

Syracuse City Planning Commission Meeting March 15, 2011

1. Meeting called to Order and Adoption of Agenda

Planning Commission Chair Kenneth Hellewell called the meeting to order at 6:08 p.m., indicating that City staff posted the agenda 24 hours prior to the meeting and delivered copies to all Commission members. Tyler Bodrero offered the prayer, and David Hellewell of Troop 556 led the pledge of allegiance.

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

Visitors: Justin Brown	J.D. Brown	Wade Stoker	Jerry Stoker
Mike Schultz	Jeff Holley	Rylan Butler	Payton Bean
Tyler Watson	Tyler Beazer	Nicholas Taylor	Thaddeus Bean
Richard Bean	Brock Taggart	Theresa Sheffield	Parker Vandermeide
Bridger Cook	Hayden Lynch	Sterling Birch	Adam Birch
Jacob Niemann	Braden Rawlin	Ben Alyk	David Hellewell
Noah George	Jeff Proffit	Jim Kinkade	Dan Pessetto
Brayden Cragun	Dylan Schrock	Scott Brough	Nathan Miller
Trent Sorensen	Case Sorensen	Craig Johnson	Roberto Mendez
Mike Norton	Austin Barber	Nathan Van Dijk	Lloyd Cheney

Commissioners reviewed the March 15, 2011, Planning Commission meeting agenda.

T.J. JENSEN MOVED TO ADOPT THE MARCH 15, 2011, AGENDA AS OUTLINED, SECONDED BY GARY PRATT; ALL VOTED IN FAVOR.

2. Approval of Minutes

Commissioners reviewed the minutes of the March 1, 2011, meeting.

T.J. JENSEN MADE A MOTION TO APPROVE THE MINUTES OF THE MARCH 1, 2011, PLANNING COMMISSION MEETING AS WRITTEN, SECONDED BY GARY PRATT. ALL VOTED IN FAVOR.

Commissioners reviewed the minutes of the March 1, 2011, work session. Commissioner Jensen referred to Item 2b, stating that he meant to say east, rather than north, when measuring the depth of those lots on the south side of Gentile. Chairman Hellewell pointed out the extra space between the letters C and H in the word Chambers at the top of the front page, referring to the location of their meeting. He also asked for a correction of the date of the meeting to March 1, rather than February 15. Commissioner Pratt submitted corrections via email that Secretary Merrill already reflected in the minutes before them.

T.J. JENSEN MOVED TO APPROVE THE MINUTES OF THE MARCH 1, 2011, PLANNING COMMISSION WORK SESSION AS AMENDED, SECONDED BY GARY PRATT. ALL VOTED IN FAVOR.

3. Asset Management Associates Major Home Occupation

Theresa Sheffield, 1087 Coventry Circle, appeared before the Planning Commission regarding the major home occupation they approved for her during their last meeting. She thanked them for allowing her husband to represent the request while she was out of town and appreciated the approval; however, she wanted to discuss one of the conditions they imposed. She then proceeded to explain how she had been in business in Layton since 2000 while she and her husband lived at the subject home here in Syracuse. They built a new house in Glen Eagle and rented out the home where she now planned to relocate her business. The renters regularly parked a semi on the street in front of the house. When they moved, she and her husband discovered a snake nesting ground in the jacuzzi, mice infesting the home, and a lush garden of weeds throughout the lot that the renters never mowed. They ended up investing over \$2,000 on restoration of the yard and home. Her husband was head of a lawn-care company in Clearfield, and they liked their yards to be immaculate. She wanted commissioners to recognize the pride they had in their homes and that the neighbors could not tell she had a business running there. She felt they were improving the house by having someone

living and working there and that she was contributing to the City with her employees, who bought gas and groceries in Syracuse and utilized the post office, and making the home more attractive. Neighbors actually thanked her for the improvements, so she viewed her home occupation as a nice partnership with the City by giving as well as receiving. Although she did not live there, her daughter resided in the home and would be one of the three employees. She also had a sales rep that she did not designate as an employee, since they would not be working at the Syracuse location but might be at the subject property on occasion. She explained how she spent most of her time at other locations as well and would only use the Syracuse home once or twice a week for a few hours at a time. The house had four small levels, so commissioners decided to identify the dwelling as a two-level split home for purposes of calculating floor area. Mrs. Sheffield designated a 93 square-foot area on the top floor as her office and reiterated her husband's claim that the kitchen would only serve as a break room. The main level included a 206 square-foot family room, adjacent a two-car garage, which they would convert to office space with three desks—one for the applicant's daughter and two for the other employees. Mrs. Sheffield assured City staff that this business would only generate two additional vehicles daily, from 9:00 a.m. to 5:00 p.m., because they would never have all the employees at the home at the same time. Mrs. Sheffield reminded commissioners that anyone could legally park on the street in front of most any home. Residents paid taxes for roads, and her business would not generate a lot of traffic since no customers came to the subject property. She explained the problem with having four vehicles in the driveway of a two-car garage, requiring them to play musical cars to get in and out for various reasons, such as leaving for lunch or coming to work at different times. Most homes had that many cars, and she did not believe the off street parking requirement was appropriate, since her business would not impact the neighborhood any more than adjacent existing impacts. She then asked for reconsideration of her conditional approval.

Director Eggett referred to the applicable sections of the Land Use Ordinance pertaining to this use, specifically 10-7-040.B.8,10.D.1.d.ii,iii and 10-8-040: **“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...The only exception is that one additional person may be employed as a second adult for a...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. The home occupation shall not unreasonably disturb the peace and quiet of the neighborhood, including but not limited to...vehicles, parking, and general operation of the business. The City may place additional restrictions on a home occupation relating to hours of operation, parking, traffic, or other matters as it deems necessary to mitigate impacts on the neighborhood...Major home occupations shall be conditional uses in all residential zones...as allowed by the following: 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. 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.”** “Each land use listed below shall provide the required off-street parking. Any entity that conducts a business in or from a residence, or to which employees come to a residence for work, shall...provide two off-street parking spaces per single-family residence plus an additional half off-street parking space for every full-time, part-time, or contract employee or worker who visits or provides services at the residence during an average week.” Director Eggett emphasized the section limiting a home occupation to only one additional non-related employee, which would alleviate any issues concerning ease of parking. Although the applicant was correct in her claim that the general public could always legally park on the street, home occupations were conditional uses and legally subject to stricter standards as imposed by applicable cities.

Commissioner Jensen asked if the road was the standard width for traffic flow and parking on the sides. Chairman Hellewell was confident the street comprised the normal 60-foot right of way. Director Eggett again emphasized staff's concern that she had more than one non-family member working at the site. Commissioner Pratt questioned the applicant as to the number of vehicles she cited as parking in the driveway, referring to her husband's testimony during their last meeting that there would only be one other employee, besides her daughter, coming to the home. Mrs. Sheffield told him there would be three cars, because they had two employees. If they had one or two vehicles in the garage and one or two in the driveway, they would always have to move somebody's car in order to get in or out. Commissioner Jensen stated that applicants needed only to provide the off-street parking. The Ordinance did not say they had to use them. Commissioner Pratt asked staff if that was correct. Director Eggett advised him that the Ordinance required parking spaces but did not require them to park in those spaces; however, the City could place

additional restrictions, if reasonable, based on perceived impacts. Again, his concern was with subsection 8, regarding employees. Commissioner Jensen then pointed out that she could not allow parking on the street during times of snow fall and removal. Mrs. Sheffield assured him they would park off street on such days. Chairman Hellewell voiced his confidence in her business complying with the requirements of the Ordinance. He cautioned her, however, that she would need to come back before them, should residents complain, for the imposition of additional conditions to mitigate any problems.

4. Adjournment

T.J. JENSEN MADE A MOTION TO ADJOURN AT 6:27 P.M.; ALL VOTED IN FAVOR.

Kenneth Hellewell
Planning Commission Chair