

Minutes of the Regular Meeting of the Syracuse City Attorney Clint Planning Commission held on May 20, 2014, at 6:00 p.m., in the Council Chambers, 1979 West 1900 South, Syracuse City, Davis County, Utah.

Present:

Commission Members: Curt McCuiston, Chairman
Dale Commissioner Rackham
Ralph Vaughn
TJ Jensen
Wayne Kinsey

City Employees: Jenny Schow, Planner
Jackie Manning, Admin Professional
Clint Drake, City Attorney Clint Attorney
Terry Palmer, Mayor
Brian Bloemen, City Engineer
Jo Hamblin, Deputy Fire Chief

Excused: Sherrie Christensen, Director of Community & Economic Development
Commissioner Anne Greeson
Commissioner Tyler Brodrero

Visitors: Gary Pratt

1. Meeting Called to Order

[6:08:41 PM](#)

- a. **Invocation or Thought** – Chairman McCuiston
- b. **Pledge of Allegiance** – Commissioner Kinsey
- c. **Adoption of Meeting Agenda** – NA

MOTION TO ADOPT SYRACUSE CITY PLANNING COMMISSIONER BY COMMISSIONER JENSEN. SECONDED BY COMMISSIONER RACKHAM. ALL IN FAVOR NO OPPOSED. MOTION PASSED.

2. Public Comment-

[6:10:12 PM](#)

Gary Pratt, Syracuse, Utah, stated that planning commissioners may feel unappreciated. In reading through the minutes of the last meeting, he felt the need to restate certain points. There are various options pertaining voting; accept, deny, table, and suspend. He stated suspend has not been put in the logs in the past. He suggested adding a fifth option of reconsideration, which can only occur in the same meeting when approving the minutes of that previous meeting. He stated the reconsideration, for a motion for example, would be reconsider your motion. He stated this would not mean that you drag out all the things as far as the applicant is concerned, because that is not allowed, but you can reconsider the motion in respect to the fact that you can send a signal to the city council clarifying the motion and the intent of the motion. He stated in the past the city council really hasn't been getting the minutes from the planning commission and they have appealed to have that changed, but as of now it hasn't been occurring. He stated this would be a course of action the planning commissioners could take and make a platitude that they put it together in a document that actually goes into the city council. He stated having attended the city council meeting, on a specific applicant [Still Water Estates] that went around the planning commissioner prior to the current commissioners approving the final, the determination there was they denied by a head count vote and that was one of the things the planning commission was under consideration, if they are going to vote on this they would like to see what the city council felt about this. The applicant went to the city council and didn't like the answer, and it was appealed to the state. The planning commission went ahead and created a vote that on the surface if you just looked at the vote would appear that they approved it, but in reading the minutes, as far as [Still Water Estates] is concerned, there has never been a unanimous vote on this applicant and it has been tabled a number of times and denied once on a motion to amend the application. He stated it seemed to him in following some of the actions of this planning commission and the previous planning commission and staff, a lot of things were not considered. Issues were brought up by property owners adjacent to the application. He stated the sketch plan that was previously approved by the previous planning commission, was a single piece of property, a subdivision. He stated a subdivision is a parcel, not parcel(s), not a plural, but a singular term. He stated when [Still Water Estates] was originally presented it was one parcel, hooked together. He stated it morphed into two pieces and later was part of the tabling process that occurred through the previous planning commission and this planning commission. Having said that he felt the bounce back and forth between the city council and planning commission is who is throwing who under the bus and who is accountable here. He asked if staff was accountable for advancing an application that didn't meet code, did they throw the planning commission under the bus? What you end up having is brand new planning commissioners and they don't take the opportunity, or have the opportunity to go back on the minutes and look at what preceding planning commission does. He stated when they write code and try to delineate code the fear is how future planning commissioners will interpret those words that are put down.

3. Public Hearing, Rezone request from Mark Flinders, property located at 2481 W. 1700 S. change from R-2 Residential to Professional Office[6:15:56 PM](#)

Planner Schow stated the property is .13 acres, corner lot, adjacent to another similar sized parcel, which is already zoned professional office. This property is zoned R-2 Residential which creates a difficulty because the requirement for professional office in order to develop is a minimum of a half-acre. She stated the applicant is in the works of purchasing both parcels together, so it can be developed. One parcel already has the professional office zoning, so tonight we are looking at the request to rezone the second parcel, to allow for a development in that area.

Mark Flinders, West Point, Utah, stated the professional office would allow him to combine the lots to make it developable. Commissioner Vaughan verified that there would be one parcel number after both properties were purchased. He asked if the applicant would be willing to show proof of the APN (combined parcel number) prior to the rezone being granted. Mr. Flinders stated he had both lots under contract with two different bank owners. He had until the end of July to do the due diligence. He had to do an impact study, which is done, and UDOT needs to approve the access point. He stated this is the first step, then he will have the access point, and then he will put the two lots on one parcel. Planner Schow stated for the development to occur the applicant will have to go through the site plan process, and at that time the two parcels will get combined into one lot and recorded that way on the plat.

Commissioner Jensen asked about the triangle parcel piece to the west. Planner Schow stated the property owner purchased it from the city, as it was a surplus piece for an entry sign. The applicant has been working with a potential purchase of part of that parcel from the homeowner. She stated the property owner has come in, so they are aware of what needs to occur there from the city and for their property as well. Mr. Flinders spoke to the property owner and he was not interested in selling. Commissioner Kinsey asked City Attorney Drake if he needed to recuse himself because he was work acquaintances with Mr. Flinders in the health industry, but he didn't have any direct business with the applicant. City Attorney Drake stated if it would bias his opinion then he should, but if he didn't feel it would affect his decision then he would be OK to stay for the item. Commissioner Kinsey stated he didn't feel it would affect his decision. Commissioner Jensen stated he is comfortable with Commissioner Kinsey in staying for the item.

Commissioner Vaughan asked what the cautionary procedure should be if the sale of the property did not go through with the applicant, how it would affect the rezone request from the applicant. City Attorney Drake stated if the sale fell through the rezone would stay. Commissioner Vaughan would like a guarantee or proven documentation that the single lot resulted from the rezone. Planner Schow stated the property could not develop without them being joined because neither parcel is large enough on its own. Commissioner Vaughan stated he just wanted to see it happen with whoever the applicant is at the time. Planner Schow stated the current property owner has signed off that they want the property to be rezoned, so it will only help them should this interested party not follow through, it will only help the property owner in the future by having the property already zoned and ready to go for any potential future buyer. Commissioner Vaughan stated the current owner is not the applicant for this file. Planner Schow stated they both had to sign the application and agree to the request. City Attorney Drake stated the commissioners needed to consider if this was a good use, does this particular zoning, whether for this use or a similar use, be a good fit for this particular property as it relates to the rest of the city. He asked if it was something they would recommend to the city council. Commissioner Vaughan stated he wanted to avoid someone coming in to create a rezone request and then use it as a marketing tool to resell the property to someone else, as opposed to someone who is interested in developing and using it for their own personal use.

Public Hearing Open. 6:29:48 PM.

Gary Pratt, Syracuse, Utah, stated he would endorse having this parcel changed immediately. He stated there are other properties that will need to be combined in order to achieve the general plan, so he felt this was a perfect example of one that someone has taken the time, effort, and money to get it into a position to benefit the city. He asked the planning commission to approve this project.

Public Hearing Closed 6:30:40PM

Commissioner Kinsey asked staff if any other comments were submitted to the city. Planner Schow stated there were not any.

MOTION TO RECOMMEND APPROVAL TO CITY COUNCIL FOR THE REZONE REQUEST FROM MARK FLINDERS, PROPERTY LOCATED APPROXIMATELY 2481 WEST 1700 SOUTH, CHANGE FROM R-2 RESIDENTIAL TO PROFESSIONAL OFFICE, SUBJECT TO ALL APPLICABLE REQUIREMENTS OF THE MUNICIPAL CODES, BY COMMISSIONER JENSEN, SECONDED BY COMMISSIONER RACKHAM. ALL IN FAVOR, NO OPPOSED. MOTION CARRIED.

4. Meeting Minutes:[6:31:31 PM](#)**January 21, 2014 Regular Meeting and Work Session**

Change necessarily to necessary.

May 6, 2014 Regular Meeting

Change bureau to beware.

Commissioner Jensen stated this would be an opportunity to do a motion of reconsideration of the minutes, according to the bylaws. Chairman McCuiston stated the minutes were presented to the city council

prior to them reviewing the application and he felt that his comments and intent were made clear.

MOTION TO APPROVE REGULAR AND WORK SESSION MEETING MINUTES FOR JANUARY 21, 2014 AND REGULAR MEETING MINUTES FOR MAY 6, 2014, BY COMMISSIONER RACKHAM. SECONDED BY COMMISSIONER KINSEY. ALL IN FAVOR, NO OPPOSED. MOTION PASSED.

Adjourn

Curt McCuiston

Jackie Manning, Admin Professional

Date Approved: _____