

## Minutes of the Syracuse Planning Commission Regular Meeting, June 2, 2015

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Minutes of the Regular Meeting of the Syracuse City Planning Commission held on June 2, 2015, 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  
Dale Rackham  
Curt McCuiston

City Employees: Noah Steele, Interim Director of Community Development  
Jenny Schow, Planner  
Jackie Manning, Admin Professional  
Brian Bloemen, City Engineer  
Jo Hamblin, Deputy Fire Chief  
Steve Garside, Consulting Attorney

City Council: Mike Gailey

Excused: Commissioner Day  
Commissioner Moultrie

Visitors:

Darin Izatt	Jerrad Pullum	Hillary Steab
Chris Semrow	Jason Spafford	Wendy Spafford
Josh Hughes	Brett Sorensen	Darcie Koski
Shauna Bradford	Jeff Ferguson	Ann Ferguson
Ned Sharp	Shirley Petersen	Larry Petersen
Jeanne Izatt	Ember Herrick	Michelle Thompson
Mike Thompson	Robert Whitely	

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1. **Meeting Called to Order:**

Commissioner Vaughan provided a thought by Dwight David Eisenhower "Leadership is the art of getting someone else to do something you want done because he wants to do it." Commissioner Vaughan stated the idea of leadership is not easy; because sometimes there are difficult decisions to be made. He stated Peter Drucker once said "Whenever you see a successful business, someone once made a courageous decision." He continued to quote Benjamin Franklin, "Wherever you see a successful country, someone once made a courageous decision." He hoped the Planning Commissioners made the right decisions. It is a great country they live in and they would like it to succeed and advance. The Pledge of Allegiance was led by Commissioner Jensen.

MOTION TO ADOPT THE PLANNING COMMISSION AGENDA FOR JUNE 2, 2015 MEETING BY COMMISSIONER MCCUITION. THE MOTION WAS SECONDED BY COMMISSIONER RACKHAM. ALL WERE IN FAVOR; THE MOTION CARRIED.

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2. **Meeting Minutes:**

May 19, 2015 Regular Meeting

May 19, 2015 Work Session

Commissioner Jensen requested a change to line 92 for clarity purposes, "along 1700 South and the road immediately to the east".

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COMMISSIONER MCCUITION MADE A MOTION TO APPROVE REGULAR AND WORK SESSION MEETING MINUTES FOR THE MAY 19, 2015 PLANNING COMMISSION MEETING, AS AMENDED. COMMISSIONER VAUGHAN SECONDED THE MOTION. ALL WERE IN FAVOR; THE MOTION CARRIED.

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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.

Chairman Jensen stated he will have a separate public hearing for the conditional use permits and asked the audience to comment on items not seen on the agenda tonight. No public comments were made.

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4. **Final Subdivision Plan:** Monterey Estates Phase 6 & 7, Ivory Homes, 1500 W 700 S, R-3 Zone.

Planner Schow summarized a staff memo that explained:  
Factual Summation

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Zone:	R-3 Residential
Applicant:	Ivory Homes
Total Acreage	14.32 acres
Net Developable Acres:	11.46 acres
Allowed Lots (5.44 units/acre)	62
Proposed Lots	52
Public Meeting Outline	
General Plan Amendment Approval	
Planning Commission	August 5, 2014
City Council	August 12, 2014
Rezone Approval	
Planning Commission	August 5, 2014
City Council	August 12, 2014
Concept Plan Staff Review	December 10, 2014
Preliminary Plan Approval	
Planning Commission	February 17, 2015
City Council	March 10, 2015

### Background

This request is for two additional phases to the Monterey Estates development. Approval of this request will complete the subdivision north, to the boundary of the new Syracuse Arts Academy. City staff has no outstanding concerns with this request.

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Nick Mingo, Salt Lake City, representative of Ivory Development, had no further comments to add. Chairman Jensen invited discussion among the commissioners. Chairmen Jensen noted the stub road as a new addition and felt it was useful.

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COMMISSIONER MCCUISTION MADE A MOTION TO RECOMMEND APPROVAL OF THE FINAL SUBDIVISION PLAN FOR MONTEREY ESTATES PHASE 6 & 7 LOCATED AT APPROXIMATELY 1500 W 700 S, R-3 ZONE, SUBJECT TO ALL APPLICABLE REQUIREMENTS OF THE CITY'S MUNICIPAL CODES AND CITY STAFF REVIEWS. THE MOTION WAS SECONDED BY COMMISSIONER RACKHAM. ALL WERE IN FAVOR; THE MOTION CARRIED.

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## 5. Major Conditional Use Permit: Elite Skills, Duane Koski, property located at 3242 S 750 W, R-2 Residential Zone.

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

### Factual Summation:

Zone:	R-2 Residential
Applicant:	Duane Koski
Proposed Hours of Operation:	Monday-Friday 4:00 pm-8:00 pm
	Saturday 9:00 am-6:00 pm
	Sunday 11:00 am-4:00 pm

### Background:

This request is for a home occupation within an existing private gym located in an accessory structure. The applicant provides basketball skills development through one-on-one training sessions on site and offers off site team training. More information regarding this business can be found on their recently updated website, <http://www.eliteskillsball.com/>. All additional traffic into the private gym is personal friends and family. The Koski's are able to accommodate offsite parking as shown in the attached photograph.

Planner Schow referred to state legislature regarding conditional use permits. She stated the state has made it clear that conditional use permits are to be viewed as a permitted use within the zone. The purpose for the permit is to allow the Planning Commissioners the opportunity to place reasonable conditions on the application to help mitigate any potential neighborhood impact. She invited the Planning Commissioners to review the following:

City code 10.35.040 D.1.d requires home occupations conducted in an accessory building to be processed as a major conditional use permit and meet 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; and
- (ii) The Planning Commission finds that the proposed home occupation will not adversely affect the residential nature and aesthetic quality of the neighborhood; and
- (iii) Any off-street parking displaced by the home occupation is relocated elsewhere on the lot or parcel in compliance with setback standards for the zoning in which the property is located; and
- (iv) The Planning Commission may impose any conditions it deems necessary to mitigate impacts of the home occupation on the neighborhood.

Planner Schow stated the accessory structure is existing and was permitted in 2012 through a conditional use permit from the city. It was constructed as a personal basketball gym for the residents. The Koski's have been providing one-on-one training, and when it was brought to the city's attention, staff notified the Koski's regarding the business license process. The Koski's have cooperated with the city and brought information that was requested by the City.

Planner Schow stated they have received letters and photos regarding the home business. Planner Schow presented the pictures to the planning commissioners. She stated the primary concerns are parking and increased traffic. She stated some of the photos submitted represent increased parking that is not associated with the proposed occupation. There was a discussion regarding the amount of vehicles parked within the cul-de-sac with an emphasis on legality in relation to fire hydrants and distance between cars and driveways.

Planner Schow reviewed a traffic log submitted by a neighbor. She stated she is unsure if the vehicles are associated with the Koski's business, or another neighbor having a gathering. She referred to traditional residential parking.

Planner Schow stated the other main concern expressed was regarding noise. The city does not currently have a noise ordinance in place, and there is not something specific in the home occupation regulations. Some of the neighbors have been in discussion with the Koski's since their original submission of letters and are now comfortable with the application.

Planner Schow stated their previous website advertised for group and team training. They are in the process of updating their website to reflect one on one training versus group trainings. Another concern pertained to employees. Planner Schow stated there are 3 coaches and 2 of the 3 reside in the home.

Planner Schow stated the staff recommends the Koski's get background checks as they are working with children and the Koski's have agreed to provide these to the business license clerk, Debbie Rainford.

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Chairman Jensen requested the aerial showing the accessory structure be reviewed. He inquired as to the height of the building. Planner Schow confirmed the height and set-backs as meeting the ordinance at the time of application.

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Commissioner Vaughan asked the difference between a private school and an at home instruction for youth at this age. Planner Schow stated she couldn't give exact regulations for that, but this type of instruction would not be any different than someone teaching swimming lessons out of their outdoor pool or tumbling or dance out of their basement.

Commissioner Vaughan asked if it was submitted as a garage or a sports facility. Planner Schow stated the application was for an accessory structure. Commissioner Vaughan asked if the footprint of the accessory structure exceeds the footprint of the primary structure.

Planner Schow stated the accessory structure is 9.6 percent of the rear yard space, the code allows 25 percent. The footprint of the structure is 1815 square feet and the home is 2500 square feet. Commissioner Vaughan asked if the home square footage included the garage. Planner Schow was unsure.

Commissioner Vaughan inquired about the various pictures in the packet. He referred to the pictures showing parking perpendicular and expressed concerns regarding the illegal parking. Planner Schow stated the photos showing the parking are from applicants and from the neighbors. She stated parking is regulated by the police department and the enforcement would apply to everyone living in the cul-de-sac. There was a discussion regarding the parking photos with a focus on the illegal parking within the cul-de-sac and speculation as to the owners of the illegally parked vehicles.

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Darci Koski, Syracuse, Utah had nothing to add. Commissioner Rackham asked the maximum number of cars anticipated for the business and asked about 3 potential students at the time. Mrs. Koski stated originally they had teams that practiced, and they soon discovered the parking was outrageous. They decided to move the team practices out to a different facility and do individual training instead. There is an average of 3 customers per day. She stated there are 2 customers that do group training. One group is twins, and the other is a group of friends that carpool; each group only has one car. Commissioner Rackham stated if each coach had their own student there is a potential of 6 cars. Mrs. Koski stated they only have one coach per hour per time. There is never more than one coach at a time. She stated they have a trainer living with them that doesn't own a vehicle, so it does not add traffic. Commissioner Rackham inquired as to the size of the court. Mrs. Koski stated it is not quite half size court.

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Commissioner Vaughan inquired to the age of the clients. Mrs. Koski stated the business has an age range from 7 to 14 years-old. Commissioner Vaughan asked if her son has a group training for a class. Mrs. Koski confirmed there is a group training of 3 individuals, which included her son. Commissioner Vaughan stated one of the main issues is parking. He referred to 10.35.040 which discusses things that disrupt neighborhoods, such as home businesses. He stated there is a maximum of 2 people per hour. Commissioner Vaughan stated if they are coming for an hour, but they stay for 4 hours that is not meeting the code. Mrs. Koski felt there had been a misunderstanding with the neighbors. She stated they spoke with the Fergusons who originally had an issue with the parking and she feels people may misunderstand that everyone parking near her home are customers. She stated they have 3 individual trainers per day, but the gym is used much more than that by friends. She reiterated there are friends and family members that use the gym that are not associated with the business.

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Commissioner Vaughan inquired about employee parking. Mrs. Koski stated one trainer lives in the home and does not own a vehicle; the other employee does not have a car and usually gets a ride to work. Commissioner Vaughan

inquired about available space within the garage for additional parking. Mrs. Koski stated she works down town Salt Lake City, so if parking was an issue they may use her parking space within the garage. She stated she will ask the customers to park in the driveway.

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Commissioner Vaughan referred to the parking pictures and asked Mrs. Koski if any of the vehicles were hers. Mrs. Koski reviewed the photos and identified her vehicles. Commissioner Vaughan went through the various pictures and asked Mrs. Koski to identify any known cars associated with the business. Commissioner Vaughan referred to a specific picture and asked why so many cars were parked in front of her home when the neighboring driveways appeared to be empty. Mrs. Koski stated she was unsure, but guessed one of her neighbors were having a family gathering.

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Commissioner Vaughan asked Mrs. Koski if she was familiar with the Utah Vehicle Code that forbids perpendicular parking against the curb as seen in the pictures. He stated the law requires that the right side of the vehicle be parked within 12 inches parking of the curb, both wheels. Mrs. Koski stated she was not aware of that. Commissioner Vaughan discussed public hazards in relation to parking and towable offenses for parking in front of fire hydrants. Steve Garside, Consulting Attorney, stated the local authorities have the power to make that an angle parking if they like. Chairman Jensen confirmed that when parking near a fire hydrant you must leave 15 feet of space, as confirmed by Director Robert Whitely. Commissioner Vaughan stated for the record there is a red curb there, but it is faded.

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Commissioner Vaughan asked if there was any insulation on the inside of the building. Mrs. Koski stated there is the sheet metal, white insulation lining. She stated she was unsure the exact building specifics.

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Chairman Jensen noted they would be able to add background checks as a condition for the employees of the business. Mrs. Koski stated she had no problem with that.

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Public Hearing Open.

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Jason Spafford, Syracuse, Utah stated it has been a couple of years they have been dealing with the business. He stated it is good to hear the Koski's are making changes. He recited [10.35.040-A] "The occupants should conduct such businesses so that neighbors, under normal conditions, would not be aware such businesses exist." He stated with the activities, as have been stated, it is very difficult to determine what is business and what is not. He stated that is great for them to have the facility to use. He stated his concern is to determine which is which and now they are adding an extra element into that cul-de-sac, which currently has very little room for parking. He stated when you are parked perpendicular and you have people coming and going it makes it difficult to make the turn-around; which results in a 3 point turn. He stated there are 11 children under the age of 11, soon to be 13 living in the cul-de-sac. It is a very active cul-de-sac. He asked the Commissioners to consider the activities that are currently existing in making their decision regarding the conditional use permit. He recited [10.35.040-B-18] "(18) The City may place additional restrictions on a home occupation relating to hours of operation..." He stated currently they're suggesting 7 days a week, and he asked if they would consider limiting that to some degree. He stated the hours of operation are on peak hours of activities in the street from 4:00 PM to 8:00 PM.

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Commissioner Vaughan asked for a view of the street view of the cars. He asked if any of the cars seen in the parking pictures belong to Mr. Spafford. Mr. Spafford stated they are not. Commissioner Vaughan asked if these cars are typically associated with the cul-de-sac. Mr. Spafford stated there are various gatherings in the cul-de-sac so it was typical for the cul-de sac to have several vehicles. He was unsure as to the owners of the vehicles.

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Shauna Bradford, Syracuse, Utah asked the question if they could love someone and not like what they are doing. She asked if you could love somebody, and not trust them. She stated the Bradford's love the Koski's, they are great people. She stated they do not like the basketball that is happening right behind their yard. She stated it feels like they are in her backyard. She stated their building is 50 feet from her bedroom, so it's very close to her backyard. She stated when they built the barn it had a huge impact on the neighborhood. She stated she hopes the planning commissioners increased the set-backs when they changed the accessory structure ordinance. She stated when they play basketball they hear every bounce. She stated the inside of the shed causes echoing. She stated it is annoying every time they play basketball because it happens all day every day, 7 days a week. She stated it is torture, comparable to dripping water on your head and for 2 years it has been constant. She recommended the Planning Commissioners go online and check their hours of operation on the business website. She stated the Koski's have basketball players looking to go at the professional level, living in their home who practice for hours a day. She stated they can't go in the backyard and enjoy a moment of peace, or even in their own home. They can't sleep at night, because of the constant playing. She referred to 10.35.040-A "...under normal conditions, would not be aware such businesses exist." She said they are very aware the home business exists, they can't help it. She recited code [10.35.040-B-2] "The occupation may also include the retail sale of products and services at the home with a maximum of two customers per hour." She referred to the

applicant's previous statement including 3 individuals at a time and mentioned it used to be teams. She recited several codes [10.35.040 B-4, 8, 9, 10, 13, 18]

(4) The home occupation shall not involve the use of any yard space or activity outside the residence, except where the use or activity is of the type customarily found in the residential neighborhood and where said use or activity does not adversely impact the residential nature of the neighborhood.

(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 day care, 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.

(9) The home occupation shall generate no greater vehicular traffic or parking than commonly associated with the neighborhood wherein the applicant(s) will conduct business, i.e., heavy trucks, delivery, or similar vehicles, etc. The business shall limit vehicular parking to those living at the dwelling.

(10) A home occupation shall not store explosive or combustible materials anywhere on the premises. The home occupation shall not unreasonably disturb the peace and quiet of the neighborhood, including but not limited to interference of radio, television, or other electronic reception, by reason of design, materials, construction, lighting, odor, dust, sounds, noise, vibrations, vehicles, parking, and general operation of the business.

(13) There shall be complete conformity with all City and state codes including fire, building, plumbing, electrical and health codes, and business license regulations. Appropriate departments will conduct any periodic inspections required by these codes.

(18) 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 and the City in general.

She stated this business is changing the face of their neighborhood. She stated it is interesting the applicant overcame the amount of employees, by having them live with them. She expressed concern regarding the tin shed for small children in the summer with the heat. She stated when the garage door is open the noise is greatly increased. She stated she is unsure if this facility has ever been inspected. She asked the Planning Commissioners to consider the restrictions. She stated they sent letters to the Koski's suggesting some sound proofing. She stated this was a suggestion regardless of the business. She suggested the hours of operation, business or not would be considerate. She stated the Koski's may feel they are the victim when a neighbor stands up and says something against what they are trying to do. She wanted them to know the business is a phenomenal idea and she would love to see it be successful. She stated she didn't want the business in her backyard. They share the same space, air, sound waves, same atmosphere and she hopes they will take this unique business idea and make it work in a commercial zone where it belongs.

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Michelle Thompson, Syracuse, Utah showed her home on the aerial. Ms. Thompson stated the noise is a concern. She stated if they sleep with the windows open, the noise will wake her children. This happens approximately 2:00 and 3:00 AM. She stated if the windows are shut they can create some other countering white noise in the home to help mask the noise. She stated they were forced to move their greenhouse because the shade from the shed blocked the sun. She stated in the greenhouse they can almost hear conversation. They hear the music. She stated they can't be outside without hearing a basketball. She asked if they could limit the business to not allow them to play late at night.

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Larry Petersen, Syracuse, lives south west of the Koski's. He stated his main concern is the noise. They have heard loud music and basketball after 10:00 PM. He stated if they are opening this facility to friends and family after business hours he stated that will continue forever. He stated the business license will add more to the noise. He expressed concern regarding the age group of the customers [children] playing basketball. He stated minors should not be at the Koski's after 10:00 PM for the business because it would cause them to walk home or be out on the street after curfew. He stated he is surprised Syracuse City does not have a sound ordinance. He didn't speak to have the facility shut down or torn down. He wanted some mitigation for the noise. He stated there are provisions that can be done to insulate the roof and walls that will considerably dampen that noise. He felt courtesy could be shown when they are in operation. He stated if they only have 3 customers a day he felt it was a gross misuse of facilities as a business. He stated he has a small water feature in his back yard and he can't hear the waterfall over the music.

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Robert Whitely, Syracuse, Utah stated he is here as a resident. He stated for the record that he was included in a residential letter of complaint and he was not aware of this until yesterday when he reviewed the packet. He wanted to make it known that the complaint letter does not reflect his opinions on the matter. He stated he was aware there were many concerns and he can agree with many of them, but he felt they could be mitigated if the Koski's felt they can work to do so. He encouraged the Planning Commissioners to consider the application and make good wise decisions.

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Public Hearing Closed.

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Chairmen Jensen invited Deputy Fire Chief Hamblin to speak on any concerns he may have. Deputy Chief Hamblin stated he has visited the facility and the accessory structure met the approval at the time of approval in 2012. Commissioner Vaughan asked about the facilities in the building. Deputy Fire Chief stated the structure did not have a

bathroom; there is a basketball court a little larger than a three point line. Commissioner Vaughan asked if it was a dry wall, or insulation. He asked if it had fire rating. Deputy Chief Hamblin stated it was a class 5B structure.

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Chairman Jensen stated all trainers working with the children will need to have a background check. Chairman Jensen asked about the amount of vehicles owned by the Koski's. Mrs. Koski confirmed 3 vehicles. Chairman Jensen asked Mrs. Koski if she would agree to provide off street parking. Mrs. Koski stated she would.

Chairman Jensen asked if the city had a requirement to have red paint in front of the fire hydrants. Attorney Steve Garside stated the red painting on a curb is merely a courtesy and not required by law. Director Robert Whitely confirmed and said state code it's understood any fire hydrants, driveways, or stop signs should be 15 feet from the hydrant.

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Shauna Bradford raised her hand and asked if she could make another comment. Chairman Jensen asked Ms. Bradford to step up to the microphone.

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Public Hearing RE-opened.

Shauna Bradford, Syracuse, Utah stated she wanted to point out that when Mrs. Darcie was asked about the black suburban, she stated her response was she didn't know who it belonged to. Ms. Bradford stated that brought another concern for her that there are people coming and going that would be going to more of a commercial zoning. They don't know these people or their background, so the business does bring more of a commercial element that people who move into a residential area try to avoid.

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Public Hearing Closed.

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Commissioner Vaughan invited Director Whitely to answer a few questions. He asked if given the location of fire hydrant and the configuration of the cul-de-sac if there was legal parking for 3 cars. Director Whitely verified any more than 3 vehicles would be beyond code.

Commissioner Rackham asked if this cul-de-sac was smaller, 60 feet. Planner Schow confirmed this cul-de-sac was not to the new standards. Commissioner McCuiston stated the applicants list on their website an apparatus that shoots 1800 shots an hour, that would be one basketball shot every 30 seconds. There are currently 4 coaches listed on the website, if they only have 3 customers a day and the business is open for 34 hours a week then the site occupies roughly 60 percent of the area of the residence. He stated these are items to consider on whether the business is subordinate to the home occupation or to the principal property for dwelling purposes.

Planner Schow stated Mrs. Koski has said she would have an average of 3 customers per day. Chairman Jensen stated where the applicant mentioned she will do one on one training; it will certainly be a small window where you may have customer overlap as one is leaving and the other arriving. He felt they could accommodate the vehicles in the driveway. He stated the neighbors brought up some issues that do not fall under the Planning Commissioners purview. Chairman Jensen suggested reviewing the noise ordinance when they update the conditional use ordinance, but it wouldn't help them with this particular application.

Chairman Jensen asked if the city passed a noise ordinance going forward how would it apply to this conditional use permit. Attorney Steve Garside stated those type of ordinances could be applied to an existing use. One of the things they need to recall is sometimes they can flight an existing use, as opposed to the business portion of the use. He asked them to imagine if the building was not there, but the basketball pad was there and they were playing outside; would they have a different situation there? He asked if the applicant's son brought all of his friends home after school every day to play basketball, would they have a different impact in that situation than they would with a business. If it were an outdoor swimming pool with that type of noise, would they have that situation? If they had a sand volleyball court, would it be different? He stated they need to consider those things generally associated with a residential use and then the conditional use is an opportunity to impose conditions if there is a situation that needs to be mitigated. Before they impose conditions they need to identify what impact needs to be mitigated and those are the conditions that are to be imposed on a conditional use.

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Commissioner Vaughan referred to the comment made by Mr. Thompson pertaining to the occasion when the door is open, the noise increases. He stated he saw several people nod their heads at this comment. He stated he has visited the location at different times and different days and observed the parking situation. He stated the ball bouncing can be heard throughout the neighborhood. Commissioner Vaughan discussed the noise impact inside a metal building. He suggested having a maximum decibel level of 65 at the property line. He stated 65 decibels is normal ambient background sound when outside. He stated police department and code enforcement do not have the equipment to measure the exact sound waves.

Commissioner Vaughan referred to 10.35.040, regarding disruptions to the neighborhood that far exceed what a normal residential neighborhood should experience; cars, hours, traffic, noise, and safety. Commissioner Vaughan discussed basketball camps and the noise associated with them, specifically coaches yelling directions above the bouncing balls. He stated you wouldn't be able to control friends coming over and playing basketball.

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Chairman Jensen discussed playing street hockey in the road growing up. He discussed the parking issue, and the applicant agreed to ensure there is only one to two people at her home (for the business) at a time, and she confirmed she will have them park off street. He stated the other parking issues are outside the purview of the application. He discussed code enforcement mitigating the parking issues. He discussed the construction of the building and the noise amplification.

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Commissioner Rackham stated if they conditionally approve this application they would be able to resolve some of these concerns and issues, but if they deny they application they have no way to mitigate the issues. He recommended tabling the application to allow the applicant to come back with a noise reduction plan, address parking issues, ensure proper ventilation to allow the door being closed during business hours, and reduce the noise from the music, and have one instructor and student at a time.

Commissioner McCuiston stated the Planning Commissioners have to put their personal opinions aside and follow what the law says. 10.35.040 B-3 "the area of a home devoted to home occupation and/or storage or stock shall not occupy more than 30 percent of the area of any one floor." He stated the intent is that the business does not become larger than the residence. He stated with the shed being 60 percent of the home, he is suspect on that portion of the ordinance. He discussed only having 2 customers per hour. He stated the business shall not be permitted if it changes the outside appearance, and no modifications shall be made, expressly to accommodate the commercial use. He stated it was a gray area. He stated regardless of whether they approve the application; the building will still be used as the basketball court. Commissioner McCuiston referred to 10.35.040 B-4, "the home occupation shall not involve the use of any yard space or activity outside of a residence except for the use or activity as the type customarily found in a residential neighborhood." He felt street basketball was a little different than squeaky shoes on a waxed floor. He stated he would be more for tabling than flat out denying the application.

Commissioner Vaughan discussed insulation to the walls, not just a seal to help mitigate noise. He discussed carpeting the floor to help limit the impact of the ball bouncing noise. He provided the audience with the code enforcement phone number to report any illegal parking, 801-825-4400. He expressed concern regarding the website being different than what the applicant is proposing on her business application.

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Planner Schow asked the Planning Commission how they would mitigate sounds from outdoor swimming lessons that don't have a building, that may have screaming and yelling children, with the potential of loud music playing. She stated that is a normal sound for a neighborhood, as is basketball. She stated she looked at the building permit and noted the insulation in the building as seen on the permit. She stated she is not a building inspector and is not an expert on insulation.

Chairman Jensen invited Deputy Fire Chief Hamblin to address the insulation situation. Deputy Fire Chief Hamblin stated sound barriers are not his area of expertise. He stated he would have to see the product they are going to use and then he could check the fire rating to make sure it met the compliance.

Shauna Bradford raised her hand to comment. Chairman Jensen invited her to speak at the microphone.

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Shauna Bradford gave recommendation regarding the insulation. She stated there is insulation that is made specifically for sound proofing. She stated they put the insulation in her home, because they have a piano upstairs, above a TV room. She recommended they don't require the applicant to put carpet on the floor.

Chairman Jensen stated while Planner Schow brings up a good point regarding the swimming lesson business, he felt this noise was more excessive than this. He stated the noise duration should be considered. He discussed being a considerate neighbor in regards to noise.

Commissioner Vaughan discussed the difficulty of revoking an approved conditional use permit. He asked the attorney if it was possible to approve with conditions and revoke upon non completion. Attorney Garside stated with conditional use permits you impose conditions and provide a reasonable time frame to become compliant with the conditions. If, after reviewing, they are not compliant they would have another review to determine whether they can revoke the permit with notice. There was a discussion regarding the revoking process for conditional use permits.

Commissioner Vaughan asked about putting a condition to require the applicant and her customers to park off-street. Attorney Garside stated that would be difficult to do because it is a public road and people can park on public roads. Chairman Jensen referred to a previous conditional use permit where they made certain the applicant had off-street parking in the winter time. Attorney Garside stated that is appropriate, but you can't force people to park off-street.

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Commissioner Rackham asked for the flooring details. Mrs. Koski stated it is a sport court made with synthetic material. Commissioner Rackham asked how long it would take her to mitigate the parking issue. Mrs. Koski stated the parking would take a week to communicate it to the customers. She stated if there was a condition that will cost money, it may take time to get quotes, and hire a contractor to do the work.

[7:40:36 PM](#)

COMMISSIONER VAUGHAN MADE A MOTION TO DENY THE CONDITIONAL USE PERMIT FOR ELITE SKILLS, REQUESTED BY DUANE KOSKI; PROPERTY LOCATED 3242 S 750 W, R-2 ZONE; BASED ON THE FINDING THAT THE STRUCTURE AS PRESENTLY CONSTRUCTED DOES NOT MEET THE STANDARDS OF 10.35.040 IN THAT IT DISRUPTS THE RESIDENTIAL NEIGHBORHOOD; BECAUSE OF NOISE, INSUFFICIENT PARKING, EMPLOYEE

ISSUES, TRAFFIC, AND HOURS WHICH CAUSES AN OVERALL DISRUPTION OF THE NEIGHBORHOOD; AND WITH THE OVERALL FINDING THAT THIS BUSINESS DOES IMPACT THE RESIDENTIAL NEIGHBORHOOD IN A NEGATIVE FASHION. THE MOTION FAILED FOR LACK OF SECOND.

[7:41:49 PM](#)

COMMISSIONER RACKHAM MADE A MOTION TO TABLE THIS DISCUSSION TO TWO WEEKS [JUNE 16, 2015] TO ALLOW THE APPLICANT TIME TO ADDRESS THE FOLLOWING: PROPOSE A NOISE REDUCTION PLAN FOR THE BUILDING; ADDRESS THE PARKING; ENSURE THERE IS PROPER VENTILATION WHEN THE DOORS ARE CLOSED DURING BUSINESS HOURS, AND THAT THE DOOR REMAIN CLOSED DURING BUSINESS HOURS; RESOLVE THE MUSIC ISSUES; ADDRESS ONE INSTRUCTOR AND ONE STUDENT AT THE TIME, AND MAKE CORRECTIONS TO THEIR WEBSITE TO REFLECT THESE CONDITIONS. THE MOTION WAS SECONDED BY COMMISSIONER MCCUISTION. COMMISSIONER RACKHAM, MCCUISTION, AND JENSEN VOTED IN FAVOR; COMMISSIONER VAUGHAN VOTED IN OPPOSITION. THE MOTION CARRIED WITH A MAJORITY VOTE.

[7:42:49 PM](#)

6. **Major Conditional Use Permit:** Discovery Adventures Preschool, Hillary Steab, property located at 2098 S 1730 W, R-2 Residential Zone.

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

This request is for a preschool home occupation for children ages 3 to 6. City code 10.35.040.D.1.c requires all preschools where the number of sessions per week is greater than four to be processed as a major conditional use. In addition, city code 10.35.040.G requires home preschools to have backyards fully enclosed with secure fencing and limits the number of students to 16.

The applicant is requesting 5 preschool sessions per week with up to 16 children, Monday thru Friday from 9:00 AM to 11:30 AM. The applicant will hire an additional teacher and provide the City with the necessary back ground check once class size reaches 14 students. The applicant would like to open the preschool in September, and will have a 6 foot vinyl fencing for the back yard before she opens her preschool. She stated the applicant will be using 36 percent of her floor space. The applicant will hire an employee once she reaches the amount of 14 children for the preschool. The applicant understands she must provide background checks to the city at that time.

[7:45:47 PM](#)

Hillary Steab, Syracuse, Utah did not have anything to add. Commissioner Rackham verified the business hours; 9 am to 11:30 am. Ms. Steab confirmed. Commissioner Vaughan asked if the business was located on the lower level. Ms. Steab confirmed that it was in her basement which is a sunlight basement. Commissioner Vaughan asked where children would enter. Ms. Steab stated they would use the back entrance near the RV pad; which is a walk out. Commissioner Vaughan asked if she had any restrictions on the children accepted for the preschool. Ms. Steab stated she did not have any restrictions. Commissioner Vaughan asked specifically about children in wheelchairs. Ms. Steab stated she is happy to teach them, but there might be an issue down the stairs, as it may not be wheelchair accessible. She stated she would accommodate how she could. Commissioner Vaughan asked if the applicant was familiar with the American Disabilities Act. Ms. Steab confirmed she is vaguely familiar. Commissioner Vaughan asked the applicant if she had done any research regarding ADA compliance. Ms. Steab stated she has worked in a public school, so that was always taken care of for her, but she would be happy to look into it. Commissioner Vaughan urged the applicant to research ADA standards.

[7:48:30 PM](#)

Public Hearing Open.

[7:48:37 PM](#)

Public Hearing Closed; no comments were made.

[7:48:43 PM](#)

Chairman Jensen invited Deputy Fire Chief Hamblin to speak. He asked if the walk out basement was able to accommodate fire issues. Deputy Fire Chief Hamblin stated the walk out basement should be able to accommodate the fire codes.

[7:50:17 PM](#)

COMMISSIONER RACKHAM MADE A MOTION TO APPROVE THE MAJOR CONDITIONAL USE PERMIT FOR DISCOVERY ADVENTURES PRESCHOOL, HILLARY STEAB, PROPERTY LOCATED AT 2098 S 1730 W, R-2 ZONE, SUBJECT TO THE SYRACUSE MUNICIPAL CODE. THE MOTION WAS SECONDED BY COMMISSIONER MCCUISTION. COMMISSIONER JENSEN, RACKHAM, AND MCCUISTION VOTED IN FAVOR; COMMISSIONER VAUGHAN VOTED IN OPPOSITION. THE MOTION CARRIED WITH A MAJORITY VOTE.

[7:51:48 PM](#)

7. **Public Hearing:** Preliminary Subdivision Plan, Keller Crossing, Nilson Homes, property located at 2000 S 1000 W, R-2 and R-3 Residential Zone.

Planner Schow summarized a staff memo from the Community Development Department that explained: Syracuse City staff has conducted a Preliminary review for Keller Crossing. Please review the following information. Any questions regarding this agenda item may be directed at Jenny Schow, City Planner.

## Minutes of the Syracuse Planning Commission Regular Meeting, June 2, 2015

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Subdivision Name:	Keller Crossing
Location:	1975 S 1000 W
Pre-Application Meeting:	March 4, 2015
Concept Plan Review	April 29, 2015
Concept Plan Report PC	May 5, 2015
Concept Plan Report CC	May 12, 2015
Current Zoning:	A-1 Agricultural
General Plan:	R-2 Residential and General Commercial
Requested Zoning:	R-2/R-3
Total Area:	18.58 Acres
R-2	10.07
R-3	8.56
Net Developable Acres:	14.86 acres
R-2	8.56
R-3	6.84
R-2 Density Allowed:	32 lots
Requested:	27 lots
R-3 Density Allowed:	37 lots
Requested:	23 lots

Planner Schow stated there are a few outstanding items on the staff report that would need to be addressed at Final, but nothing that would prohibit this project from moving forward at this time.

[7:52:43 PM](#)

Chairman Jensen asked about the fall zone for the cell phone tower. He asked how that would impact the applicant. Planner Schow stated it was confirmed by the engineer, Reeve and Associates, that is in the accurate zone, so they will be requesting for those 2 lots to have an easement recorded for the tower.

Commissioner Vaughan asked about restrictions to build anything in the easement, because it is a fall zone. Planner Schow stated it would be the same restrictions as seen in code. She stated no permanent primary structures within the easement, but they can have accessory structures at the owner's risk. Commissioner Vaughan asked if that would include a play area, such as a little tyke house. Planner Schow stated they could only regulate accessory structures over 200 square feet. Chairman Jensen recommended bringing it to the buyer's attention.

There was a discussion regarding the cul-de-sac length with an emphasis on compliance and temporary turn-arounds. Planner Schow confirmed this would not need a temporary turn arounds.

Commissioner Rackham asked staff if R-3 was requested because of the frontages. Planner Schow stated the rezoning is already done with this application. The applicant requested R-3 as a buffer from Tivoli Gardens to the north and Stoker Gardens below. The lot sizes meet the R-2 zone, with the exception of the backyard set-backs. There was a discussion regarding several lots that needed the R-3 zoning due to the unique configuration of the lots. Chairman Jensen asked if the amount of lots increased, since the zone change request. Planner Schow did not believe so.

[7:57:18 PM](#)

Commissioner Vaughan recalled a boundary adjustment by the owner of the aluminum building west of the tower. He stated the owner of that property sold about 30 feet of the property to two people that front on 1275 West. He recalled that the property acquired, was located within the fall zone because they added some rider on there that the buyer could not build a permanent structure on the back of his property. Planner Schow stated this is the Mike Ford application, and it was withdrawn. There was a discussion regarding the fall zone. Planner Schow stated the engineer surveyed it.

[8:00:34 PM](#)

Public Hearing Open.

[8:00:47 PM](#)

Dave Crawford, Syracuse, Utah stated he did not see a storm drainage detention pond. He asked where the storm drainage would go. Planner Schow stated the storm drain will tie into an existing basin. She referred to the aerial for the exact location. Mr. Crawford asked if the drain was big enough and inquired why this developer did not have to build a storm drain when others were required to. Planner Schow stated that is something that is determined by the city engineer. Mr. Crawford asked what the city will do to conserve water for the future. Chairman Jensen stated that is a little outside this application, but certainly something the City Council is reviewing right now.

[8:02:41 PM](#)

Public Hearing closed.

[8:02:49 PM](#)

COMMISSIONER VAUGHAN MADE A MOTION TO RECOMMEND APPROVAL TO THE CITY COUNCIL FOR PRELIMINARY SUBDIVISION PLAN, KELLER CROSSING, REQUESTED BY NILSON HOMES, PROPERTY LOCATED APPROXIMATELY 2000 S 1000 W R-2 AND R-3 RESIDENTIAL ZONE; SUBJECT TO THE SYRACUSE MUNICIPAL CODE, AND TO THE CONDITIONS THAT STAFF REPORTS. THE MOTION WAS SECONDED BY COMMISSIONER

MCCUISTION. ALL WERE IN FAVOR; THE MOTION CARRIED.

[8:03:22 PM](#)

8. **Public Hearing:** Preliminary Subdivision Plan, Spring Haven Estates, Spring Haven Estates LLC, located at 1840 S 3475 W, R-1 Zone.

Planner Schow summarized a staff memo from the Community Development Department that explained: Syracuse City staff has conducted a Preliminary review of the Spring Haven Subdivision. Please review the following information. Any questions regarding this agenda item may be directed at Jenny Schow, City Planner.

Subdivision Name:	Spring Haven
Location:	1840 S 3475 W
Current Zoning:	R-1 Residential
Total Area:	3.1 Acres
Net Developable Acres:	2.48 acres
Density Allowed:	7 lots
Density Requested:	7 lots
Public Meeting Outline	
Concept Plan Review	May 6, 2014
Concept Plan Report PC	May 19, 2015
Concept Plan Report CC	May 26, 2015
Preliminary Plan PC	June 2, 2015

She stated this is located near Buffalo Point Elementary. She stated the property owners to the north and east was a previous concern. Marie Jensen, property owner to the east, has come again to the city to make sure she is clear that she is aware of what is going on and no issues with the development.

[8:05:12 PM](#)

Chairman Jensen invited Interim Director Steele to speak. Chairman Jensen invited Interim Director Steele to discuss the City Council concerns. Interim Director Steele stated the City Council wanted staff to look at the surrounding properties to make sure that they absolutely knew that once this cul-de-sac goes in they won't have development potential beyond what is available from Antelope Drive. He felt that Planner Schow had addressed that.

[8:06:33 PM](#)

Josh Hughes, Syracuse, Utah stated he discussed the property with Marie Jensen who turned down the offer. He stated he met with Mr. Meals and he said at one point, he was in favor. Chairman Jensen discussed different configurations for road connectivity.

[8:08:11 PM](#)

Public Hearing Open.

[8:08:25 PM](#)

Public Hearing Closed; no comments were made.

[8:08:36 PM](#)

Chairman Jensen discussed the two abutting lots. He expressed appreciation to staff and the applicant for working with the neighbors. He supported the project and felt it met the ordinance.

[8:10:24 PM](#)

COMMISSIONER VAUGHAN MADE A MOTION TO RECOMMEND APPROVAL TO CITY COUNCIL FOR THE PRELIMINARY SUBDIVISION PLAN, SPRING HAVEN ESTATES, REQUESTED FROM SPRING HAVEN ESTATES LLC, LOCATED APPROXIMATELY 1840 S 3475 W, R-1 ZONES; SUBJECT TO SYRACUSE MUNICIPAL CODE AND CITY STAFF REVIEWS. THE MOTION WAS SECONDED BY COMMISSIONER RACKHAM. ALL VOTED IN FAVOR; THE MOTION CARRIED.

[8:10:57 PM](#)

9. **Public Hearing:** Code Amendment, Title 10 pertaining to temporary turnarounds.

Planner Schow gave a brief overview of the recommendation for the code amendments. Due to the expense of installation, maintenance and removal of temporary turn-arounds within the boundary of a subdivision, Public Works is recommending to modify the Dead End street ordinance. She reviewed the proposal as seen in the packet. Chairman Jensen asked if a hammer head would be considered a temporary turn around. Deputy Fire Chief Hamblin stated a temporary turn around does not have to be a cul-de-sac; there are multiple examples in the IFC (International Fire Code) to allow for flexibility.

Chairman Jensen asked if there was a definition for all weather surface. City Engineer Bloemen stated he was not aware and said whatever is acceptable to the fire department. Deputy Fire Chief Hamblin stated his concern for road base, is a temporary turn around for an extended period of time with snow removal. He stated each time the snow is pushed off with a blade it continues to remove a section of the road; eventually getting to a point where it will not support the weight. The developer would need to maintain the road base in order to meet the 75,000 pounds of an apparatus.

There was a discussion regarding the options and the best interest of the city regarding the two options. Commissioner McCuiston stated the options allow the developer to choose, versus the city. City Engineer Bloemen stated the disadvantage to the developer to use option 2 is they can't develop the lots until the temporary dead end street is there. City Engineer Bloemen stated the city prefers option one, but they realize not all adjacent land owners will give a temporary easement; so they are providing another option for the developers.

[8:19:33 PM](#)

COMMISSIONER VAUGHAN MADE A MOTION TO RECOMMEND APPROVAL TO THE CITY COUNCIL OF THE CODE AMENDMENTS TO TITLE 8, PERTAINING TO DEAD END STREETS, AS PROPOSED. THE MOTION WAS SECONDED BY COMMISSIONER MCCUISTION. ALL WERE IN FAVOR; THE MOTION CARRIED.

[8:20:18 PM](#)

**10. Adjourn.**

COMMISSIONER MCCUISTION MADE A MOTION TO ADJOURN INTO WORK SESSION WITH A 10 MINUTES RECESS. COMMISSIONER RACKHAM SECONDED THE MOTION. ALL VOTED IN FAVOR; THE MOTION CARRIED.

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TJ Jensen, Chairman

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Jackie Manning, Admin Professional

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