

Minutes of the Syracuse Planning Commission Regular Meeting, August 5, 2014

Minutes of the Regular Meeting of the Syracuse City Planning Commission held on August 5, 2014, at 6:00 p.m., in the Council Chambers, 1979 West 1900 South, Syracuse City, Davis County, Utah.

Present:

Commission Members: TJ Jensen, Chairman
Ralph Vaughan, Vice-Chairman
Curt McCuiston
Dale Rackham
Greg Day
Trevor Hatch

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

Council Members: Craig Johnson

Excused: Troy Moultrie

Visitors: Gary Pratt Gary Wright Chris Brown
Clint Sherman David Jones Mike Bastian
Pat Zaug Ray Zaug Alvin Whitaker
David George Alison Chandler Gary McEntee

1. **Meeting Called to Order:**

[6:14:22 PM](#)

- a. **Invocation or Thought:** Greg Day
- b. **Pledge of Allegiance:** TJ Jensen
- c. **Adoption of Meeting Agenda:**

MOTION TO ADOPT MEETING AGENDA AND REMOVE ITEM 2 MEETING MINUTES, AS THEY WERE NOT IN THE PACKET, BY COMMISSIONER VAUGHAN. SECONDED BY COMMISSIONER MCCUITION. ALL IN FAVOR. NO OPPOSED. MOTION PASSED. Commissioner Rackham arrived shortly after motion.

2. **Meeting Minutes:** Stricken from the Agenda as the minutes were not included in the packet.

July 15, 2014 Regular Meeting
July 15, 2014 Work Session.

3. **Public Comment:**

[6:16:58 PM](#)

This is an opportunity to address the Planning Commission regarding your concerns or ideas, regarding items that have not been scheduled for a public hearing on this agenda. Please limit your comments to three minutes.

No comments were made. Item closed.

4. **Final Plan:** Tivoli Gardens, Wright Development Group, property located at approximately 1950 S. 1000 W., R-3 Zone. **Commissioner Day recused himself from this item.**

[6:17:25 PM](#)

A staff memo from the Community Development Department, as summarized by Planner Schow explained:
Project Outline:

General Plan Approval
Planning Commission: March 4, 2014
City Council: March 10, 2014
Rezoning Approval

Minutes of the Syracuse Planning Commission Regular Meeting, August 5, 2014

Planning Commission: April 1, 2014
City Council: April 8, 2014
Sketch Plan Approval
Planning Commission: April 1, 2014
Preliminary Plan Approval
Planning Commission: May 6, 2014

The development consists of 30 lots on 10.09 acres. Phase one will complete 1950 S from the Antelope Subdivision to 1000 W. It includes a detention basin with landscaped improvements and small playground with public access.

Commissioner Vaughan inquired about Parcel A in the engineer report. Planner Schow stated the maintenance will be maintained privately by the HOA (Homeowners Association) Agreement. Gary Wright, Layton, Utah, stated they will do whatever staff requires for this development.

MOTION TO APPROVE TIVOLI GARDENS PHASE 1 FINAL PLAN, FROM WRIGHT DEVELOPMENT GROUP, LOCATED AT 1950 SOUTH 1000 WEST, R-3 ZONE, BY COMMISSIONER MCCUISTION. SECONDED BY COMMISSIONER VAUGHAN. ALL IN FAVOR. NO OPPOSED. MOTION PASSED.

5. **Preliminary Plan:** Wilcox Farms, Castle Creek Homes, property located at approximately 1200 S 3000 W, R-2 Zone. **Commissioner Day returned.**

[6:23:18 PM](#)

Planner Schow summarized a staff memo from the Community Development Department that explained:
Applicant: Castle Creek Homes

| | |
|----------------------------------|-----------------|
| Approximate Location: | 1200 S 300 W |
| Zone: | R-2 Residential |
| Total acreage | 24.37 |
| Net acreage | 19.50 |
| Allowed density 3.79 units/ acre | 73.91 |
| Proposed Lots | 68 |

The Preliminary Plan for Wilcox Farms includes changes to the phasing to accommodate access and detention. The City is still exploring solution to complete 1200 S. There are a few outstanding items on the staff reports that are currently being addressed by the Reeve and Associates. Please see staff reports for details.

Public Meeting Outline:
General Plan Amendment Approval
Planning Commission May 6, 2014
City Council May 13, 2014
Rezone Approval
Planning Commission June 3, 2014
City Council June 10, 2014
Sketch Plan Approval June 17, 2014

Commissioner Vaughan inquired about the temporary turn around on 221 and 222 lots. Planner Schow stated that will need to be addressed prior to final. Commissioner Vaughan asked if the applicant had been informed regarding the fire hydrant relocation.

Mike Bastian, South Weber, Utah, stated he will work through any issues that need to be addressed. Commissioner Day inquired about the improvement plans concerning Parcel A and Parcel B. Mr. Bastian stated Parcel B did not have the frontage to be another lot, so he stated they put Parcel B with lot 112 for a larger backyard.

Commissioner Vaughan verified that applicant accepted the proposed conditions from city staff. Mr. Bastian stated he would. Commissioner Rackham referred to the engineer letter regarding the 100 year storm detention basin. Mr. Bastian stated the detention basin will coincide with the Steed property. He stated the storm drain will go through the Steed property over to the new retention basin they are creating for the entire area. He stated the utility line will go through Rock Creek Park, and they are working with UDOT (Utah Department of Transportation) to see that happen. City Engineer Bloemen stated this was a request made by the city. They are trying to get a regional detention basin to catch everything from 2500 West through the property, to avoid mini detention basins everywhere.

Chairman Jensen stated he spoke to the Brigg's family this week and they were upset because the word "Eminent Domain" was brought up to them. Planner Schow clarified the city specifically stated that Eminent Domain was not an option they were considering. The Brigg's Family was asked to come in and speak with the city to find an alternate solution to try and get the road issue resolved. Mr. Bastian indicated they were not pushing for Eminent Domain. He stated he has spoken to Brent Briggs and he understands that is not what they are pushing for. He stated he has worked with staff in redesigning the phasing for phase 4, to dedicate the ground they purchase for the road way to the city in phase 3, but they will not develop those 4 lots until something is worked out with the Brigg's

Minutes of the Syracuse Planning Commission Regular Meeting, August 5, 2014

family. He described in detail the alternatives to the 1200 West Connection.

Chairman Jensen commented on the open ditch on the other phase along 1200 South that had been installed in the spring and when it was discussed with the Brigg's Family they had talked about using fusible pipe, but when it was installed the developer used standard ABS pipe with a pressurized man hole in one spot. Chairman Jensen stated Mr. Brigg's expressed concerns to him regarding leaks in 4 separate locations, multiple times. He stated the pipe is approximately 18 inches. It would be above the frost line, so there is a good chance that it will be easily damaged. Chairman Jensen explained the process of irrigation. Mr. Bastian stated that the development Chairman Jensen is referring to is Country Fields. He stated that he has met with the excavators that performed the installation and they installed what was called out in the plans by the engineers. He stated the man hole was lowered for the future phasing. Mr. Bastian did a site visit with the excavators and at that time did not see any leaks. They are monitoring it and actively watching it. Chairman Jensen discussed a few concerns from surrounding residents. Mr. Bastian stated he will work through any concerns.

Commissioner Vaughan felt the project was not legally complete because they did not have a solution regarding the Eminent Domain problem with the Brigg's property to the south. Mr. Bastian stated the design is complete; they were merely leaving room for future connection of the road, which is why they wanted to dedicate the right-of-way in phase 3. Commissioner Vaughan discussed approving an entire project versus a single phase. Planner Schow stated the development will come back for final approval and it has been common practice for the developer return for each individual phase, so they could essentially move forward with phase 1 and only give final approval for that phase, while not giving final approval for phase 3. Commissioner Vaughan discussed the option of putting a condition on the approval that the Brigg's property be resolved prior to final approval for the entire project, as presented. Director Christensen recommended changing the condition to give preliminary approval for phase 1 and 2 with holding and tabling preliminary on phase 3 until the road issue has been resolved.

Commissioner Day stated phase 3 is problematic, but the developer could redraw the plat to illuminate that and it would be additional paperwork. He stated the project will return for final approval, so he suggested they approve the preliminary plat, only approve phase 1.

Commissioner Hatch clarified that the right-of-way in phase 3 would be dedicated with phase 1. Mr. Bastian confirmed. Commissioner Rackham stated he did not want to approve the project and move phase by phase. He stated he would like all the issues resolved before they move forward with the phasing. Mr. Bastian stated they have 33 lots in Country Fields, so they will not come back for final on 64 more lots and sit on 100 lots of inventory. He stated they would come back for final on phase 1 when they return. Commissioner Rackham asked the contingency plan if Brigg's Family does not want to develop the property. Mr. Bastian indicated they will wait to develop the 4 lots until the road issue is resolved. [6:49:33 PM](#)

Commissioner Vaughan reiterated his desire to approve the project as a whole and not by phasing. Mr. Bastian stated they met the requirements in the City and designed their plats based on direction received by city staff. He stated they could do a different layout but he felt it would be less desirable for the cities future growth and traffic flow. Chairman Jensen suggested alternative connections and alignments. Mr. Bastian stated they have explored the most optimal connections and discussed them with the City Engineer Bloemen.

There was discussion regarding the phasing and the requirements as they apply for the Syracuse Ordinance. City Engineer Bloemen stated his concern with pulling phase 3 would be the right-of-way dedication. He expressed the cities desire to have the road connect through. He stated the 1200 South alignment is the most optimal as seen on the plans and they are not going to recommend changing the location of the road. He stated as city staff they will continue working with Mr. Brigg's to find a resolution by the time phase 3 comes around. They discussed various approaches to move the project forward to allow for the right-of-way dedication. Planner Schow stated if they removed lots 301 to 304 when Mr. Bastian does decide to develop the lots he will need to do Sketch Plan, Preliminary Plan, and Final just for those 4 lots. She stated it would be easier to not approve the Final for phase 3 versus striking the phase altogether. Director Christensen stated based on the length of time the developer may have to start over anyway.

[7:17:00 PM](#)

MOTION TO APPROVE PRELIMINARY PLAN FOR THE WILCOX FARMS, CASTLE CREEK HOMES, PROPERTY LOCATED AT 1200 SOUTH 3000 W, R-2 ZONE, SUBJECT TO ALL APPLICABLE REQUIREMENTS OF THE CITIES MUNICIPAL CODE. BY COMMISSIONER MCCUISTION, AND TO THE CONDITION THAT THE ENTIRETY OF 1200 SOUTH BE DEDICATED WITH PHASE 1 AND PHASE 2 BE TABLED UNTIL THE ISSUE OF THE CONNECTION OF 1200 SOUTH TO 3000 WEST BE COMPLETED.

Chairman Jensen asked for a clarification, if Commissioner McCuiston meant phase 3 not phase 2. COMMISSIONER MCCUISTION CLARIFIED HIS MOTION WAS TO RECOMMEND APPROVAL TO PHASE 1 AND PHASE 2 AND TO TABLE PHASE 3. SECONDED BY COMMISSIONER HATCH. COMMISSIONER HATCH, DAY, AND MCCUISTION VOTED YAY. COMMISSIONER VAUGHAN, JENSEN, AND RACKHAM VOTED NAY. MOTION DIED.

There was discussion regarding the application and conditions to place on the application to allow the project to move forward without dedicating the right-of-way in phase 3.

Minutes of the Syracuse Planning Commission Regular Meeting, August 5, 2014

MOTION TO RECONSIDER PREVIOUS MOTION VOTE BY CHAIRMAN JENSEN. SECONDED BY COMMISSIONER HATCH. COMMISSIONERS DAY, HATCH, MCCUISTION, AND JENSEN VOTED YAY. COMMISSIONER VAUGHAN AND RACKHAM VOTED NAY.

MOTION TO APPROVE THE PRELIMINARY PLAT APPROVAL FOR WILCOX FARMS SUBDIVISION, BY CASTLE CREEK HOMES, PROPERTY LOCATED AT 1200 SOUTH 3000 WEST, R-2 ZONE, SUBJECT TO ALL APPLICABLE REQUIREMENTS OF THE CITY MUNICIPAL CODES AND TO THE CONDITION THAT THE ENTIRETY OF 1200 SOUTH DEDICATION BE IN PHASE 1 AND PHASE 3 BE TABLED UNTIL SUCH A TIME THAT THE ISSUE WITH 1200 SOUTH CONNECTION THROUGH THE BRIGG'S PROPERTY TO 3000 WEST HAS BEEN RESOLVED BY COMMISSIONER MCCUISTION. SECONDED BY COMMISSIONER DAY. COMMISSIONERS DAY, HATCH, MCCUISTION, AND JENSEN VOTED YAY. COMMISSIONERS RACKHAM AND VAUGHAN VOTED NAY. MOTION CARRIED.

6. **Public Hearing General Plan Amendment:** David George, 3807 W 2700 S Amendment from A-1/Open Space to R-1 or R-2 Residential for purpose of annexation and single family development.
[7:23:35 PM](#)

Director Christiansen summarized a staff memo from the Community Development Department that explained:

The applicant has approached the City to annex approximately 57 acres on the South side of 2700 South at 3807 West. An application to amend the General Plan has also been received.

Annexation:

In consideration of annexation of this property, the City should be aware that the property is adjacent to an Agriculture Protection Area. This does not preclude development of the property, it simply puts future land owners on notice that the adjacent property is used for farming and as such will have impacts ranging from early/late farm work hours, noise, dust and odors associated with farming activities. The property owners within the Ag Protection Area are protected from nuisance lawsuits by neighboring property owners.

Also in consideration of the annexation, the Council should take into consideration the possible existence of wetlands (as surveyed by UDOT for WDC study). Those areas affected by wetlands would be subject to mitigation by the Army Corp of Engineers and/or may not be developable.

The last item in consideration of annexation is the Great Salt Lake high water mark. As demonstrated by the attached map, a portion of the property was affected in 1985 by the high water. Care will need to be exercised to assure that any areas within the flood plain are developed appropriately to protect private property.

General Plan Amendment:

The property is currently designated as A-1 and Recreational Open Space on the General Plan. The developer is requesting a residential zoning in order to facilitate a single family development. He has indicating that if the school is interested in the site, he would like to set aside the land for the site in exchange for an increased zone density from R-1 to R-2.

The Planning Commission will need to make a recommendation on the General Plan Amendment and the Annexation request to the Council.

Staff has received inquiries from the North Davis Sewer District and an abutting land owner. The NDSD is concerned about fall to the sewer lines maintaining an 8% slope. Further only about the north 1/3 of the property is within the service district boundary. The boundary can be expanded but the modeling done on the system capacity was completed using the current general plan zoning designations.

Staff would like resolution as to the feasibility of providing municipal services to the property relating to sewer, storm drain, water, and the provision of a secondary access to the property. Currently the County has been unwilling to provide access via County Roads to development within the City, and requires the City to annex roads that serve developments within the City. Please see the attached letter from the City Engineer.

Director Christensen reviewed several concerns submitted by abutting property owners, and Public Works in regards to the annexation.

David George, South Jordan, Utah stated they have reviewed several concerns from the previous Work Session Meeting regarding the sewer line, reverting to a pressure on the main if necessary. He stated it all depends on the development of the property. He stated in review of the Wetlands he felt the cluster subdivision should work better for that area. He stated they own the property to the west and they have looked at redesigning that area for a second entrance to allow the water line to loop, which would address the water concern and access concern. Chairman Jensen stated he spoke with Larry Mills, a Syracuse Resident that owns property in that area, and he stated he would consider putting a second access on the south side of his property near 4000 West. Director Christensen stated if the applicant builds a secondary access through the county and not within the city limits the applicant will need to get approval from the county as far as constructing a new road, because upon dedication it would be a county road and they would be required to have maintenance on the road. She warned it might pose difficult. Mr. George stated they would go through the annexation process for the portion of the road.

Mr. George stated they would prefer to have an R-1 Residential Zoning. Commissioner Vaughan referred to

Minutes of the Syracuse Planning Commission Regular Meeting, August 5, 2014

the City Engineers Letter on July 30, 2014. Mr. George reiterated that they have the ability to do 2 accesses and the water line to loop the service. He stated as far as the sewer availability when they bring in the site plan they will find a way to work around it by clustering the subdivision and have a pressure main or a forced main. He stated the common area would have bigger lots to allow the sewer main to get out. There was discussion regarding the second access.

There was discussion regarding the process to amend the Annexation request. Commissioner Day inquired about the adopted Annexation Declaration. Director Christensen stated they did have an adopted Annexation Map. Mr. George stated he would prefer to annex with the city versus the county.

City Engineer Bloemen stated Public Works will not support anything other than gravity sewers. He stated live stations and pressurized systems are maintenance nightmares and it would not be something he would recommend the city get into.

Public Hearing Open

[7:44:58 PM](#)

Gary Pratt, Syracuse, Utah stated this piece of property comes with baggage and pressure with the city to service this property. He stated the City Council has approved the annexation process already. He suggested approving R-1 Residential only and not R-2 until the Planning Commission approves some sort of cluster overlay zone. He felt there were stipulations as far as access and utilities. He stated the city can accept the annexation of the property and he felt they could accept R-1 designation for General Plan Amendment.

[7:47:15 PM](#)

Chris Brown, Farmington, Utah, stated he is from the Nature Conservancy. He stated the Nature Conservancy is not present to condemn people, and they recognize property owner rights. He stated parts of the development or annexation to them do not make sense. He stated no one knows the location of the North Davis Corridor and at one point was going to be placed through the proposed property. He stated UDOT (Utah Department of Transportation) is asking them about this property as a mitigation site. He stated the bottom portion of the property had wet lands. He stated storm water has been a huge issue for the Nature Conservancy, and if they develop the property he did not know where the storm water would go. He stated the water table is not very deep, so ground water is another issue. He stated they own acres in that area and they are not against the development, just at this time this property has a lot of issues that need to be addressed and a lot of things they don't have the answers to. He stated if the property becomes annexed and developed and they decide to bring the North Davis Corridor in that area they will be the ones that get hurt. He stated they had the foresight to purchase the property in 1983 and protect it for open space and the wild life values that it has. He stated when cities and counties go in and allow developments within the path of the corridor the Nature Conservancy is the next place UDOT wants to go. He stated a lot of the land was purchased with Federal funds. He stated mitigated through the central Utah water project. Those lands will not be allowed to be condemned by the federal highway commission.

[7:51:29 PM](#)

Allen Whitaker, Syracuse, Utah, lives adjacent to the property. He stated the back corner is a wetland. He stated there is ground water after digging in his backyard only 18 inches. He stated he has a Green House business and wanted to know how the annexation would impact his business. He asked about the property to the East regarding the Agriculture Protection Area and asked if it is permanent. He stated the 2 access points the applicant is proposing would be close to each other. He stated "like having a road on top of a road." Mr. Whitaker was invited by Commissioner Vaughan to show on the map to show the location of his property.

Public Hearing Closed.

[7:54:36 PM](#)

Chairman Jensen stated Mr. Whitakers property would not be affected in the Annexation petition at this time. Director Christensen explained what an Agriculture Protection is and what it entails. There was discussion regarding the current zoning areas in the area.

Commissioner Vaughan stated he had strong reservations approving this property, specifically pertaining to Public Works concerns for ingress and egress single culinary water supply in there and sewer service. There was discussion regarding the ability to service this property as far as utilities and sewer.

MOVE TO DENY THE GENERAL PLAN AMENDMENT AND ANNEXATION TO THE CITY REQUEST WITH FINDING THAT INGRESS AND EGRESS INTO THE SUBDIVISION WOULD LIMIT ACCESSABILITY FOR RESIDENTS AND EMERGENCY SERVICES BECAUSE THERE WOULD ONLY BE ONE. THE GENERAL PLAN AMENDMENT AND THE ANNEXATION WOULD SERVE BY A SINGLE CULINARY WATER FEED WHICH POSES WATER QUALITY MAINTENANCE AND FIRE PROTECTION CONCERNS. THE PROPOSED CHANGE TO THE GENERAL PLAN AND THE ANNEXATION WOULD HAVE LIMITED SEWER SERVICE ABILITY TO THAT PARTICULAR AREA, BY COMMISSIONER VAUGHAN. SECONDED BY COMMISSIONER RACKHAM.

Commissioner Day asked for a clarification if the motion was denied how it would affect the Annexation Petition. Director Christensen stated the Annexation petition is currently before the City Council and the Planning Commissioners are making a recommendation to the City Council whether or not to go forward with the Annexation.

COMMISSIONER VAUGHAN, DAY, RACKHAM, HATCH, AND MCCUISTION VOTED YAY. CHAIRMAN JENSEN VOTED NAY. Chairman Jensen voted Nay because he felt the items should be voted on separately. He

Minutes of the Syracuse Planning Commission Regular Meeting, August 5, 2014

stated he did not have an issue with the Annexation, but he did with the General Plan Amendment, so he felt forced to vote Nay on both items.

- 7. Annexation Recommendation:** David George, 3807 W 2700 S, Annexation request of approximately 57 acres for purpose of single family development.

See item 6 for the executive summary. The motion was combined to include item 6 and item 7.

- 8. Public Hearing-General Plan Amendment and Rezone:** Business Park to commercial C-G & Residential R-3, Ninigret North LC, property located at approximately 1550 W 200 S.

[8:07:18 PM](#)

Director Christensen summarized the staff memo from the Community Development Department explained: General Plan Amendment/Zoning Map Amendment

The property is currently designated as BP Business Park on the General Plan. The developer is requesting a residential zoning in order to facilitate a single family development, a charter school, and a small retail commercial area.

Gary McEntee, Brier Cliff Manor, New York, stated they were approached by the school and felt it would be a good use for the property. They are rezoning R-3 and will connect 1550 from SR-193 through the Ivory Development all the way to 700 South.

Public Hearing Open.

[8:10:13 PM](#)

Gary Pratt, Syracuse, Utah, stated the area needs to be developed because it is by the High School. He stated hundreds of hours have been given on this area in regards to the General Plan. He stated this area was originally going to be an industrial park, which was not accepted by the city. He stated it was approved recently to Business Park. He stated it would buffer the industrial park that is being currently developed and the power corridor to the east to protect the school. He stated R-3 Residential has been under consideration by panels and committees over the years, which recommended not having them to avoid infrastructure and pressure around the school and extra traffic. He stated by expanding it into an R-3 isn't the best use of the property. He stated he is not against the Academy going in and there is no protection of the city from a school going in, if the property owner will allow it by state code. He stated the city has wanted in the past General Commercial to extend all the way up to the power corridor facing SR-193. He stated the balance of the property is General Commercial now. He stated due to the only access being SR-193 and through a residential subdivision of Ivory Homes, which is impacted by traffic, he would like careful consideration should be made. He felt that the Planning Commissioners should take a look into past consideration and the history of this property and the best use for it. He stated the idea that might be put forth would be approve the General Commercial portion for the Academy and extend the General Commercial up to the power corridor and leave the balance of the property of Business Park. That is Mr. Pratt's recommendation.

[8:14:00 PM](#)

Pat Zaug, Syracuse, Utah, stated she was on the committee when this property was brought up initially. She stated they have done a lot of work and planning on this property and they recommended to the city that this be a Business Park. She felt it was very prime property and if they allow it to go into residential they will lose the prime property for the option of putting in a Business Park. She stated when Ninigret first came into the city the highest and best use for this entire piece was Industrial Zone. She stated on 700 South all of the sudden the highest and best use went to residential. She stated now the highest and best use is residential with a school. She stated it keeps changing and she is not opposed to the homes that are on 700 South. She felt it was a good blend for the area. She encouraged the Planning Commissioners to consider losing that amount of property and putting more residential. She asked how many homes can they put into Syracuse. She stated there is a lot of development in Syracuse and she questioned if more could be handled. She asked what it would do to the prices of homes already being developed. She stated Ninigret promised in their Industrial Parks they would look like Industrial Park in Salt Lake City, and she stated it looks nothing like it. She stated they promised that the area would be kept in ownership by them, and it is no longer owned by them. She felt there were a lot of problems and issues that needed to answered before it is rezoned into a residential area.

[8:16:16 PM](#)

Ray Zaug, Syracuse, Utah stated he lives across the street from the high school. He expressed concerns regarding the residential component of this area. He stated with 140 homes from Ivory Homes plus the potential of another 140 homes that is about 300 homes going into the area. He stated all along they have tried to push for some kind of recreational area such as ball diamonds, complex to attract adult soft ball. He stated the portion proposed for R-3, the church has spent a lot of money on leveling that. He stated the area of the city does not have any parks and before the Planning Commission considers the proposal they allow the parks committee to vet the process through to determine the best place for some parks in that area of the city. He agreed that they spent a lot of time working on that for the last 7 years and Business Park was something that was proposed, they liked it and

Minutes of the Syracuse Planning Commission Regular Meeting, August 5, 2014

felt it was pretty much why the city went that direction. He suggested keeping it maintained for Business Park.
Public Hearing Closed.

[8:18:19 PM](#)

Commissioner Vaughan stated the Planning Commission does not have the ultimate authority to make official changes to the General Plan Amendment. He reminded that the ultimate decision is made by the City Council. He stated this application did have a bona fide vision for the area. He stated this land has been much discussed, but this is the first time an actual project has been proposed for the area. He stated it is the right of the property owner to do that. He discussed property rights. He addressed the traffic concern.

MOVE TO APPROVE RECOMMENDATION TO THE CITY COUNCIL FOR GENERAL PLAN AMENDMENT AND REZONE FROM BUSINESS PARK TO COMMERCIAL C-G AND R-3 RESIDENTIAL, FROM NINIGRET, PROPERTY LOCATED APPROXIMATELY 1550 WEST 200 SOUTH, BY COMMISSIONER VAUGHAN. SECONDED BY COMMISSIONER MCCUISTION.

Chairman Jensen requested a comment be made prior to voting on the motion. Chairman Jensen stated he felt Ninigret is trying to find a graceful way out of this. He stated they didn't feel that Business Park could work in that area. He stated the 193 Corridor would have a lot of opportunities along 1000 or 2000 and he would hate to not see the frontage unavailable for commercial. He stated the city spent money on having a professional review the area. He stated their recommendations based on citizen input, and what they thought was best and area park along with commercial, and the other two both indicated quite a bit of Business Park. He stated SR-193 has been in place for less than a year and essentially it is premature to make this change at this time. He stated he had discussed this area with the Zaugg's around 4:30PM and there was a lot of traffic going down 193 at that point.

Commissioner Rackham stated he preferred not to see residential. He felt it was prime real estate for commercial in that area. He felt having the General Commercial would be good for the city and for everyone. Commissioner McCuiston stated he felt it was a good plan. He stated keeping the entire area commercial, 60 acres or so, is a lot of commercial. He discussed the presentation regarding the Charter School.

Commissioner Vaughan recommended the Second withdraw, to all the motion to die to allow for a proper motion. Commissioner McCuiston withdrew his Second. MOTION DIED.

Gary McEntee stated there are 60 acres left between 2000 West and 1550 South for Commercial. He stated when he met with city staff, Director Christensen looked at major commercial developments and tried to lay that on top of 60 acres. Mr. McEntee stated major developments along Interstate 15 don't take up 20 acres, so he felt they left plenty of commercial space available along SR-193. He stated the plan with the Charter School, allows for a frontage road to come off 1550 and feed back to the commercial areas. They have made accommodations in a future planning mode to service that area, so the commercial properties will have access to 2000 West and 1550 South. He stated the cost of the infrastructure for the road connectivity is substantial and in order to fund they need to have the sale of the Charter School and they need to also be able to sale Residential developer, which is the only interest they have had for that property. Commissioner Day expressed concerns about putting a development next to the corridor that may under perform. Mr. McEntee stated the interest from home builders in their mind; they don't feel that is the case.

Chairman Jensen stated Charter Schools are not entities that the city can tax.

[8:32:37 PM](#)

MOVE TO RECOMMEND APPROVAL TO CITY COUNCIL FOR GENERAL PLAN AMENDMENT, REQUEST FROM THE APPLICANT, REQUESTED CHANGE FROM BUSINESS PARK TO COMMERCIAL AND R-3 RESIDENTIAL PERSUANT TO THE LEGAL DESCRIPTION ATTACHED TO THE PACKET, SUBJECT TO ALL APPLICABLE REQUIREMENTS TO THE CITIES MUNICIPAL CODES, BY COMMISSIONER VAUGHAN. SECONDED BY COMMISSIONER MCCUISTION. COMMISSIONER MCCUISTION, VAUGHAN, AND HATCH VOTED YAY. COMMOSSIONER RACKHAM, DAY, AND JENSEN VOTED NAY. MOTION FAILED.

Commissioner Rackham recommended the General Commercial be pushed all the way to the power corridor. Commissioner Hatch stated on the Syracuse City Facebook page there was discussion among citizens regarding a lot of failing businesses within the city already, so he questioned if the city could support a lot of commercial business. Director Christensen stated when they did the potential layout for the 60 acres; they could fit hundreds of thousands of square footage for commercial development with the applicants proposed plan. She stated 60 acres was a lot of commercial development and would take something very big to fill. She stated in regards to Business Park, every marketer, broker, EDC Utah that the city has spoken to stated Syracuse City would not get a Business Park. She stated people are looking for Class A Business Park Space and it can't be Class A unless it is on the freeway and it's in Salt Lake County. She stated it doesn't matter how nice you build it, if you can't find someone to sell it to, they are not going to come. She stated EDC Utah are the ones trying to bring Businesses to Utah and they look at the Industrial side of it, and they may look at the east side of the corridor for Industrial uses but the Business Park are not looking at Syracuse. She stated Business Park developers want to be on the transit line such as I-15 or Front Runner. Commissioner McCuiston stated there is ample commercial there. Commissioner Vaughan stated this is what the applicant wants. He stated Ninigret is a sophisticated business operation with

Minutes of the Syracuse Planning Commission Regular Meeting, August 5, 2014

expertise and knowledge of the past. He stated it is a huge investment for them. He stated that should have nothing to do with the decision to approve this application; it's whether or not they have met the requirements to file a General Plan Amendment request. Commissioner Day stated he is concerned about extending residential clear to the road. He stated he understood the commercial aspect and recognizes the Business Park will be a challenge. Chairman Jensen stated he felt at the very least they should extend the commercial all the way to the end of the road. He felt if they commit the entirety to R-3 they lose the potential.

[8:39:02 PM](#)

MOVE TO RECOMMEND APPROVAL TO CITY COUNCIL FOR GENERAL PLAN AMENDMENT BY COMMISSIONER VAUGHAN, REQUEST FROM THE APPLICANT, REQUESTED CHANGE FROM BUSINESS PARK TO COMMERCIAL AND R-3 RESIDENTIAL PURSUANT TO THE LEGAL DESCRIPTION ATTACHED TO THE PACKET, SUBJECT TO ALL APPLICABLE REQUIREMENTS TO THE CITIES MUNICIPAL CODES. Commissioner Vaughan stated there were certain members of the Planning Commission who thought it would be in the best interest of the City for the General Commercial area to be extended all the way across the top of the project.

SECONDED BY COMMISSIONER MCCUISTION. COMMISSIONER MCCUISTION, VAUGHAN, AND HATCH VOTED YAY. COMMISSIONER RACKHAM, DAY, AND JENSEN VOTED NAY. MOTION FAILED.

Commissioner Day asked the applicant if he would consider extending the entire frontage as General Commercial. Mr. McEntee stated they would look to consider having commercial along SR-193 to allow access on 1550 for East and West. He stated he would keep it at the same depth that they have the 3 commercial lots.

MOTION TO RECOMMEND APPROVAL FOR GENERAL PLAN AMENDMENT, 1550 WEST 200 SOUTH FOR REQUESTED CHANGE FROM BUSINESS PARK TO COMMERCIAL AND R-3 RESIDENTIAL SUBJECT TO THE APPLICANT AMENDING THE APPLICATION TO EXTEND THE CG COMMERCIAL TO THE POWER CORRIDOR, AT THE SAME DEPTH AS CURRENTLY ILLUSTRATED, BY COMMISSIONER DAY. SECONDED BY COMMISSIONER RACKHAM. COMMISSIONER VAUGHAN, DAY, RACKHAM, HATCH, AND MCCUISTION VOTED YAY. CHAIRMAN JENSEN VOTED NAY. MOTION CARRIED.

MOTION TO RECOMMEND APPROVAL TO THE CITY COUNCIL FOR THE REZONE FROM BUSINESS PARK TO COMMERCIAL AND R-3 RESIDENTIAL, PROPERTY LOCATED AT 1550 WEST 200 SOUTH, BY COMMISSIONER DAY, SUBJECT TO APPLICANT AMENDING THE APPLICATION TO EXTEND THE CG COMMERCIAL TO THE POWER CORRIDOR, AT THE SAME DEPTH AS CURRENTLY ILLUSTRATED. SECONDED BY COMMISSIONER MCCUISTION. COMMISSIONERS DAY, RACKHAM, VAUGHAN, HATCH, AND MCCUISTION VOTED YAY. CHAIRMAN JENSEN VOTED NAY. MOTION CARRIED.

9. **Public Hearing-General Plan Amendment: Requested by city Council to amend the following locations:**

[8:44:53 PM](#)

a. Properties owned by Schneiters Riverside Golf Club & Rocky Mountain Power, at approximately 3400 W 200 S from PRD (Planned Residential Development) to Open Space/Recreational.

b. Portions of properties owned by GOR & CWR, LLC a Mark S. Johnson-Trustee, at approximately 2000 W 2700 S, from PRD (Planned Residential Development) & PO (Professional Office) to R-1 Residential.

c. Portion of property owned by Nathan George Clark, Jr-Trustee, at approximately 3500 S Bluff Rd, from PRD (Planned Residential Development) to R-2 Residential.

Director Christensen gave a brief overview of the requested change. She stated she has received numerous emails, phone calls, and office visits inquiring about the change regarding item B. She stated their primary concern is the lack of time to evaluate the proposed General Plan Change and they request the item be tabled. Chairman Jensen asked for clarification from the City Council for item B. He stated it was his understanding that Professional Office would remain. Terry Palmer, Syracuse, Utah stated for the General Plan for that parcel they would remove Professional Office and have the entire parcel be R-1 Residential.

Public Hearing Open.

[8:50:52 PM](#)

George Steven Rampton, Layton, Utah, stated they have emailed the Mayor and the City Council and requested item B be tabled. He referred to the differences in the Current Zoning Map versus the General Plan Map. He stated he didn't feel the Professional Office zone should be changed. He stated he would be in favor of the project if they changed the PRD portion to R-1 Residential and left Professional Office as is. He stated otherwise, they will need additional time to review the parcel as a family. He stated his parents, whom this property belongs to, are ill and unable to make a decision regarding the property. Mr. Rampton stated he would like a month to review the process before the Planning Commission makes a decision.

[8:56:20 PM](#)

Harold Johnson, Kaysville, Utah stated he is a beneficiary of the Trust for S. Mark Johnson for the southern portion of the property for item B. He stated when his father passed away about a year ago; the address was not updated for the property, so none of them received notices. He stated he heard about it from a family member. He

Minutes of the Syracuse Planning Commission Regular Meeting, August 5, 2014

stated he is not opposed to the changes, but he is representing his siblings who are also beneficiaries. He stated the family has requested for it to be tabled for 1 to 2 months, to allow how the change would impact for the property.

[8:57:40 PM](#)

Terry Palmer, Mayor, Syracuse, Utah stated he is OK with just the PRD portion being changed and leaving the Professional Office. He stated the main purpose was to look at the PRD's. Mayor Palmer stated they needed to move forward with the PRD's, because for the entire plan the PRD's should be more appropriately placed. Mayor Palmer stated they would like to move as quickly as possible.

[8:59:19 PM](#)

Gary Pratt, Syracuse, Utah, stated that being a past Planning Commissioner, he stated he has experienced residents that maybe don't understand the process for cities as far a land use. He stated there are 2 layers of zoning for cities. One is General Plan which is the "crystal ball" of the city versus the actual zoning of the property. He stated he felt for the property owners because of the confusion and the shortness of the notification. He stated the zoning on their property is not being changed; it won't affect their taxes, or property value. He stated the city has requested a clean-up of the General Plan beginning with the PRD issue. He stated if the property owner wants to make a zone change they can address that through an application and not through a General Plan Change which is the perusal of the Planning Commission. He stated at the request of the City Council is asking for the change and for it to be expedited. He speculated the reason for the PRD and PO zoning on the General Plan for item B. He stated regardless of what has happened in the past this is what is recorded in the city and as a property owner in the city if the Mayor and the City Council are going to hold the Professional Office back it shouldn't make a difference to the property owner, because what is zoned is what is on their property. He stated it won't affect them one way another as it is a General Plan Change. He recommended the Planning Commission expedite this request as far as approving the removal of the PRD and get it to the City Council for approval so the General Plan can move forward.

[9:02:14 PM](#)

Ray Zaug, Syracuse, Utah stated he agreed with what has been said about the General Plan. He stated it is a vision for how Syracuse wants to move forward and has nothing to do with the individual zoning of properties when the time comes that property owners wish to develop. He stated if it is the desire of the City Council to remove the PRD's from these random locations in the city that it be done to allow the process to be completed. He encouraged a resolution to amend the General Plan as stated.

[9:03:06 PM](#)

Wade Hogan, Syracuse, Utah stated his question was what was sponsoring this change and he said it was the city and the City Council. He stated in regards to item B he did support the change to the General Plan to R-1 and the change for the whole property. He didn't feel the Professional Office space is in the best long term interest of the city. He stated there have already been several housing developments across the street on 2700 and he didn't feel it was a good place for PO. He stated going forward into the future he speculates if the highway went through that area and there was an exit on 2000 West that is the location is where Syracuse will get its Business Park.

[9:04:41 PM](#)

MOTION TO EXTEND THE REGULAR MEETING TO 9:10PM BY COMMISSIONER DAY. SECONDED BY COMMISSIONER RACKHAM. ALL IN FAVOR. NO OPPOSED. MOTION CARRIED.

Director Christensen reiterated her efforts in explaining the zoning processes for General Plan Amendments versus Rezone for the Rampton Family. She discussed the process for Rezone requests.

MOTION TO RECOMMEND APPROVAL TO THE CITY COUNCIL FOR THE GENERAL PLAN AMENDMENT AS FOLLOWS: ITEM A. PROPERTIES OWNED BY SCHNEITERS RIVERSIDE GOLF CLUB & ROCKY MOUNTAIN POWER, AT APPROXIMATELY 3400 W 200 S FROM PRD (PLANNED RESIDENTIAL DEVELOPMENT) TO OPEN SPACE/RECREATION. AND ITEM C. PORTION OF PROPERTY OWNED BY NATHAN GEORGE CLARK, JR. – TRUSTEE, AT APPROXIMATELY 3500 S BLUFF RD, FROM PRD (PLANNED RESIDENTIAL DEVELOPMENT TO R-2 RESIDENTIAL. BY COMMISSIONER DAY. SECONDED BY COMMISSIONER RACKHAM. ALL IN FAVOR, NO OPPOSED. MOTION CARRIED.

Commissioner Vaughan asked the property owners understood the explanation as to what would happen to their property tonight. Mr. Rampton and Mr. Johnson both stated they now understood. Mr. Johnson requested a month to explain this to his siblings, as one of his sisters is an attorney. Mr. Rampton stated they would like to keep the Professional Office in the General Plan and R-1 Residential to replace the PRD.

There was a general consensus among the Planning Commissioners to table to allow the property owners more time to review the proposed General Plan Amendment.

MOTION TO TABLE DISCUSSIONS ITEM B PORTIONS OF PROPERTIES OWNED BY GOR & CWR, LLC AN MARK S. JOHNSON-TRUSTEE, AT APPROXIMATELY 2000 W 2700 S FROM PRD (PLANNED RESIDENTIAL DEVELOPMENT) & PO (PROFESSIONAL OFFICE) TO R-1 RESIDENTIAL TO TABLE FOR A PERIOD OF 2 WEEKS, OR FOR THE NEXT SCHEDULED MEETING, BY COMMISSIONER VAUGHAN. SECONDED BY COMMISSIONER MCCUISTION. COMMISSIONER JENSEN, VAUGHAN, DAY, MCCUISTION, AND RACKHAM VOTED YAY. COMMISSIONER HATCH VOTED NAY. MOTION CARRIED.

Minutes of the Syracuse Planning Commission Regular Meeting, August 5, 2014

10. **Public Hearing Municipal Code Amendment:** Title 8 pertaining to the subdivision process.

[9:16:26 PM](#)

Public Hearing Open.

[9:16:46 PM](#)

Gary Pratt, Syracuse, Utah, recommended that this title be reviewed further for some changes that need to be made as he reviewed the document. He stated there are some omissions and clarifications. He stated an extended discussion which isn't warranted tonight because of time frame. He suggested tabling.

Public Hearing Closed.

[9:17:35 PM](#)

Commissioner Vaughan asked if staff felt it were ready for a vote. Director Christensen stated she felt it was ready. She reminded the Planning Commissioners that they have discussed this title for a couple of months through various work sessions and she believes she has implemented and followed the direction given by the Planning Commission in the last few meetings. She stated the majority of the Planning Commissioners felt comfortable with the changes.

Chairman Jensen stated he and Commissioner Rackham are still very uncomfortable with the idea of it not going to the Planning Commission before the DRC (Development Review Committee). Chairman Jensen stated he had language that Mr. Pratt emailed Chairman Jensen regarding changes. He discussed his proposal regarding the process of meeting the Planning Commissioners prior to DRC.

MOTION TO EXTEND MEETING TO 9:20PM BY COMMISSIONER VAUGHAN. SECONDED BY COMMISSIONER RACKHAM. COMMISSIONER VAUGHAN AND RACKHAM VOTED YAY. COMMISSIONER MCCUISTION, DAY, HATCH, AND JENSEN VOTED NAY. MOTION FAILED.

MOTION TO CONTINUE PUBLIC HEARING TO THE NEXT MEETING, BY COMMISSIONER DAY. SECONDED BY CHAIRMAN JENSEN. COMMISSIONER DAY, RACKHAM, HATCH AND JENSEN VOTED YAY. COMMISSIONER VAUGHAN AND MCCUISTION VOTED NAY.

Director Christensen asked for a clarification as to whether the Chair of the Planning Commission could second a motion. Commissioner Rackham clarified that he would second the motion.

11. **Adjourn**

[9:20:43 PM](#)

TJ Jensen, Chairman

Jackie Manning, Admin Professional

Date Approved: _____