

Syracuse City Planning Commission Meeting August 2, 2011

1. Meeting called to Order and Adoption of Agenda

Planning Commission Chair Gregory Day called the meeting to order at 6:03 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 Gregory Day led the pledge of allegiance.

Members Present: Chairman Gregory Day, Vice Chairman Gary Pratt, Tyler Bodrero, T.J. Jensen, and Curt McCuistion as well as Community Development Director Michael Eggett, City Planner Kent Andersen, and Administrative Secretary Judy Merrill

Excused: Kenneth Hellewell, Dale Rackham, and Braxton Schenk

Visitors: Debbie Hall Amanda Hall Scott Pratt Craig Johnson

Commissioners reviewed the August 2, 2011, Planning Commission meeting agenda. Planner Andersen asked commissioners to amend the agenda so that they could adopt the July 19, 2011, minutes rather than the July 5, 2011, minutes.

T.J. JENSEN MOVED TO ADOPT THE AUGUST 2, 2011, AGENDA AS AMENDED, SECONDED BY CURT McCUISTION; ALL VOTED IN FAVOR.

2. Approval of Minutes

T.J. JENSEN MADE A MOTION TO APPROVE THE JULY 19, 2011, REGULAR MEETING AND WORK SESSION MINUTES AS WRITTEN. TYLER BODRERO SECONDED THE MOTION; ALL VOTED IN FAVOR, WITH GARY PRATT ABSTAINING.

3. Debbie Hall Major Conditional Use Permit for Smart Lil Monkeys Daycare Home Occupation

Debbie Hall, 1436 West 2920 South, appeared before the Planning Commission requesting approval of a major Conditional Use Permit to provide daycare in her home for approximately 16 children, which would include preschool lessons. Planner Andersen clarified the applicant's reference to a preschool by stating that the home occupation would only be a daycare but would involve preschool classes for just those children already in her care. As stated in the executive summary, she would be employing her 18-year old daughter as the second adult in order to comply with State law and City Ordinances, because the daycare would be for 16 children. The back yard was fully-enclosed with a secure fence, and her hours of operation would be Mondays through Fridays from 6 a.m. to 6 p.m. She planned to have parents drop off and pick up their children in the driveway only. The home included a three-car garage, where she and her daughter would park, leaving another six spaces in the driveway for off-street parking. Since the children would arrive at different times throughout the day, she did not need to provide a traffic plan.

Planner Andersen researched her business history and determined that Ms. Hall had been running daycare facilities for the past ten years without a single complaint. However, he did recommend one condition of approval. The applicants would be caring for children, 2½ years of age and younger, primarily in the basement but did not have the required walk-out at the time of application. He suggested approving the Permit subject to completion and occupancy of the basement.

When asked about her timeline for finishing that walkout, the applicant stated she was still waiting on two more bids before choosing a contractor and that the work would only take a week to complete. Chairman Day asked about her license from the Utah Department of Health. Ms. Hall advised him that she was almost through the process for that license. When asked how long it usually took in the past to secure her licenses from the State, she said it normally took about 30 days. The inspector would be visiting the next morning to ensure her house was safe for children. Vice Chair Pratt asked if she could acquire that license without the walkout basement. The applicant explained that the State did not require a walkout basement as long as there were ways the children could get out of the home. Vice Chair Pratt preferred to table this item until she finished her walkout basement and had everything in order. Planner Andersen pointed out that the applicant would not receive her business license until after receiving occupancy for the basement, and she hoped to open her business before the Commission met again in two weeks.

Commissioner Bodrero clarified the Commission's approval of just the Conditional Use Permit and the Community Development Department's approval of the Business License.

The applicant asked for approval to care for her entire clientele on the main floor of the home until she received approval to use the basement again.

GARY PRATT MOVED TO TABLE THIS REQUEST UNTIL DEBBIE HALL WAS ABLE TO COMPLETE ALL APPLICATION REQUIREMENTS, SUCH AS THE WALKOUT BASEMENT, TO ALLOW HER TO ACQUIRE A STATE CERTIFICATE TO OPERATE.

The motion died for lack of a second.

Commissioner McCuisition asked if there were any restrictions in the City ordinances that prohibited her from caring for the 16 children upstairs. Vice Chair Pratt explained that the rules changed, since she last set up her daycare, for safety reasons. She now needed a walkout basement, which she did not have previously. Until she was able to complete that walkout, the City could not issue her a business license. Commissioner Jensen pointed out that daycares did not need walkout basements if the children were kept upstairs. Planner Andersen then reiterated the staff's recommendation that the Commission approve the requested Permit subject to completion of the walkout basement, which would prohibit the applicant from accepting any children into her care until after the City issued her a business license.

Vice Chair Pratt was still reluctant to grant Ms. Hall a Conditional Use Permit, claiming that it was the Planning Commission's purpose to make sure everything was in place. When developers presented subdivision plans, the Commission did not approve them subject to a lot of conditions. Commissioner Bodrero referred to the process in place for these types of approvals and pointed out again that such applicants did not receive approval until all the applicable departments inspected and passed the requested use, such as the Fire and Building departments. The Commission simply needed to approve these requests subject to compliance with all City requirements. Commissioner Jensen agreed and did not wish to revisit this item and hold up the request for just one issue.

GARY PRATT MADE A MOTION TO GRANT A CONDITIONAL USE PERMIT TO DEBBIE HALL FOR A MAJOR HOME OCCUPATION, KNOWN AS SMART LIL MONKEYS DAYCARE LOCATED AT 1436 WEST 2920 SOUTH, SUBJECT TO ALL APPLICABLE CITY REQUIREMENTS AND, SPECIFICALLY, THE COMPLETION OF A WALKOUT BASEMENT AND ACQUISITION OF A STATE-APPROVED PERMIT TO OPERATE THE DAYCARE. CURT McCUISTION SECONDED THE MOTION.

Commissioner Bodrero asked for a clarification of the motion for the applicant so that, if the State inspected the home and allowed 16 children upstairs, City staff would consider the State's recommendation for 30 days or until the City granted occupancy of the basement after completion of the walkout. He cited the fact that the International Building Code allowed temporary certificates of occupancy, which could be done in this case to allow issuance of a business license with the daycare limited to the upstairs. The burden for getting things done would then be shifted to the applicant.

ALL VOTED IN FAVOR.

4. Adjournment

T.J. JENSEN MOVED TO ADJOURN AT 6:30 P.M.; ALL VOTED IN FAVOR.

Gregory Day
Planning Commission Chair