

**Syracuse City Planning Commission Meeting**  
August 18, 2009  
Minutes

1. Meeting called to Order, Adoption of Agenda, and Approval of Minutes

Planning Commission Chair Robert Whiteley called the meeting to order at 6:04 p.m., indicating City staff posted the agenda 24 hours prior to the meeting and delivered copies to all Commission members. Kenneth Hellewell offered the prayer, and Tena Campbell led the pledge of allegiance.

Members Present: Chairman Robert Whiteley, Vice Chair Kenneth Hellewell, Tena Campbell, Nathan Miller, Craig Jenkins, Mike Norton, and Jamie Nagle as well as Community Development Director G.J. LaBonty and Administrative Assistant Judy Merrill.

Visitors: Jeff Gibson          Natalie Madsen          Matt Gertge          Barbara Palmer  
                 John Groff                  Allen Collins          John Showman          Jeff Taylor

CRAIG JENKINS MADE A MOTION TO ADOPT THE AUGUST 18, 2009, AGENDA AS OUTLINED, SECONDED BY KENNETH HELLEWELL; ALL VOTED IN FAVOR.

Commissioners reviewed the minutes of the June 2, 2009, meeting.

TENA CAMPBELL MOVED TO APPROVE THE MINUTES OF THE JUNE 2, 2009, MEETING AS WRITTEN, SECONDED BY JAMIE NAGLE; ALL VOTED IN FAVOR EXCEPT CRAIG JENKINS AND MIKE NORTON, SINCE THEY DID NOT ATTEND THAT MEETING.

Commissioners reviewed the minutes of the July 7, 2009, meeting. Commissioner Jenkins stated he did not have enough time to review those minutes.

NATHAN MILLER MADE A MOTION TO TABLE THE MINUTES OF THE JULY 7, 2009, MEETING, SECONDED BY CRAIG JENKINS; ALL VOTED IN FAVOR.

Commissioners reviewed the minutes of the July 21, 2009, meeting.

CRAIG JENKINS MOVED TO APPROVE THE MINUTES OF THE JULY 21, 2009, MEETING AS WRITTEN, SECONDED BY JAMIE NAGLE; ALL VOTED IN FAVOR EXCEPT MIKE NORTON, KENNETH HELLEWELL, AND NATHAN MILLER, SINCE THEY DID NOT ATTEND THAT MEETING.

Commissioners reviewed the minutes of the August 4, 2009, meeting.

KENNETH HELLEWELL MADE A MOTION TO APPROVE THE MINUTES OF THE AUGUST 4, 2009, MEETING AS WRITTEN, SECONDED BY TENA CAMPBELL; ALL VOTED IN FAVOR.

2. Wendy's Conditional Use for a Monument Sign

Jeff Gibson, franchise owner, appeared before the Planning Commission requesting Conditional Use approval to place a monument sign at his new Wendy's Restaurant, located at 1598 South 2000 West. Director LaBonty reminded the Commission of the applicant's appearance on August 4, 2009, to request site plan approval along with all applicable signage. At that time, the applicant did not have the full details or drawings of the proposed monument sign, so the Commission tabled it but granted Conditional Use approval for all other signage and recommended site plan approval as well. They asked the applicant to return to the Commission after submitting the appropriate drawings and illustrations of the proposed monument sign. The applicant did so, and staff determined that it met all requirements of the Land Use Ordinance.

Commissioner Campbell referred to a discussion in their work session about the height of this sign and the adjacent grade. His plan showed the monument at 6.3 feet tall, but the Ordinance only allowed 6 feet. Mr. Gibson expressed his confidence in finding some gravel that would take care of those 3 inches.

Chairman Whiteley asked about lighting and whether the panel would be back lit. Mr. Gibson assured him he understood the City required front lighting and planned for spotlights on the ground.

JAMIE NAGLE MOVED TO GRANT CONDITIONAL USE APPROVAL OF A MONUMENT SIGN FOR THE WENDY'S RESTAURANT, LOCATED AT 1598 SOUTH 2000 WEST, SUBJECT TO ALL REQUIREMENTS OF THE SYRACUSE LAND USE ORDINANCE SPECIFIC TO SIGNAGE. NATHAN MILLER SECONDED THE MOTION; ALL VOTED IN FAVOR.

3. Little Tykes Preschool Public Hearing and Conditional Use for a Home Occupation

Natalie Madsen, of 2161 South Fremont Crest Avenue, approached the Commission requesting Conditional Use approval to operate a preschool out of her home, beginning September of this year. Director LaBonty explained that she would hold a morning and afternoon session on Tuesdays and Thursdays with up to ten children in each session. The morning session would run from 9:30 to 11:45 a.m., and the afternoon session would run from 12:30 to 2:45 p.m. The classes would be held in her basement, which had a walk-out entrance into her garage. However, the finished basement did not have an approved building permit, so she had been working with the Building Department to obtain all the necessary permits and comply with current building codes. The applicant's yard had a fully-enclosed fence, and the home provided adequate parking in the driveway and in front of her home.

Commissioner Jenkins expressed concern for the children entering through her garage, which required them to pass by cars, flammable liquids, sharp yard tools, and other possible dangers. Ms. Madsen explained that they stored most of those items in a shed in their back yard but could route the children through her front door and down the stairs instead if they felt the garage would be a problem. She thought the entrance through the garage would have been easier in preventing the children from tracking mud through her house. Commissioner Jenkins asked if the garage had any exposed outlets or other hazards or if they finished the garage as well as the basement. Ms. Madsen advised him that the garage only needed painting. Commissioner Jenkins then suggested that she go through the garage and see if there were any unsafe items within reach of the children. Ms. Madsen advised him that she already did that and built shelves up higher for that very purpose.

Commissioner Nagle asked how many parking spaces her lot could provide. Ms. Madsen explained that her driveway could park four and that she only had five students at this time. Commissioner Miller explained how ten students in each session could create traffic problems in the area and asked if she had a traffic plan to ensure drop off and pick up ran smoothly and quickly. Ms. Madsen indicated that she would have the vehicles line up while she remained outside with the children. After dropping off or picking up their child, the parent would then drive a few yards down the street to turn around in a bulb in the road with no houses fronting it. Commissioner Nagle asked if she discussed her plans with neighbors. Ms. Madsen assured commissioners that she did talk with neighbors and acquired approval from the lot owner whose rear yard fronted that bulb in the road.

Chairman Whiteley asked about the status of her building permit. Ms. Madsen stated that the previous owners finished the basement, except for one bathroom. Her family finished that bathroom after moving into the home. She applied for the building permit and made the required changes to comply with current building codes. The City inspected and passed everything.

Chairman Whiteley opened up the meeting for public hearing. No one came forward, so he closed the public hearing.

JAMIE NAGLE MADE A MOTION TO GRANT CONDITIONAL USE APPROVAL TO NATALIE MADSEN TO OPERATE A PRESCHOOL IN HER HOME, LOCATED AT 2161 SOUTH FREMONT CREST AVENUE, SUBJECT TO ALL REQUIREMENTS OF THE SYRACUSE LAND USE ORDINANCE SPECIFIC TO HOME OCCUPATIONS AND UPON THE CONDITION THAT SHE ACQUIRE AN APPROVED BUILDING PERMIT FOR THE BASEMENT PRIOR TO THE FIRST DAY OF SCHOOL. MIKE NORTON SECONDED THE MOTION; ALL VOTED IN FAVOR.

4. Rampton Medical Plaza Public Hearing and Rezone from GC to PO

Matt Gertge, owner of the subject parcels, stood before the Commission requesting approval to rezone 2.5 acres of land in the Rampton Medical Plaza Subdivision, Lots 3 and 4, located at approximately 2063 West 1900 South, from General Commercial to Professional Office. Director LaBonty summarized his request by stating that the General Plan designated both lots as General Commercial. The applicant hoped to construct a new Senior Assisted Living Facility on the combined lots if the City approved their request to amend the Subdivision Plat. Staff evaluated the location of these lots with respect to the existing professional office uses in this Subdivision (Tanner Clinic and the Wasatch Peak Physical Therapy buildings) and the two lots immediately south of the subject parcels designated as Professional Office in the General Plan. Staff

believed that the requested rezone would be in keeping with the intent of the original Rampton Medical Plaza Subdivision as a home to various medical facilities and other professional offices. The applicant anticipated construction of this facility to begin in early to mid 2010. The application complied with all other requirements of the City Ordinance specific to rezoning, and staff had no objections or concerns regarding the request.

Chairman Whiteley opened up the meeting for public hearing.

John Showman, 2143 West 1950 South, came forward asking whether the proposed use would be a place of residence or for appointments throughout the day. Chairman Whiteley advised him that it would be a 24-hour residence.

No one else came forward, so Chairman Whiteley closed the public hearing.

Commissioner Jenkins asked if Mr. Gertge had any indication as to who would build the facility and how many rooms. Mr. Gertge emphasized the fact that his comments would be preliminary, but the studies conducted indicated this area would support anywhere from 60 to 100 units. He knew they were looking to build a two-story facility with one option consisting of 100 units.

Commissioner Campbell asked if the facility would involve a Type I, Type II, or a mix of both since the current Ordinance limited such uses to just Type I facilities. Mr. Gertge was uncertain. Director LaBonty advised the Commission that he received a phone call from a gentleman he believed to be the proposed builder of this facility. Because the City did not have Professional Office zones years ago, the Ordinance permitted this use in residential zones but limited them to Type I facilities in order to fit in better with neighborhoods. With the Commission's support, he indicated his willingness to present a proposed amendment to allow both types in P-O zones.

Vice Chair Hellewell expressed his concern with the proposed rezone not matching the General Plan. He believed a recommendation of approval would be arbitrary and that they were missing a step in the process. In the past, the City always approved a change to the Plan prior to granting a rezone that did not match. He recommended tabling the item and scheduling a request to amend the Plan first. Director LaBonty referred to the amended language in the General Plan text. Vice Chair Hellewell still believed the City needed to amend the Plan prior to approving this proposed rezone. Chairman Whiteley suggested the Commission include such a recommendation for that amendment in their motion in favor of this rezone to acknowledge that it was a Minor Plan Revision as permitted with new language in the General Plan since the subject property was less than 5 acres. Commissioner Jenkins agreed since their intent for the new language qualified this change to the Plan since it was less than 5 acres. Vice Chair Hellewell questioned whether the Commission agenda needed to specify that type of action before making a motion regarding the Plan. Director LaBonty was of the opinion that the newly adopted text eliminated such a requirement and that the Plan always intended this Subdivision to provide professional office uses even though such a zone did not exist at the time. Vice Chair Hellewell did not argue that point but wanted to be sure the Commission followed proper procedures. Director LaBonty reiterated his opinion that a recommendation that evening was within the purview of the Commission. Commissioner Miller asked if staff could display the General Plan text, but Director LaBonty informed him he did not have that document with him but would address such protocol in the future. In the meantime, he expressed his confidence in the Commission having such latitude at this time. Vice Chair Hellewell still questioned the need for an agenda item informing the public of even minor proposed changes to the General Plan or whether the City could just change it at will. Chairman Whiteley suggested staff request the opinion of the City Attorney regarding the matter since this was their first application requiring a Plan amendment. Commissioner Jenkins agreed with Director LaBonty since the intent of the new language was to allow the City to make such changes. Vice Chair Hellewell did not deny that but only questioned the need to advertise it first. Commissioner Campbell suggested the Commission include language in their motion regarding an amendment to the General Plan and forward it to Council for advertising since it was a minor adjustment the Plan's text allowed. Director LaBonty offered to provide clarification before their next application involving the same issue. Chairman Whiteley recommended that, in the future, staff include notices of public hearings on agendas for Minor Plan Revisions to the General Plan with requests for rezones in order to better inform the public. Vice Chair Hellewell expressed support for such a procedure. Chairman Whiteley asked staff to make sure the Council agenda included language regarding the Minor Plan amendment.

MIKE NORTON MOVED TO RECOMMEND APPROVAL TO REZONE LOTS 3 AND 4 OF THE RAMPTON MEDICAL PLAZA SUBDIVISION, LOCATED AT APPROXIMATELY 2063 WEST 1900 SOUTH, FROM GENERAL COMMERCIAL TO PROFESSIONAL OFFICE SUBJECT TO ALL REQUIREMENTS OF THE SYRACUSE LAND USE ORDINANCE SPECIFIC TO REZONES, AND FORWARD IT TO CITY COUNCIL. JAMIE NAGLE SECONDED THE MOTION; MIKE NORTON AND JAMIE NAGLE VOTED IN FAVOR. CRAIG JENKINS, KENNETH HELLEWELL, ROBERT WHITELEY, TENA CAMPBELL, AND NATHAN MILLER VOTED AGAINST.

Chairman Whiteley explained that the motion needed to include a recommendation to amend the General Plan prior to consideration of the rezone.

MIKE NORTON MADE A MOTION TO RECOMMEND APPROVAL TO REZONE LOTS 3 AND 4 OF THE RAMPTON MEDICAL PLAZA SUBDIVISION, LOCATED AT APPROXIMATELY 2063 WEST 1900 SOUTH, FROM GENERAL COMMERCIAL TO PROFESSIONAL OFFICE SUBJECT TO ALL REQUIREMENTS OF THE SYRACUSE LAND USE ORDINANCE SPECIFIC TO REZONES AND UPON THE AMENDMENT OF THE GENERAL PLAN AS DISCUSSED, AND FORWARD IT TO CITY COUNCIL. KENNETH HELLEWELL SECONDED THE MOTION; ALL VOTED IN FAVOR.

#### 5. Rampton Medical Plaza Public Hearing and Subdivision Plat Amendment

Matt Gertge remained standing to request approval to amend the Rampton Medical Plaza Subdivision Plat in order to combine lots 3 and 4, located at 2063 and 2105 West 1900 South, comprising 2.5 acres of land. Director LaBonty provided some background on this request, indicating that the Subdivision currently consisted of five lots with Tanner Clinic on Lot 1, Wasatch Peak Physical Therapy on Lot 5, and Lot 2 still undeveloped. The applicant intended to construct a new Senior Assisted Living Facility on the combined lots, and the application complied with all requirements of the City Ordinance regarding plat amendments.

Epic Engineering's letter, dated July 30, 2009, outlined the following issues regarding the amended plat: **1) Correct Owner's Dedication description to read 'Registered owner of said Lots 3 and 4' rather than 4 and 5. 2) Correct spelling in Boundary Description to read 'being' rather than 'beint.'** 3) **Add dimensions showing width of road and distance to centerline in 1900 South. 4) Change width of PUE on east end from 5' to 10'. 5) Add new Lot number to plat. 6) Verify lot number of parcel owned by Phillip C. Page and correct, since it is the same as lot number above. 7) Add Phase 3 to lot descriptions of Cherry Village Subdivision as there are multiple phases in that development. 8) Show property corners on plat if they exist or add note to install caps and rebar where needed since legend shows a symbol for property corners but none are shown on Plat.**

Vice Chair Hellewell asked Mr. Gertge if he received Epic Engineering's letter. Mr. Gertge advised him that he did receive it and would comply with all the issues outlined

Chairman Whiteley opened up the meeting for public hearing. No one came forward, so he closed the public hearing.

CRAIG JENKINS MOVED TO RECOMMEND APPROVAL OF THE PLAT AMENDMENT TO THE RAMPTON MEDICAL PLAZA SUBDIVISION, LOCATED AT APPROXIMATELY 2063 WEST 1900 SOUTH, SUBJECT TO ALL REQUIREMENTS OF THE SYRACUSE LAND USE ORDINANCE SPECIFIC TO PLAT AMENDMENTS AND UPON COMPLIANCE WITH ALL ISSUES OUTLINED IN EPIC ENGINEERING'S LETTER DATED JULY 30, 2009, AND FORWARD IT TO CITY COUNCIL. NATHAN MILLER SECONDED THE MOTION; ALL VOTED IN FAVOR.

#### 6. Model Home Public Hearing and Conditional Use for Temporary Use of Building

Jeff Taylor, with Perry Homes, presented his request for Conditional Use approval to conduct business from a Model Home in the Gateway Subdivision, located at 694 West 2010 South. They recently closed their previous Model Home in that development and built this new one. Director LaBonty added that the home received occupancy from the City on July 30, 2009. Their proposed hours of operation would be from 11 a.m. to 7 p.m., Mondays through Saturdays, and the three-car garage would provide adequate parking for at least four off-street spaces. The applicant also requested approval of two temporary real-estate advertising signs in the front yard of this lot. One sign, 16 square feet, would indicate their hours of operation and the other, 32 square feet, would identify the Subdivision and Perry Homes. The latter sign would have

ground illumination. The lot would have no flags or banners, and the applicant was made aware that their agents could use the home for selling lots only in the Gateway Subdivision.

Chairman Whiteley opened up the meeting for public hearing. No one came forward, so he closed the public hearing.

Commissioner Norton referred to the portable sign and asked where they would normally place it. Mr. Taylor indicated their plans to place it on the driveway. Commissioner Norton pointed out that the neighboring fence would make it hard to see on the driveway. Mr. Taylor agreed but explained that most cities did not allow signs too far out because of line-of sight issues. However, the home now had landscaping, so they could put the sign in the grass next to the sidewalk since the fence did impede the visibility of the sign.

Commissioner Norton then asked if the lights for the sign would only be on during hours of operation. Mr. Taylor advised him that they had not yet installed the lights, which would sit on the ground and shine just on the sign without bleeding onto neighboring properties.

NATHAN MILLER MOVED TO GRANT CONDITIONAL USE APPROVAL FOR A MODEL HOME IN THE GATEWAY SUBDIVISION, LOCATED AT 694 WEST 2010 SOUTH, SUBJECT TO ALL REQUIREMENTS OF THE SYRACUSE LAND USE ORDINANCE SPECIFIC TO TEMPORARY USES OF BUILDINGS. TENA CAMPBELL SECONDED THE MOTION; ALL VOTED IN FAVOR.

#### 7. Planning Commission Business

Commissioner Campbell reported on the last City Council meeting, which had some public comment on what residents called a City park in the Tuscan Meadows Subdivision. Administrator Worthen indicated it was more of a detention area. The residents voiced their concern for construction debris, weeds, and broken promises of developing it into a nicely groomed area. Many wore red shirts in support of cleaning it up. Administrator Worthen reported to her later that the City promptly took care of the park, so the efforts of those citizens at the meeting made a difference. During Council reports, Councilman Knight explained his position on the Sewer District Board and reported the District's plans to raise taxes, which was also the main topic on the agenda for the City. He pointed out the fact that it had not yet been approved but did not generate much attendance to their public meeting for discussion. The Council approved the site plan for Wendy's and held a public hearing for the annexation of property off of 3000 West 2200 South where the LDS Church proposed to build. The Council also held a public hearing for the fiscal year 2009-2010 budget with its proposed 20% property tax increase. The City Finance Director gave a presentation that pointed out the City balanced the budget without the tax increase. Any raise in taxes would simply build the rainy-day fund, which stirred up a lot of public comments from the audience for about an hour and half. No one commented in favor of the tax increase, so the Council approved the budget without it. At that point, it was 10 p.m., so Commissioner Campbell left before the last agenda item regarding safe sidewalks. She talked with Administrator Worthen later who reported that the Council approved a 25% match of the \$38,000 awarded for the south side of SR127 from 3450 West to 3600 West.

Commissioner Miller agreed to attend the next Council meeting.

Commissioner Campbell pointed out that she, Commissioner Nagle, and Chairman Whiteley would be attending the Planner's Day conference on September 10, hosted by the Utah League of Cities & Towns. They would report any information of value to the Commission during their September 15 meeting.

#### 8. Adjournment

CRAIG JENKINS MADE A MOTION TO ADJOURN AT 6:52 P.M.; ALL VOTED IN FAVOR.

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Robert Whiteley  
Planning Commission Chair