

Syracuse City Planning Commission Meeting March 1, 2011

1. Meeting called to Order and Adoption of Agenda

Planning Commission Chair Kenneth Hellewell called the meeting to order at 6:04 p.m., indicating that City staff posted the agenda 24 hours prior to the meeting and delivered copies to all Commission members. Kenneth Hellewell offered the prayer, and Alex Christiansen of Troop 639 led the pledge of allegiance.

Members Present: Chairman Kenneth Hellewell, Tyler Bodrero, T.J. Jensen, Gary Pratt, Dale Rackham, Gregory Day, and Curt McCuistion as well as Community Development Director Michael Eggett, and Administrative Secretary Judy Merrill

Excused: Braxton Schenk

Visitors: Kyle Hamblin	Robert Favero	Gary Sheffield	Heather Harris
Jerry Stoker	Wade Stoker	T.J. Stoker	Alex Christiansen
Carson Ballingham	Clay Robins	Craig Johnson	Dan Pessetto
Jake Jessop	Taylor Johnston	John VanWagenen	Carrie Smith
Josie Winward	Eric Wanner		

Commissioners reviewed the March 1, 2011, Planning Commission meeting agenda.

T.J. JENSEN MOVED TO ADOPT THE MARCH 1, 2011, AGENDA AS OUTLINED, SECONDED BY GARY PRATT; ALL VOTED IN FAVOR.

2. Approval of Minutes

Commissioners reviewed the minutes of the February 15, 2011, meeting.

GARY PRATT MADE A MOTION TO APPROVE THE MINUTES OF THE FEBRUARY 15, 2011, PLANNING COMMISSION MEETING AS WRITTEN, SECONDED BY TYLER BODRERO. ALL VOTED IN FAVOR, EXCEPT FOR KENNETH HELLEWELL WHO ABSTAINED SINCE HE HAD NOT ATTENDED THAT MEETING.

Commissioners reviewed the minutes of the February 15, 2011, work session. Commissioner Jensen asked for corrections to his reference of UDOT's biologists, on page 2, which the minutes reflect as singular, and one of his statements referencing Antelope Drive, on that same page, which the minutes changed to 3000 West, as well as clarification in his description of a preferred alignment option at the 'second' Bluff Road, on page 5, which the minutes refer to as simply 'Bluff Road.'

GARY PRATT MOVED TO APPROVE THE MINUTES OF THE FEBRUARY 15, 2011, PLANNING COMMISSION WORK SESSION AS AMENDED, SECONDED BY T.J. JENSEN. ALL VOTED IN FAVOR, EXCEPT FOR KENNETH HELLEWELL WHO ABSTAINED SINCE HE HAD NOT ATTENDED THAT MEETING.

3. Creative Critters Academy Conditional Use for Major Home Occupation

Heather Harris, 1834 West 2475 South, appeared before the Planning Commission requesting a Conditional Use Permit to teach preschool in her home to children 3 to 5 years of age. Director Eggett provided some background, stating that she would start out with just four sessions and eventually add more as her student base grew. She did not plan on having any employees, and her hours of operation would be Mondays through Thursdays, from 9:00-11:30 a.m. and 12:30-3:00 p.m., and possibly Fridays, from 9:00-11:00 a.m. The applicant would provide a map of the neighborhood for each parent with a required traffic plan. She anticipated having no more than eight vehicles per session, since she hoped to register many within walking distance, and the vehicles would enter 2475 South from the east, stop in front of her home for drop off and pick up, and head west to 1875 West. The children would remain seated on a bench in her garage at the end of class time until their rides arrived. Her application stated that she had four to six additional parking spaces in the driveway and that her lot's frontage provided enough space for six cars, using both sides of her driveway entrance. Their back yard was fully enclosed with a fence. He referred to concerns submitted to City staff from adjacent property owners and to Section 10-7-040 of the Land Use Ordinance that regulated home-based preschools, specifically the provision that home occupations should not

unreasonably disturb the peace and quiet of the neighborhood, including but not limited to noise, vehicles, parking, and general operation of the business. He did not believe the information submitted by the applicant regarding her traffic plan was sufficient to ensure that her business would not violate that portion of the Ordinance. He recommended the addition of a condition in the Commission's motion, if they decided to approve, that she provide a copy of her finalized traffic plan to City staff and neighbors so that all affected parties would know what to expect. Ms. Harris stated that she already fine-tuned her traffic plan but had until August, when classes began, to work out all the details. Her home fronted a through street, and parents would be able to enter from the east and stop with the passenger door at the curb for both pick up and drop off. The students would not exit her driveway until the parents arrived, and she could walk them to their car. That way, vehicles were not pulling into the driveway and creating a safety risk while backing out.

Commissioner Rackham referred to her hours of operation and asked the applicant to identify the four sessions. Ms. Harris stated that she would only be teaching the morning classes Mondays through Fridays until she received enough interest to add the afternoon classes. She did not plan to teach on Fridays unless she had a great demand for it. She preferred limiting the number of sessions to a maximum of eight without any on Fridays. When asked about the number of students, she stated that she planned to enroll no more than 10 children per class. Although she would utilize her back yard on occasion, most activities would be indoors, except for the three planned fieldtrips per school year. Her fence had a locking gate, and the interior of the home had child-proof locks as well as many other safety precautions.

Commissioner Pratt stated that he drove by the property, did not foresee any issues with traffic as far as bottlenecks, with entrances and exits so close, and believed it to be suitable for this type of use. Once operational and the neighbors could see it did not disrupt the area like they thought, there would be no more concerns.

Commissioner Rackham asked if their back yard included any playground equipment or pool. The applicant advised him that they had a swing set. She then added that her registration packet included a request to parents for them to be as courteous as possible to the neighbors during drop off and pick up.

TYLER BODRERO MADE A MOTION TO GRANT A CONDITIONAL USE PERMIT TO HEATHER HARRIS FOR A MAJOR HOME OCCUPATION, UNDER THE BUSINESS NAME OF *CREATIVE CRITTERS ACADEMY*, IN ORDER TO TEACH MORE THAN FOUR SESSIONS OF PRE-SCHOOL PER WEEK IN HER HOME, LOCATED AT 1834 WEST 2475 SOUTH, SUBJECT TO ALL REQUIREMENTS OF THE LAND USE ORDINANCE SPECIFIC TO THIS USE AND THE CONDITION THAT SHE SUBMIT A MORE DETAILED TRAFFIC PLAN TO THE CITY AND ADJACENT PROPERTY OWNERS. GARY PRATT SECONDED THE MOTION; ALL VOTED IN FAVOR.

4. Asset Management Conditional Use for Major Home Occupation

Gary Sheffield, 1087 Coventry Circle, approached the Commission requesting a Conditional Use Permit for his wife, Theresa Sheffield, to relocate her business from Layton to a home they owned in Syracuse, located at 2025 West 1275 South. Director Eggett summarized the request by stating that the applicant currently ran this business out of a commercial building in Layton and wanted to save money by moving it to this home. Although she did not live there, her daughter resided at the home and would be one of the three employees. Another employee was a sales representative who would only be at the residence occasionally. The last employee would commute to the home each day. The home had four small levels, making it difficult to remain under the 30% limit for any one floor area. She intended to utilize one level with an office as well as another level with the kitchen by using the kitchen table for paperwork. She indicated that this business would not require customers to come to this house. The residence provided a two-car garage, with only one vehicle parked there on a regular basis. She claimed the business would only generate two additional vehicles daily, from 9:00 a.m. to 5:00 p.m. Director Eggett then referred to certain sections of 10-7-040 outlined in their packets:

- (A) **Purpose:** The purpose for home occupations is to encourage the conducting of the majority of business activities within the more appropriate commercial zones while allowing business activities within residences on a limited basis if such activities comply with the standards of this Section. All home occupations shall be secondary and incidental to the residential use. The occupants should conduct such businesses so that neighbors, under normal conditions, would not be aware such businesses exist. Home occupations are a temporary privilege that the Land Use Authority can revoke upon a determination that the home occupation disrupts the residential neighborhood.

(B) Standards: The following restrictions shall apply to any home occupation:

3. The area of a home devoted to the home occupation and/or storage of stock in trade shall not occupy more than 30% of the area of any one floor.
8. The home occupation shall not allow employees, other than those living in the dwelling, to come to work at the home or to park vehicles at the home to go to a job site. The only exception is that one additional person may be employed as a second adult for a daycare, secretary, apprentice, or assistant where there are no more than five family members actively engaged in the home occupation. An additional off-street parking space shall be provided.

(D) Major Home Occupations:

1. The definition of a major home occupation shall include any business within a residential zone that meets the standards listed in Section 10-7-040(B) above but requires additional conditions of approval imposed by the Land Use Authority, as provided herein, to mitigate the increased impact of such home occupations on the surrounding property owners. Major home occupations shall be conditional uses in all residential zones due to the potential increase in the impact of a business as allowed by the following:
 - (d) A larger percentage of the home or an accessory building may be used for the home occupation under conditions recommended by the Planning Commission. The use of an accessory structure or an attached or detached garage, or yard space, for a home occupation may be considered as a conditional use only under the following conditions:
 - i. The Planning Commission finds that the proposed home occupation will be clearly accessory and subordinate to the principal use of the property for dwelling purposes
 - iii. Any off-street parking displaced by the occupation is relocated elsewhere on the lot or parcel in compliance with setback standards for the zoning in which the property is located

Secretary Merrill shared a concern that she received from an adjacent property owner who stated that he was unaware of anyone living there. He never saw vehicles parked or lights on at the home, other than once.

Mr. Sheffield addressed the various concerns by stating that customers would only be given a P.O. Box, so they would not be coming to the home, and that most of the customers were in Nevada. They did have renters in the home for about 2½ years, but they moved out. It remained vacant for about 3-4 months before their daughter moved from their home to this house last July or August. She would be getting married in June, and he was unsure as to whether they would live in this house or move elsewhere. There were usually cars parked at the home but probably inside the garage. They spent a lot of money upgrading the landscaping and would not have any signage.

Commissioner Pratt expressed concern with the business utilizing more than 30% of any one floor area and asked staff to address that portion of the Ordinance. Director Eggett advised him that the home occupation must limit its use to within that 30% floor area. Commissioner Pratt asked how the City would enforce that requirement. Director Eggett explained that it would simply be a part of the motion so that if the City received indicators of the business operating otherwise, the Code Enforcement Officer could pursue an investigation and possible revocation of their business license. Chairman Hellewell asked Mr. Sheffield if he thought the business needed more than allowed by Ordinance, to which Mr. Sheffield expressed confidence that it would not, since most of the business was just computer work. The business had not been growing for the last eight or nine years.

Vice Chair Bodrero did not consider this dwelling as a four-level home. Those working in construction identified these designs as two-level split homes. The way the application described the use, the business would occupy one of the two split levels with an office and kitchen area. He asked Mr. Sheffield to describe the square footage of the home in more detail. Mr. Sheffield estimated the top floor as having 415 square feet with one 93 square-foot room used for the business. The main level had 383 square feet, which included the kitchen. One area would have an office desk, and the other had the kitchen, where they would use the kitchen table. Chairman Hellewell asked if the business would use the table temporarily on an as-needed basis, so his daughter could still use it as a kitchen table, or if they would use it as another desk. Mr. Sheffield told him it would not be for business at all. They only planned to use the kitchen as a break room. The next level down was a 206 square-foot family room, adjacent the garage, with more desks, and then they did not intend to use any of the 355 square-foot basement. Vice Chair Bodrero asked how much of the family-room level the business would use, to which Mr. Sheffield told him all 206 square feet. When asked about the main level, Mr. Sheffield said they would use about a 10x10 square-foot area around the kitchen table, which Vice Chair Bodrero estimated to be about 90-100 square feet.

Commissioner Pratt asked how they would co-mingle traffic of the residence with a business when the home occupation utilized multiple floors. Mr. Sheffield stated that his daughter ran the business in his wife's absence, and the approximate total square footage of the home was 1,360. When asked about children, Mr. Sheffield explained that everyone in the home would be adults.

Vice Chair Bodrero divided the square footage, provided by Mr. Sheffield, with the total square footage of the home and expressed a willingness to approve the conditional use based on the uniqueness of the home's design and the fact that the overall use did not exceed 30% of the entire residence. However, the number of employees only worked because of the daughter living in the home. If she were to move after getting married, they would need to relocate another employee in there.

GARY PRATT MOVED TO GRANT THERESA SHEFFIELD A CONDITIONAL USE PERMIT FOR A MAJOR HOME OCCUPATION TO CONDUCT BUSINESS, UNDER THE NAME *ASSET MANAGEMENT ASSOCIATES*, FROM A HOME SHE OWNS, LOCATED AT 2025 WEST 1275 SOUTH, SUBJECT TO COMPLIANCE WITH ALL REQUIREMENTS OF THE LAND USE ORDINANCE SPECIFIC TO THIS REQUEST, PARTICULARLY THE LIMIT OF ONE ADDITIONAL EMPLOYEE COMING TO THE HOME TO WORK, THE NEED TO PARK OFF STREET, AND TO KEEP THE BUSINESS CLEARLY SUBORDINATE TO THE PRINCIPAL USE OF THE PROPERTY FOR DWELLING PURPOSES, AND THE UNDERSTANDING THAT THE LAND USE AUTHORITY CONSIDERS THIS MULTI-LEVEL HOME AS A SPLIT LEVEL FOR PURPOSES OF CALCULATING SQUARE FOOTAGE USED FOR BUSINESS PURPOSES IN ORDER TO REMAIN IN COMPLIANCE WITH THE 30% LIMIT, GIVING SOME LATITUDE IN THE KITCHEN FOR A BREAK AREA RATHER THAN BUSINESS USE, AND THAT THE HOME OCCUPATION WOULD BE VALID BASED ON THE FACT THAT THEY CURRENTLY HAD A FAMILY MEMBER OCCUPYING THE RESIDENCE; HOWEVER, IN AS MUCH AS THAT MAY BE TEMPORARY, THE APPLICANT MUST EITHER MOVE THE LOCATION OF THE BUSINESS OR MOVE SOMEONE ELSE INTO THE HOME FOR USE AS A RESIDENCE IF THE FAMILY MEMBER MOVED OUT. T.J. JENSEN SECONDED THE MOTION; ALL VOTED IN FAVOR.

5. Adjournment

T.J. JENSEN MADE A MOTION TO ADJOURN AT 6:39 P.M.; ALL VOTED IN FAVOR.

Kenneth Hellewell
Planning Commission Chair