

## Minutes of the Syracuse Planning Commission Regular Meeting, September 2, 2014

---

Minutes of the Regular Meeting of the Syracuse City Planning Commission held on September 2, 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 Troy Moultrie Greg Day Trevor Hatch		
City Employees:	Sherrie Christensen, Director of Community & Economic Development Jenny Schow, City Planner Jackie Manning, Admin Professional Clint Drake, City Attorney Jo Hamblin, Deputy Fire Chief Brian Bloemen, City Engineer Terry Palmer, Mayor		
City Council:	None		
Excused:	Craig Johnson		
Visitors:	Nate Haws Mike Bastian David White	Jeanie Brierly Cynthia Blake Bart Wad	John Whiter Justin Blake

1. **Meeting Called to Order:**

[6:00:27 PM](#)

- a. **Invocation or Thought:** Commissioner Vaughan
- b. **Pledge of Allegiance:** Commissioner Day
- c. **Adoption of Meeting Agenda:**

MOTION TO ADOPT THE MEETING AGENDA AS AMENDED BY COMMISSIONER MCCUISTION, TO MODIFY ITEM 6 TO STRIKE AS A PUBLIC HEARING. SECONDED BY COMMISSIONER DAY. ALL IN FAVOR. NO OPPOSED. MOTION CARRIED.

2. **Meeting Minutes:**

[6:02:24 PM](#)

August 19, 2014 Regular Meeting

Commissioner McCuiston requested the change to line 208 "goods" to "good".

Chairman Jensen requested the change to line 51 "last two meetings minutes were taken for the subcommittee meeting" to "the minutes for the last 3 committees"

August 19, 2014 Work Session

MOTION TO APPROVE MEETING MINUTES FOR AUGUST 19, 2014 WORK SESSION AND REGULAR MEETING AS AMENDED BY COMMISSIONER DAY. SECONDED BY COMMISSIONER VAUGHAN. ALL IN FAVOR NO OPPOSED. MOTION CARRIED

3. **Public Comment:** 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.

[6:03:41 PM](#)

No comments made.

4. **Public Hearing:** Rezone from A-1 to R-2 Residential, Avery Gardens, NS Group Holdings, LLC, property located at approximately 1525 W 2700 S.

[6:04:02 PM](#)

Planner Schow summarized a staff memo from the Community Development Department:

This application is for a six lot subdivision on a 2.92 acre parcel. The current A-1 zoning does not allow for lots smaller than half acre. The General Plan designates for R-2 Residential for this parcel. The current request meets the minimum R-2 zone requirement of 10,000 square lot size and 85' frontage.

Mike Bastian, South Weber, stated the lot sizes are larger than the 10,000 minimum.

## Minutes of the Syracuse Planning Commission Regular Meeting, September 2, 2014

---

Public Hearing Open.

[6:06:56 PM](#)

No comments made. Public Hearing Closed.

[6:07:07 PM](#)

Commissioner Vaughan stated the projected lots are over twice the size of the lot size minimum. He stated this will be a nice neighborhood.

MOTION TO RECOMMEND APPROVAL TO THE CITY COUNCIL FOR THE REZONE FROM A-1 TO R-2, AVERY GARDENS, REQUESTED BY NS GROUP HOLDINGS, LLC, PROPERTY LOCATED APPROXIMATELY 1525 W 2700 S, SUBJECT TO SYRACUSE MUNICIPAL CODE, BY COMMISSIONER MCCUISTION . SECONDED BY COMMISSIONER VAUGHAN. ALL IN FAVOR. NO OPPOSED. MOTION CARRIED.

5. **Public Hearing:** Sketch Plan Request, Avery Gardens, NS Group Holdings, LLC, property located at approximately 1525 W 2700 S.

[6:08:34 PM](#)

Planner Schow reiterated the staff report as read for item 4. She referred to the staff reviews for outstanding items. She referred to the packet for the Sketch Plan.

Mike Bastian, South Weber, inquired regarding the fence requirement. He stated the property already has an existing 250 feet of chain-link fence, with white vinyl slats, that is 6 feet in height. He asked if that would be sufficient as it is existing, versus the requiring the vinyl. He stated the neighbors do not have any issues with the existing fencing.

There was discussion regarding the chain-link fence versus requiring a vinyl fence with an emphasis on ordinance and previous applications. Commissioner Vaughan stated a chain-link fence is more prone to decay and he would prefer to see a vinyl in the subdivision, but would be willing to go along with the majority if the Commissioners are against it. City Attorney Drake stated the commissioners needed to remain consistent with whatever decisions they have made regarding past applicants. Commissioner McCuiston proposed the existing home be allowed to maintain the chain-link fence, but vinyl would be require for the remaining lots as they are new. There was a general consensus among the Planning Commissioners to require new vinyl fencing for the new lots, but allow the chain-link fence for the existing home.

Public Hearing Open.

[6:19:33 PM](#)

David White, Syracuse, Utah inquired about the north end walk-way and if it would remain, or if it would become subject to someone's new yard. He stated the walk-way is between Allison and 1600 West. Planner Schow, stated the walk-way is city owned and will remain.

[6:20:25 PM](#)

Barton Ward, Syracuse, Utah inquired about the walk-way. He stated the walk-way has a chain-link fence with no slats, and inquired if the developer would be willing to put slats in the area to allow consistency. Planner Schow stated city code did not require vinyl fencing along trails, and the chain-link currently meets the requirements at this time.

Public Hearing Closed.

[6:21:40 PM](#)

Commissioner Rackham inquired about the existing home. Mr. Bastian stated they will fix up the home and put the home on the market. Commissioner Rackham asked for clarification regarding the square footage. Mr. Bastian stated the square footage is from back of sidewalk.

Commissioner Vaughan inquired if the applicant understood and reviewed all the requirements in the staff reports. Mr. Bastian stated he understood. Chairman Jensen asked if Mr. Bastian would be opposed to putting slats in the fence along the trail. Mr. Bastian stated he did not see a need for it. He questioned the safety of creating a tunnel and an unnecessary extra expense. City Attorney Drake stated along that trail it may be a problem and the police may not care for that at night, as it is out of the view of patrolling officers. He stated if the Commissioners wanted to have that as a requirement he suggested asking the police department for input.

MOTION TO APPROVE SKETCH PLAN, REQUESTED BY AVERY GARDENS, NS HOLDING LLC, PROPERTY LOCATED APPROXIMATELY 1525 WEST 2700 SOUTH BY COMMISSIONER VAUGHAN, WITH THE CLARIFICATION AND CONDITION THAT THE WEST BOUNDARY FENCE FOR LOTS 2-6 BE WHITE VYNAL AND THE EXISTING LOT 1 MAINTAIN CHAINLINK FENCE.

Clarification by Commissioner Rackham regarding the color of the vinyl requirement. MOTION AMENDED BY COMMISSIONER VAUGHAN TO JUST REQUIRE VINYL WITH NO COLOR SPECIFIED. SECONDED BY COMMISSIONER RACKHAM. ALL IN FAVOR. NO OPPOSED. MOTION CARRIED.

6. **Public Hearing:** Conditional Use Permit, Blacklist Arms, LLC, G. Nathan Haws, property located at 2279 S 2830 W.

[6:28:14 PM](#)

Planner Schow summarized a staff memo from the Community Development Department that explained:

## Minutes of the Syracuse Planning Commission Regular Meeting, September 2, 2014

---

This application is for a small firearm home occupation. The applicant is proposing to assemble firearms for sales at gun shows and anticipates very little if any clientele at his residence. The firearms will be stored in a locked safe per ATF regulations inside the residence as show on the site plan. The applicant would also like to package accessory items such as gun bags for internet sales. These items will be stored on the garage shelving as proposed. There will be no ammunition sales.

6:30:08 PM

Nathan Haws, Syracuse, Utah had no additional comments. Commissioner Vaughan asked if the applicant would have any employees. Mr. Haws stated no. Commissioner Vaughan asked the applicant if he had ever had an FFL (Federal Firearms License) before, and asked if the applicant had applied yet. Mr. Haws stated he has never had an FFL before and he hasn't applied for one because they require a business license in the application. Commissioner Vaughan asked if the applicant would become ITAR (International Traffic in Arms Regulations) certified. Mr. Haws stated he was familiar with ITAR. Commissioner Vaughan asked if the applicant if was familiar with the director of defense treaty controls through the department of state. Mr. Haws stated he is not familiar with all entities yet, but will be before the application goes in. Commissioner Vaughan clarified that AR-15 Rifles are not small arms. Mr. Haws stated he will be selling AR-15's and assembling them on site. Commissioner Vaughan asked what type of FFL the applicant is applying for. Mr. Haws stated it would be a Class 7 license. Commissioner Vaughan asked the applicant if he would have any combustibles associated with the business specifically coatings, ceracoat for the weapons, Mr. Haws stated he will have the baked on paint, ceracoat. Commissioner Vaughan asked the applicant if he will do test firing for the weapons. Mr. Haws stated he will test fire the weapons at designated ranges using personal ammunition. He stated he will not be selling ammunition.

Commissioner Day asked the anticipated volume for sales. Mr. Haws stated he hopes to sell guns through gun shows, and estimated 4 per month. Chairman Jensen opened a public hearing.

6:33:55 PM

No comments were made, so the public hearing was closed. Commissioner McCuiston inquired about the volume the applicant would be storing in upper and lower receivers, parts, etc. Mr. Haws stated the volume would be fairly small to start. He stated he will keep 5 to 6 guns at a time. The majority of the commissioners did not see a problem with this application.

Commissioner Vaughan confirmed with Planner Schow the date the applicant applied for the business license as August 15, 2014. Commissioner Vaughan stated the applicant has already opened a website showing items for sale before submitting the application to the city.

Commissioner Vaughan referenced 10.35.040 B (10), "A home occupation shall not store explosive or combustible materials anywhere on the premises." He expressed concern as the applicant will have personal ammunition at his residence as well as the paint. There was discussion regarding storage of guns and personal ammunition. The majority of the commission did not have an issue with the storage of the personal ammunition. City Attorney Drake stated the Planning Commission could put a condition on the approval that all the licensing required by the federal government and subject to all federal government regulations. He stated in regards to personal ammunition storage they would not be able to limit that.

Commissioner McCuiston asked for clarification regarding the applicant needing a business license before acquiring the other federal licenses. Planner Schow stated she was not sure who came first regarding the licensing. She stated it may be similar to daycare, where they contact the government and see if a paid receipt and application would be sufficient for them to process and they could hold their business license if that would be sufficient. Mr. Haws stated he wasn't exactly sure what he needed. City Attorney Drake gave several options for conditions to ensure applicant met all the requirements of the government. Director Christensen stated in the past they submitted a letter to the appropriate entity stating the Conditional Use Permit was approved, that a business license application had been made and pending approval of all federal licenses would be issued.

Commissioner Rackham inquired about the safe. Mr. Haws stated it was approximately 5 foot high; there would be approximately 6 guns stored within the safe. The personal ammunition would be stored separately. Chairman Jensen inquired about the amount of paint onsite. Mr. Haws stated he will have a few bottles of paint onsite. He clarified it is the type in a sprayer gun, so less than a gallon. Deputy Fire Chief Hamblin stated he is not familiar with ceracoat. Mr. Haws stated it was a spray on that is later baked. Deputy Fire Chief Hamlin asked about the spraying booth. He stated he would need to inspect the area for spraying and it would need to follow the 2012 IFC codes for spray booth applications, flammable finishes.

Commissioner Rackham inquired about the oven used for the baking portion. Mr. Haws stated he will use his kitchen oven, wasn't sure of the baking temperature. Commissioner Vaughan stated baking temperature is 300 degrees up. Commissioner Rackham expressed concern regarding the use of a home oven for the paint baking. Director Christensen suggested the applicant submit the MSDS Sheet for the particular brand of ceracoating in use, then the fire marshal and the building inspector and review proper storage and within the limits of the building and fire code.

Commissioner Rackham stated with this being a home business and this process being flammable, he asked if there was a requirement for a sprinkler system. Deputy Fire Chief Hamblin stated for a spray booth it would be required for an automatic sprinkler system as it is a home business. Mr. Haws stated he wasn't sure the extent the sprinkler system would need to be. Chairman Jensen asked if it would have to be separate water line. Deputy

## Minutes of the Syracuse Planning Commission Regular Meeting, September 2, 2014

---

Chief Hamlin stated they should be able to tap in the water circuit for a single water head, but it depended on the flammability of the product and what it is protecting. He stated it would need to go through a fire protection design system in order to be approved. Commissioner Vaughan stated the sprinkler system would be required for the storage area and any chemicals used in the process. Deputy Chief Hamblin stated the applicant would need a commercial hood above the oven for the vapors to vent properly.

There was discussion among the Commissioners to table the project until they receive answers regarding the paint process and storage area. Mr. Haws stated he would like to scratch the ceracoating altogether, because if he had to put a spray booth and a hood over the oven, he would rather save the expense and outsource the painting. He stated he had a friend in Salt Lake City that could do the painting.

[6:52:37 PM](#)

MOVE TO DENY CONDITIONAL USE PERMIT FOR BLACKLIST FIREARMS, NATHAN HAWS, PROPERTY LOCATED AT 2279 S. 2830 W. SYRACUSE, R-1 ZONE, BASED ON THE FOLLOWING ISSUES: AS LISTED IN THE CODE (PAGE 88) LOCATION SHALL NOT STORE EXPLOSIVE OR COMBUSTIBLES ON SITE, AND THE LACK OF THE SPRAY BOOTH OR SPRINKLERS, AND ON PAGE 91 WHERE IT DISCUSSES CONDITIONAL USE THAT IS FOR FIRE ARMS REPAIR AS OPPOSED TO BEING A FIREARMS MANUFACTURER. ALSO, BASED ON LOOKING AT THE WEBSITE AND FACEBOOK PAGE THE APPLICANT HAS ALREADY OPENED HIMSELF UP FOR BUSINESS AND PUT HIS SHINGLE OUT AND IS CURRENTLY ACCEPTING ORDERS. ON THE FACEBOOK PAGE IT APPEARS FROM ONE STATEMENT THAT SOMEONE HAS ALREADY PURCHASED SOMETHING FROM HIM ON AUGUST 15, 2014, BY COMMISSIONER VAUGHAN. MOTION DIED FOR LACK OF SECOND.

[6:54:26 PM](#)

Commissioner Day asked the applicant if this was his first time applying for a Business License and Conditional Use Permit. Mr. Haws confirmed. Commissioner Day asked the applicant if he would be comfortable tabling the application for 2 weeks to allow for answers to questions. Mr. Haws stated in regards to the Facebook page and the website he has had the website since January 2014 and the only purchases made have been from friends that have purchased the parts and were assembled together. He put that on the website because it "looks cool." He stated his employees were his brother-in-law in Arizona and his brother in Las Vegas that just go shooting with him and he thought it would be fun to put it on the website, but he does not have any employees. He hasn't done anything with the gun sales as of yet. Commissioner Day asked the applicant if he understood all the regulations. Mr. Haws stated the fire regulations were in reference to the ceracoate process, so to avoid delay he will just get rid of that process. There was discussion regarding tabling. Chairman Jensen stated if the applicant decided in the future to use ceracoate he would need to return before the Planning Commission for approval.

[6:57:28 PM](#)

MOVE TO GRANT CONDITIONAL USE PERMIT FOR BLACKLIST ARMS, G. NATHAN HAWS. PROPERTY LOCATED 2279 S. 2830 W., SYRACUSE, R-1 ZONE, SUBJECT TO ALL APPLICABLE REQUIREMENTS OF CITY'S MUNICIPAL CODE AND ALL FEDERAL AND STATE REGULATIONS.

City Attorney Drake asked for clarification as to whether they were issuing the license for a specified time period pending the federal application approval. He stated the staff could track the application and make sure the applicant is making a good faith effort.

CONDITION UPON 120 DAYS TO GET APPROPRIATE LICENSES BY COMMISSIONER DAY. SECONDED BY COMMISSIONER MCCUISTION. COMMISSIONER MOULTRIE, DAY, JENSEN, HATCH, MCCUISTION, AND RACKHAM VOTED YAY. COMMISSIONER VAUGHAN VOTED NAY. MOTION CARRIED.

City Attorney Drake cautioned the applicant that he will receive his business license, but it is subject to getting all the federal licensing. He stated until the federal licensing is received there shouldn't be any sells for this business. Chairman Jensen suggested the applicant put "coming soon" on the website.

There was discussion regarding all the gun accessory items the applicant would be selling. City Attorney Drake stated if they are just discussing apparel and upholsters, he didn't believe that required FFL. He asked Director Christensen if that would be different than someone selling hats or shoes. Director Christensen stated it was be the same. Chairman Jensen clarified the planning commission would not prevent the applicant from selling the accessory items, i.e. gun bags, upholsters, etc.

- Preliminary Plan:** Trailside Park Phase 8, Ovation Homes, property located at approximately 1820 W 3050 S, R-1 Cluster Zone.

[7:03:28 PM](#)

Planner Schow summarized a staff memo from the Community Development Department that explained: Trailside Subdivision Phase 8 is a R-1 cluster subdivision and a conditional use permit will be required with Final Approval. Due to amount of fill that has been brought in for phase 6 & 7 and the change in elevation between phases, the City is asking the developer to include grading for 100 feet beyond the phase boundary line and show the areas requiring retaining walls and fill in detail on the grading plan. This phase meets the Cluster Zone open space requirements and density allowance. Please see staff review for any outstanding items regarding this

# Minutes of the Syracuse Planning Commission Regular Meeting, September 2, 2014

---

application.

## Proposed Phase 8

Area	7.37
20% infrastructure allowance	1.47 acres
Net developable area	5.90 acres
Minimum open space requirement 25%	5.9*25%=1.48 acres
Proposed open space	2.12 acres
Density allowance	28 units
Proposed Units	27

## Total Trailside Park Development

Area	36.96 acres
20% infrastructure allowance	7.39 acres
Net developable area	29.57 acres
Minimum open space requirement	7.39 acres
Density allowance	140 units

## Density

Total units phases 1-7	91
Proposed units in phase 8	28
Total units of all phases	119

Planner Schow discussed the open space plan. She stated there will be a trail connection with seating, located landscaping, and shade trees next to the benches. She stated there was a transition in elevation with landscaping issues meeting at property lines. She stated they asked the developer to show the grading for at least 100 feet around the perimeter of the face. She asked for the grading plan to be specific to show exact fill amount, rock retaining walls, materials used, heights, basically as detailed as possible. She referred to staff reports for the outstanding items.

### 7:10:26 PM

Norm Frost, Kaysville, Utah stated he is aware of the outstanding items in the engineer report and he is currently working on a resolution. Commissioner McCuiston inquired about the trail and potential tunnels. Planner Schow discussed the easement between phase 6, on the west side of lot 91. She stated it is a 20 foot easement so if it is a tunnel, it would be a wide one.

Commissioner Vaughan asked about the detention basins as far being conjoined into one large detention basin. Mr. Frost stated they should be conjoined. City Engineer Bloemen stated the previous drawings show two separate basins, but the most recent drawings appear to be one large basin. Commissioner Vaughan asked about the use of the basins in conjunction with soccer, baseball, etc. Mr. Frost stated it will be the responsibility of the HOA (Homeowners Association) for that decision. Planner Schow discussed the option of having them combined on final. Mr. Frost stated the trail will be surfaced with asphalt.

### 7:16:38 PM

MOVE TO APPROVE PRELIMINARY FOR TRAILSIDE PHASE 8, BY OVATION HOMES, PROPERTY LOCATED APPROXIMATELY 1900 WEST 3000 SOUTH, R-1 CLUSTER ZONE, SUBJECT TO ALL APPLICABLE REQUIREMENTS OF THE CITY MUNICIPAL CODE, BY COMMISSIONER DAY. SECONDED BY COMMISSIONER MOULTRIE. ALL IN FAVOR. NO OPPOSED. MOTION CARRIED.

## **8. Adjourn to Work Session**

### 7:17:22 PM

MOTION TO ADJORN TO WORK SESSION WITH A 5 MINUTE RECESS, SO MOVED BY COMMISSIONER MCCUITION.

\_\_\_\_\_  
TJ Jensen, Chairman

\_\_\_\_\_  
Jackie Manning, Admin Professional

Date Approved: \_\_\_\_\_