL PLAN AMENDMENT BY THE APPLICANT BY COMMISSIONER VAUGHAN FOR THE PROPERTY AS DISCUSSED BASED ON THE REASON THAT THEY HAVE TOO MANY INTANGIBLE VARIABLES, THE PROJECT, WEST DAVIS CORRIDOR, AND 200 WEST ARE TOO FAR IN THE FUTURE FOR THEM TO MAKE A

COMMITMENT AT THAT POINT, AND HE WOULD LIKE TO SEE AN ENTIRE AREA RECOMMENDED FOR GENERAL PLAN AMENDMENT, RATHER THAN JUST 119 ACRES. SECONDED BY COMMISSIONER RACKHAM. OPPOSED BY COMMISSIONER JENSEN, COMMISSIONER KINSLEY, COMMISSIONER GREESON, AND COMMISSIONER BODRERO. MOTION FAILS. COMMISSIONER VAUGHAN YIELDS TO THE NAYS.

MOTION TO RECOMMEND APPROVAL TO THE CITY COUNCIL FOR THE GENERAL PLAN AMMENDMENT FROM MARK SANDBERG, PROPERTY LOCATED AT APPROXIMATELY 3200 WEST 700 SOUTH, CHANGE FROM R-1 AND PRD RESIDENTIAL TO R-3 RESIDENTIAL AND GENERAL COMMERCIAL, SUBJECT TO ALL APPLICABLE REQUIREMENTS BY COMMISSIONER JENSEN. MOTION SECONDED BY COMMISSIONER GREESON. MOTION OPPOSED BY COMMISSIONER VAUGHAN AND COMMISSIONER RACKHAM. MOTION CARRIED.

**3. Conditional Use Permit Modification, Dollar Loan Center, Cody Goulding and Rob West, located at 1588 S 2000 W, GC General Commercial Zone.**

[7:04:40PM](#)

Planner Schow addressed the previous concern for safety issues. She mentioned that the Chief of Police did not have any issues with the requested changes. She stated that the Chief of Police said he liked how the employees all had panic access to notify for security, and that they had security cameras in operation. He also did some research on robberies in Utah, which returned very few results.

Dave Galyen, Las Vegas, Nevada, commented on the packet that was turned into the planning commission the previous week. Commissioner Jensen mentioned the opinion of the City Attorney Drake and invited him to comment. City Attorney Drake stated he was asked by a couple of the commissioners after the last meeting, regarding Utah law and how title lenders, as well as, defer deposit lenders are treated under Utah law. He submitted a memo regarding the Utah regulations. He stated they are both regulated under title 7 of the Utah code, but they are regulated under different chapters. He pointed that out for the commission. Commissioner Jensen stated they identified payday lending and cash checking, but title loans did not fall under that. City Attorney Drake stated that was correct. He continued that title loans and defer deposit lenders are regulated differently under two separate chapters in title 7. Chairman McCuistion invited a discussion and then a motion.

MOTION TO GRANT THE MAJOR CONDITIONAL USE PERMIT MODIFICATION TO DOLLAR LOAN CENTER, LOCATED AT 1588 SOUTH 2000 WEST, BY COMMISSISONER VAUGHAN SUBJECT TO APPLICABLE REQUIREMENTS TO THE CITY CODE. SECONDED BY COMMISSIONER KINSLEY. ALL IN FAVOR, NO OPPOSED. MOTION CARRIED.

**Public Hearing Closed**

**4. Preliminary Plan, Gailey Farm, request from KW Advisory Group LLC, property located at approximately 750 S 2000 W, R-3 Zone.**

[7:09:07PM](#)

Planner Schow showed a presentation of the history of the project, and stated the applicant was asked to come up with another alternative to the first 2 sketches that were seen. She stated they have done that and staff had received drawings and between time it was received and doing reviews, she stated that the applicant decided that the third alternative was not feasible for them financially. She stated they submitted a letter, which was included in the packet, explaining why they wanted to have the planning commission review alternative 2, or revisit it tonight. She stated that alternative 2 was in the packet. Several of the commissioners stated they did not receive the letter in their packet. Planner Schow showed where the letter was located. Commissioner Jensen clarified that no letter was included in the packet. Planner Schow invited the applicant to go over his reasoning as to why he wanted to refer back to the second preliminary plan that was submitted.

Colby Bond, Syracuse, Utah, stated that after the last meeting he sat down with Steve Fackrell and they put together a new plan. He continued that in the original plan there were only 7 lots. He stated in the new plan there were 27 lots that were a lot closer to 8000, rather than 10,000. He stated there were additional costs with infrastructure, roads, curbs, gutter, and those types of things made it challenging financially. He came to the conclusion that it wouldn't be feasible financially to not only have a lower sales price, due to the lot size, but also the additional cost of the infrastructure and to actually build the subdivision out. He felt that it would be challenging to get the money in order to make the project work. He stated ultimately they didn't want to have a project there in the city that would fail.

Planner Schow offered to read the entire letter aloud. The planning commission stated Mr. Bond's summary was sufficient. Commissioner Bodrero confirmed that the original plan that contained the 3 lots on 700 South, with the extended cul-de-sac servicing them within the subdivision, to this new plan would be more cost prohibiting. He stated it created a higher density with the lot layout, making the lot sizes smaller. Mr. Bond stated that the amount of lots would be about the same, but the lots, due to the additional road, would be smaller. Commissioner Bodrero stated that the precedents set by the City Council to not grant the cul-de-sac waiver or extension caused, in his opinion, a less desirable outcome with the 3 lots on 700 South, due to feasibility cost, and higher density being created.

Steve Fackrell, Layton, Utah, stated with the increase of infrastructure underground and surface, (i.e. asphalt, sidewalks, concrete), it created a lower square footage per lots, which increased the amount of concrete for driveways, patios, etc., and would further increase the rain fall and storm run-off from each lot, and thus increasing the detention. He stated it is a snowball effect reducing the overall desirability of the subdivision, because you are taking out a play area from each lot and you would

be beefing up the necessary infrastructure to create that loop road. He stated all the lots are now around 8000 square feet and they were matching for higher in square footage previously.

Commissioner Jensen asked about the other alternative not shown in the presentation. Planner Schow stated there were only 3 preliminary plans that were drawn up. She proceeded to show the planning commission the different plans. Commissioner Jensen stated that the plan he was referring to was in Director Christensen's office. Planner Schow stated she wasn't sure what he was looking at, but proceeded to show the applicant's sketches.

Commissioner Jensen stated that the plan he saw in Director Christensen's office was not any of the plans that were shown. Planner Schow stated she was not sure what he was referring to, because those were the only plans that were given to her. Mr. Fackrell stated there was a plan that was brought to him that was more of a rough sketch and they were asked to see if it would work. He stated that particular plan did not meet the frontage requirements, or square footage requirements, so they went through and worked with it to come up with what is shown now. Director Christensen stated she believed the one Commissioner Jensen was referring to was the one that Planner Steele drew up to see if it was possible to loop the road. Mr. Fackrell confirmed that was correct.

Commissioner Bodrero stated he liked the first plan, but the council did not grant the cul-de-sac extension, so the applicant came back with the second plan, and that lead them back to the 3 lots fronting the busy road that has traffic entrances directly across the street. He stated if he understands correctly, the council setting precedents to not grant the cul-de-sac extension has caused the applicants to return to the second plan because of feasibility due to storm, utility, cost, as well as lot size, and the density increased. Mr. Fackrell stated that was correct. He stated the result was a reduction in lot square footage. He stated this created a less desirable subdivision in terms of sellability and desirability which would tie in to the physical aspect.

Commissioner Jensen shared some comments that a councilman shared with him. He paraphrased what Councilman Johnson said, stating they basically caused additional expense to the applicant for something that they should have just approved. He stated that he does think that 700 South is a unique situation because there are several times a day when there is a lot of traffic right there. While this plan that is in the packet does meet the ordinance, and the applicant stated very valid reasons why he would want to stick with the original plan, it bothers him that those 3 residents are going to be facing 700 South. He continued that with the increased traffic from that subdivision and from Monterey estates, it troubled him that the council doesn't see why it was a good idea, when the planning commission recommended it. He stated the council disagreed and wanted to put the 3 residents at risk because of that. He stated it was on their head.

Commissioner Vaughan stated that the project looked nice, but he felt the one that was turned down was the superior project. He stated his main concern was 4 residents that will be fronting 700 South, so they have more than 4 times the potential for exiting vehicles to have problems. He stated there is a school across the street, so there will be a ton of pedestrian traffic with all of the projects, and with this additional project they will have even more. He stated he felt the city council was wrong in forcing this back, because they didn't like an additional 80 feet of length, the depth of one lot. He stated it was a trade-off, now they have 4 houses that will be exiting off the street, as opposed to having one additional lot of depth on the project. He understood the situation and he felt this is a classic situation where if an applicant were to come in and ask for a variance, this would certainly be a serious variance to contemplate. He stated that in as much as this is the project that they are now facing, he stated he felt as a planning commission they are obviously by statute required to accept that. He stated he thought it was a lesser product than what was previously presented to them the first time. He stated he supported this project, and he hoped the minutes would reflect that the city council has made a mistake by sending this back.

Commissioner Kinsey stated he did support the project as well, he stated that having that many access points on to 700 South would create a problem, especially with the 2 driveways into the school area. He stated he would have been much more in favor of a variance provided as well. He felt it would cause issues not only for the 3 people who live facing 700 South, but also for any of the drivers that are accessing the school as well. Mr. Fackrell stated he agreed.

Commissioner Bodrero stated his opinion when he found that the cul-de-sac variance was not granted, he stated setting precedents for the sake of precedents in the face of good planning is poor policy. He stated he agreed with the comments that have been made that all the discussion regarding traffic and ingress, egress, safety, and good planning for the subdivision. He stated he felt they missed the mark and unfortunately there was not much to be done now regarding that. He complimented the applicant for their ability to go back and relook at it in a timely responsive manner. He stated he appreciated the applicants taking that extra time and resource to do that. He stated the intent was to have bigger lots with less density, which he found refreshing and fitting to be able to have that has a buffer. He stated it would be a closer to a mid-residential density and overall he felt it would be a great project for the city.

Commissioner Vaughan asked City Attorney Drake what would happen if a motion was made to reject this plan, but to give support to the other plan that was presented to the planning commission and, in some ways, force the council to re-examine with opinions. He asked the applicant if he would be willing to hang on and see what happens if they were able to do that. Mr. Fackrell nodded yes. City Attorney Drake verified they were talking about the preliminary hearing. Commissioner Jensen confirmed. City Attorney Drake asked Director Christensen if the appeal authority was the city council. Director Christensen stated the exception for the maximum length of a dead end is a recommendation from the planning commission as approved by the council, so the council would be the one that would approve the actual extension. She stated if that were then denied by the council, then she thought it would go to district court, but needed to check the chart.

Commissioner Vaughan stated he would not want to delay the applicant. He asked if there was a way to throw in a motion of if not A, then B? Mr. Fackrell asked about revisiting the cul-de-sac length, and for whatever reason they elect to not allow the variance or approval, the secondary would kick in as an approval in that same meeting. City Attorney Drake clarified that the ordinance only talks about the approval. He stated it clearly gave the planning commission the authority to approve. He stated it didn't talk about what happened if it was denied or rejected. He stated that he would need to look into it. He stated he thought it would be appealed to the city council and then based upon what happened, it could then be appealed to the

district court. He stated he is speaking off of memory because he has not had a chance to look into it, but he would be happy to look into it. He asked Director Christensen what she thought regarding the approval process.

Commissioner Jensen stated he was reviewing the chart and asked if this was a zone variance. Director Christensen stated it was not a zone variance. She stated the code specifically allows an exception to the length of the cul-de-sac, based upon the recommendation from the planning commission that meets those 3 items. She stated it is then recommended to the council and then the council makes the approval. She stated you don't want to use the term variance because that refers to something specifically that the board of appeals approved. She stated, as far as would you want to make a recommendation that the planning commission approves this preliminary plat, but you make a recommendation to the council that they like the first preliminary plat and they would ask them to reconsider that, she wasn't sure how to structure that. She stated if they were to deny the preliminary plat then, she believes, they would appeal that to the city council and the city council could overturn the denial of the preliminary plat and then come back and apply for final. She stated at that time she thought they could have the dialogue with the council as to why they believe it would meet the 3 exceptions. She stated the direction she was given at the time of the zone change from the council was that they did not believe that it met the 3 standards for the exception and that I was instructed to inform the applicant that he needed to redesign. She stated they didn't want it to get all the way to final and then have it denied there with undue expenses and have to return to preliminary and redesign again.

City Attorney Drake asked if the original drawing was reviewed with City Engineer Bloemen. Director Christensen stated it was a sketch. City Attorney Drake verified that there had not been a preliminary plat review of the first. Planner Schow stated that City Engineer Bloemen did do a preliminary plat review after the fact. She stated Deputy Fire Chief Jo Hamblin had not been given a chance to do a preliminary plat review of option number one. City Attorney Drake stated that one of his concerns would be that option number one had not been properly viewed by staff. He asked if the applicant was interested in that option or if they wanted to move forward on their second option. Mr. Fackrell stated ideally they would like to see option one go through, but barring the city council stating no, they want in the same meeting to be able to elect option 2 if that were to happen. Commissioner Jensen verified that the applicant would prefer to do option one, but they don't want to go to court over it. Mr. Fackrell confirmed he did not want to go to court over it. Commissioner Jensen stated that would be a big expense. He stated the path of least resistance would be for the option that was presented. He stated that the city council are the ones that would approve the extra length and if the applicant wanted to overturn that decision, he didn't know if the board of adjustments were allowed to address that or if it would have to go straight to district court. City Attorney Drake stated he thought that would be something that would go to district court. He stated there were two issues that they had. He stated that number one was it hadn't been properly reviewed by staff, only a partial review. He stated the second is the city council at this point has spoken to their interpretation of the law and that particular provision of the city code and if the applicant was going to present it to the city council again, they would want to articulate exactly what it is and why they felt it met those standards that the city council determined that it did not. He stated an additional problem they have is the planning commission must act tonight and either approve or deny. He stated what they need to look at as a planning commission was, did it meet the ordinance and if it did then the planning commission is obligated to make a decision.

Commissioner Jensen stated once they receive the final from the applicant there would be a lot of extra work in the plans to work out the minor details, meaning a lot more expense. He stated they would be able to push this hard if they wanted to, but it would delay the applicant by doing so. He stated that he saw so many potential for accidents with the current plan. He stated with the additional traffic from Monterey Estates trying to get to Walmart, and other various traffic through the day and if those 3 lots were already out and backing out that would be one thing. He continued that the applicant submitted a solution that solved that problem and unfortunately the city council did not see this project the planning commission's way as to why they thought the lots should be facing the cul-de-sac and not the street. City Attorney Drake stated that what they are facing is, they have any application and the planning commission is obligated to either approve or deny. He stated depending on their review, it either meets the ordinance or it does not. He stated if it meets it then the planning commission should approve it, and if it doesn't then it should be stated on the record why it doesn't and it should be denied. He stated if approved, he didn't feel it would be inappropriate for the planning commission to make a recommendation for the city council to revisit that and look into that. He stated that is something that there would be more power as a body, rather than an individual. He stated they would want to make that as a body and make that recommendation as part of the motion, but what is important is to state the reasons why you feel it meets the ordinance. He stated Commissioner Bodrero made a good synopsis of his thoughts on the planning side of it. He continued it would be good to give the council their interpretations and give the council something to consider. He stated that what needed to happen tonight is the applicant is entitled to a decision on whether or not it meets the ordinance.

Director Christensen reminded the planning commissioners there when the code was amended, that the City Attorney Carlson made it pretty strict that they had to find A, B, and C. She stated if they were going to make that recommendation then they needed to address each item and she felt that item C would be the hardest one. She stated, which is failure to create a cul-de-sac longer than 500 feet will result in islands of undevelopable property surrounded by developable property. She stated that the ordinance made it almost impossible to ever give an exception, which had been her argument all along if they aren't going to grant an exception then they should just take that out of the code and say the length is 500 feet. She stated it would be a lot easier for developers, and a lot less expensive for them to try and go through all of this effort to have to redesign it and meet the exception when it's nearly impossible to do. She reiterated if they are never going to grant the exception she recommended the next time they have the subdivision ordinance open that they just make it clear that it is 500 feet and that is where they stop. City Attorney Drake stated that was a common thing for subdivision ordinances, where there is a 500 foot maximum. Director Christensen stated at the time when they set the ordinance, they did surveys of all the different ordinances. She stated that 500 is pretty common, but they also found ones that were 300, 400, 650, and 800. She stated that some were as high as 1000 and the dialogues they had were that a lot of the places that allowed them to go beyond 500 feet were related to topographical issues. She stated if it was a hillside development, where it wasn't feasible to

get a lot of extensions through you might want to allow a 1000 foot road, so you had less infrastructure and to allow people to develop their property on a hillside. She stated that geographical barriers were more of the issues that come into allowing exceptions over 500 feet.

Commissioner Vaughan asked staff to clarify the 3 issues that would need to be addressed or to create findings. He stated obviously an island would be one. Director Christensen stated that exceptions to the maximum length of cul-de-sac may only be granted by the city council after receiving positive or negative recommendation from the planning commission for an exception. In order to recommend an exception the planning commission must conclude that: A) an exception is necessary to maximized the approved uses for the property allowed by zoning and general plan and B) existing geographic barriers, or C) existing developments prevents subdivider from creating a street with more than one outlet and failure to create a cul-de-sac longer than 500 feet will result in islands of undevelopable property, surrounded by developed property.

Commissioner Vaughan stated that option "B" would be the most difficult to deal with. He stated that in some ways a geographical barrier might be superceded by public safety, in regards to putting houses on a busy street, would be eliminated were this to be granted. Commissioner Jensen stated that the ordinance did exactly what it was designed to do. He stated that at least four of them were there when it was discussed and they deliberately made it that hard, so now it is biting them. Chairman McCquistion stated it was impossible to determine everything that could happen. City Attorney Drake stated that was one of the difficulties of drafting ordinances and drafting statutes, there are at times many unintended consequences and unfortunately you don't learn about those until they happen.

Director Christensen stated at the time it was drafted, the planning commission that was made at that time wanted to make it really hard to get exceptions over 500 feet. She stated it went back to the discussion of still water when they had their initial sketch plan that had a 2600 foot dead end road and they were exploring as to what the appropriate length for dead end roads were. She stated they knew for sure it wasn't going to be 2600 feet, but they wanted to look at what exceptions could ever be made and that was the intended outcome, that it should be very difficult to make an exception. Commissioner Jensen stated he was one of those people that wanted to see as few cul-de-sacs as possible. City Attorney Drake stated the planning commission needed to make a decision tonight, and if they felt like there was a basis to have the council take another look, Commissioner Bodrero made a very good and articulate plea from the planning perspective, and he stated he didn't feel the council would disagree with that. He stated that the council was looking at the letter of the law in the code.

Commissioner Jensen asked Director Christensen if there was any way the board of adjustments could help. Director Christensen stated that it was a self-created hardship. City Attorney Drake stated it couldn't be a self-imposed hardship with the board of adjustments. Director Christensen stated that there were clearly alternates to the design, so they haven't lost use of the property or the value. Commissioner Jensen stated that he struggled with the solutions. He stated it does reduce the lot size and shouldn't necessarily be their concern, but essentially they want to make sure it meets the ordinance, but that being said when they discussed the R-3 it was on the larger lots. He stated he wouldn't want to see that change if it didn't need to. He stated getting the applicant involved in the turf war, would be questionable. City Attorney Drake stated the only thing that could be done, if the council was open to considering an amendment to the code, but then they are talking about delaying the applicant and forcing him to reapply and starting over in a sense. He stated he doubted the applicant wanted to go down that road. Commissioner Jensen stated another option would be to put an exception "D" in the cul-de-sac ordinance that said if the planning commission deemed public safety trumped the need for 500 foot cul-de-sac. He stated that essentially would be two weeks to advertise public hearing, and the city council would have to have one as well, and the applicant would have to wait another month. Chairman McCquistion stated they needed to act upon the issue that was before them tonight based on the criteria, outlined by legal and staff. City Attorney Drake stated that the applicant could do that if he decided he wanted to do, but for tonight, unless he withdrew his application, then the commission will need to make a decision.

[7:47:00PM](#)

MOTION TO APPROVE THE PRELIMINARY PLAN REQUEST FROM KW ADVISORY GROUP, FROM COMMISSIONER BODRERO, LOCATED AT APPROXIMATELY 750 SOUTH 2000 WEST SUBJECT TO ALL APPLICABLE REQUIREMENTS OF THE CITIES MUNICIPAL CODE AND STAFF REVIEWS. MOTION SECONDED BY COMMISSIONER VAUGHAN, ALL IN FAVOR, WITH NO OPPOSED. MOTION CARRIED.

Commissioner Vaughan added a post script to the motion. He stated he felt they lost a better project because of a detail in item number 2. He stated he felt the particular restriction should be revisited sometime in the future because he felt safety, lot size, and benefits to the neighborhood are far more important than a geographic barrier. He stated obviously a geographic barrier was something that will automatically be engineered around, where as in that particular case he felt it became a hardship. City Attorney Drake stated if that was something the planning commission felt like should be addressed, he stated it wasn't a bad idea. He stated if an issue comes up once there is always a chance it could come up again. He stated there was no need to wait and they should talk to the council and move forward.

Commissioner Vaughan added he wanted to apologize to the city council for saying they were wrong in generating their decision. He stated their decision was based correctly upon the statute the way it is on the books and he felt if the statute had not been so strict they would have rendered a different opinion on the project. Chairman McCquistion stated the entire planning commissions feelings have been made well known and they all agree that should have an exception to put some different language in the code. He stated they will have to address that and look into it. Commissioner Jensen stated he wouldn't mind if the applicant didn't taking it slow, but the applicant wanted to break ground as soon as he could that year. He stated he wanted to see them push it through a public safety exception. Director Christensen stated the only alternate would be if they proceeded, and she was not aware of their plans as far as phases, if the area was in a second phase and wasn't to be constructed right away and then they happened to change the code, the applicant could amend their final plat before they

recorded it. Commissioner Jensen asked how much the amendment cost the applicant. Director Christensen stated she did not know the exact amount, but guessed a few hundred dollars. Commissioner Jensen stated he didn't want to impose that cost on the applicant. He stated he wouldn't mind seeing the cul-de-sac as a phase 2 with the 8 lots. He stated they could change that before they are ready to build. He stated he would love to do that for the applicant. He stated the soonest they could do it would be 3 weeks.

City Attorney Drake stated it was all subject to the city council, even approving it. He stated obviously they would have an opinion about it, but the planning commission can give a recommendation and he felt that the key factor would be to tying it to public safety would be essential. He stated it would be a good exception that would fit well into the ordinance. Commissioner Jensen clarified that due to the fifth Tuesday in the month the soonest would be 4 weeks. Director Christensen stated that next week when she meets with the council for the extended work session and she gives them an update on the subdivision ordinance and PRD that they will be working on, she said she could certainly broach that and get a feedback, as to whether they are even willing to entertain it, before they move ahead. She stated they would still have 2 weeks if they wanted to get it advertised and make a small amendment. Commissioner Jensen stated if the extra length is justified from a public safety, that is based on planning commissioner's opinion, or something like that. Director Christensen stated she would certainly be willing to approach the council.

Commissioner Vaughan stated that now an administrative assistant had been added, he wanted the minutes to be submitted with the packet when it goes to the city council, so the entire council would be familiar with all the comments that they had regarding their project. He stated that without their comments they might miss the point on the approval. Chairman McCuiston stated he felt they had good representation in any case. Director Christensen stated she could give them a copy of the drafted minutes, as they won't be approved as of yet.

**5. Meeting Minutes:**

7:53:45 PM

**January 7, 2014 Regular Meeting and Work Session**

**February 4, 2014 Regular Meeting and Work Session**

**February 18, 2014 Work Session**

**Line 77-78 change "Commissioner Bodrero discussed the need to stub the roads to the adjacent properties and areas where the roads are proposed to be stubbed is sufficient." To "sufficient at street G."**

**April 1, 2014 Regular Meeting**

**Commissioner Jensen: Line 79 change obtain to abstain**

**Line 195 change "lot 14 may need to be moved up" to "lot 14 may need to be elevated"**

**Commissioner Vaughan: Line 309 change conquer to concur**

**April 1, 2014 Work Session**

**Line 56 change "supportive of 200 South" to "Supportive of the interchange on State Road 193"**

**Line 154 change "this was the first time alternatives had been formally discussed in Syracuse City..." to "this is the first time it's been formally visited by the planning commission since 2011." And no resolution by the city council on this subject has been made since 2011 and since that time refined alternatives have been offered..."**

MOTION TO APPROVE JAN. 7, 2014 REGULAR AND WORK SESSION MEETING MINUTES AS AMENDED BY COMMISSIONER JENSEN, SECONDED BY COMMISSIONER RACKHAM, ALL IN FAVOR. MOTION PASSED. MOTION TO APPROVE FEBRUARY 4, 2014 REGULAR AND WORK SESSION MEETING MINUTES AS AMENDED BY COMMISSIONER JENSEN, SECONDED BY COMMISSIONER RACKHAM, ALL IN FAVOR, COMMISSIONER BODRERO ABSTAINED FROM THE VOTE. MOTION PASSED. MOTION TO APPROVE FEBRUARY 18, 2014 WORK SESSION MINUTES AS AMENDED BY COMMISSIONER JENSEN, SECONDED BY COMMISSIONER KINSEY, ALL IN FAVOR, NO OPPOSED, MOTION PASSED. MOTION TO APPROVE APRIL 1, 2014 REGULAR MEETING AND WORK SESSION MINUTES AS AMENDED BY COMMISSIONER JENSEN, SECONDED BY COMMISSIONER RACKHAM, ALL IN FAVOR, COMMISSIONER BODRERO ABSTAINED FROM THE VOTE, MOTION PASSED.

MOTION FOR 5 MINUTE RECESS BY COMMISSIONER JENSEN, SECONDED BY COMMISSIONER KINSEY ALL IN FAVOR. MOTION PASSED.

**Adjourn**

\_\_\_\_\_  
Curt McCuiston

\_\_\_\_\_  
Jackie Manning, Admin Professional

Date Approved: \_\_\_\_\_