



SANDY CITY COMMUNITY DEVELOPMENT

JAMES SORENSEN
COMMUNITY DEVELOPMENT
DIRECTOR

KURT BRADBURN
MAYOR

MATTHEW HUISH
CHIEF ADMINISTRATIVE OFFICER

MEMORANDUM

August 1, 2019

To: Planning Commission
From: Community Development Department
Subject: Cerny Half Pipe
11120 S. 465 E.
[Community #11 - Crescent]

CUP-07-19-5683
Zoned R-1-10

HEARING NOTICE: *This item has been noticed to property owners within 500 feet of the subject property.*

PROPERTY CASE HISTORY	
Case Number	Case Summary
None	

DESCRIPTION OF REQUEST

The applicant, Kirk Cerny, is requesting a Conditional Use Permit to allow a half pipe ramp to be installed on the property located at 11120 South 465 East. The subject property is 10,001 square feet (0.23 acres), and is zoned R-1-10. The property is part of the Orchard Farms No. 3 Subdivision. Surrounding properties are single-family homes zoned R-1-10. A 10-foot utility easement runs along the west side of the rear yard.

The applicant is proposing to construct a 496 square foot (31' x 16') half-pipe ramp that is 5 feet in height. The applicant is proposing to construct the ramp 3 feet from the side (north) property line and 7 feet from the rear (west) property line. The half-pipe ramp will be fabricated from steel with the surface being constructed of 3/16" thick steel plates. The steel plates will be welded together and then painted to prevent rust. New lighting will be installed facing east or southeast towards the back of the home (*See Exhibit #1: Application Materials*). The applicant is proposing to use the ramp until 8:00 p.m. at night to comply with the Sandy City Land Development Code and to mitigate noise.

NOTICE

A neighborhood meeting was held on July 23, 2019. Notices were mailed to property owners within 500 feet of the subject property. In addition to the mailed notice, the applicant personally made contact with each neighbor within a 500-foot radius informing neighbors of the proposed ramp, as well as taking statements from surrounding property owners (*See Exhibit #2: Neighbor Comments*). At the time of writing this report, staff has not received any comments for this application.

ANALYSIS

Per **Section 15A-11-09** of the Sandy City Land Development Code, the Planning Commission, shall review any proposed half-pipe ramp, and may thereafter approve the proposed use as a conditional use only if and so long as:

1. The proposal complies with all applicable and zoning regulations and will not likely constitute or cause any of the following:
 - a. Does not cause a public nuisance or other illegal use under State or local laws or health department rules and regulations.
 - b. Does not cause a fundamental change in the character of a residential neighborhood.
 - c. Does not cause adverse impacts greater than typical of permitted residential uses in the zone.
 - d. The Planning Commission may hold a public hearing or meeting to consider the proposal prior to this decision. Any person aggrieved by the Planning Commission's decision may request review by the Sandy City Council which decision is final.

Design Standards

1. **Design.** Every proposed half-pipe ramp shall be of a scale and design and constructed of materials that will minimize noise, vibration, and other nuisance factors commonly associated with half-pipe usage. Portions of the half-pipe ramp may be located below ground level, but in no case shall any portion of the half-pipe ramp exceed six feet in height above ground level, excluding handrails. Hours of operation shall be from 8:00 a.m. to 8:00 p.m. during standard time, and 8:00 a.m. to 9:00 p.m. during daylight savings time.

The proposed half-pipe ramp will be 496 square foot (31' x 16') and 5 feet in height. The applicant has read Section 15A-11-09 of the Sandy City Land Development Code and has agreed to operate the half-pipe ramp between the hours of 8:00 a.m. and 8:00 p.m.

2. **Screening.** Walls, fences, hedges, trees, and other screen planting shall be installed sufficient to ensure harmony with adjacent properties and to conceal any unsightly development.

A six-foot vinyl fence surrounds the rear yard of the property providing ample screening from surrounding property owners. Trees will remain on the property providing additional screening from adjacent neighbors.

3. **Lighting.** Half-pipe ramp lighting shall not be installed more than six feet above ground level and shall be directed in such a manner as to not cause disturbance to neighboring residents.

Proposed lighting will face east and southeast toward the home. Lighting will only be used in the winter months.

4. **Personal Use.** No commercial or advertised use of the half-pipe ramp shall be permitted, and no donations or contributions shall be solicited or received for use or attendance at half-pipe ramp activities.

The applicant will only use the half-pipe for personal use, and will not solicit nor receive any donations or contributions for the use of the half-pipe ramp.

5. **Rules.** Written rules have been adopted by property owners to insure safe and reasonable use and operation of the half-pipe ramp.

The applicant has submitted rules governing the use of the half-pipe ramp on the property. These rules are attached to this staff report.

6. **Agreement to Comply.** Property owners have reviewed the laws, ordinances, and regulations related to half-pipe ramp construction and use and have agreed to comply with such provisions.

The applicant has read and agreed to comply with Section 15A-11-09 of the Sandy City Land Development Code.

7. **Compliance to Codes.** The proposed half-pipe ramp shall comply with all pertinent sections of the International Building Code and all zoning requirements, including side and rear yard setbacks and size regulations for accessory structures.

The applicant is proposing to construct 496 square foot (31' x 16') half pipe ramp that is 5 feet in height. The maximum size of an accessory structure allowed on the property is 750 square feet. The proposed 496 square foot half-pipe ramp is 204 square feet small than the maximum allowed structure. Further, the rear yard is 3,800 square feet, providing sufficient space and separation of the ramp from the home and surrounding properties.

The ramp is proposed to be constructed 3 feet from the side (north) property line and 7 feet from the rear (west) property line. Along the west (rear) property line is a 10-foot utility easement. The ramp will need to be moved 3 feet from the property line, or an easement waiver letter will need to be signed by the utility companies.

8. **Penalty.** It shall be a Class C misdemeanor for any owner of residential property upon which a half-pipe ramp is located to permit the half-pipe ramp to be used in violation of any ordinance of Sandy City or any rule or regulation of the Salt Lake Valley Health

Department, regardless of whether the property owner had knowledge of the actual violation. (Ord. 15-25, Amended 7-21-2015)

COMPLIANCE WITH SECTION 15A-33-04

Staff response in *italics*.

Conditions. In order to achieve compliance with the standards set forth herein, the City may impose conditions, which address standards 15A-33-03 “A” to “O”, as contained in the Sandy City Development Code. This proposed conditional use meets or satisfies all of Conditions “A” through “O”, except the following conditions, which merit discussion or additional consideration by the Planning Commission:

E. Mass, size, number location, design, exterior features, including proposed signage, lighting, and refuse collection.

The applicant is proposing to construct a 496 square foot half-pipe ramp that is 3 feet from the side (north) property line and 7 feet from the rear (west) property line. Lighting will face east and southeast toward the home.

I. Fencing, screening and landscape treatments, and other features designed to increase the attractiveness and safety of the site and protect adjoining owners from noise, visual and other impacts.

A 6-foot vinyl fence surrounds the rear yard providing buffering from surrounding properties, in addition, the applicant is proposing to construct the ramp without removing any trees providing additional buffering to the adjacent properties.

O. Such other conditions determined reasonable and necessary by the City to allow the operation of the proposed conditional use, at the proposed location in compliance with the requirements of this Code.

That the applicant complies with all Building & Safety, and Fire & Life Codes.

CONCERNS

Staff has no concerns.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission approve a Conditional Use Permit for Kirk Cerny for the property located at 11120 South 465 East for a half-pipe ramp as described in the staff report based on the following findings and conditions:



Findings

1. The proposed use meets the intent of the R-1-10 Zone.
2. The proposed half-pipe ramp meets the intent of Section 15A-11-09 of the Sandy City Land Development Code.

Conditions

1. That the applicant complies with all Building & Safety, and Fire & Life Codes.

2. That the applicant be responsible for meeting all provisions of the Sandy City Development Code, and all conditions of approval imposed by the Planning Commission.
3. That this Conditional Use Permit be reviewed upon legitimate complaint.
4. That the applicant obtain a building permit for the construction of the half-pipe ramp.
5. That the applicant, at the time of building permit either: 1) move the proposed half-pipe ramp out of the 10-foot utility easement as shown on the site plan, or 2) obtain an easement waiver from the utility companies in order to construct on the 10-foot utility easement.

Planner:  Reviewed by: 

Wade Sanner, *Planner*

File Name: S:\USERS\PLN\STAFFRPT\2019\CUP-07-19-5683 Cerny Half Pipe

Exhibit #1 – Application Materials

Kirk Cerny
11120 s 465 e
Sandy UT, 84070

I would like to apply for a permit to install a half-pipe ramp in my backyard.

I have 7 kids and I want them to play outside.

I have lived in the same house for almost 13 years.

I know a lot of neighbors, and I have good relationships with them.

As an adult, I like the Sandy skatepark, but I do not think that the skate park is a safe place for a 6 year old.

I feel that the Sandy skate park is the same as the mayor described it back in 2007.

"The mayor of the south valley city observed skaters at the park smoking, threatening and pushing each other and using offensive language — all violations of the posted rules."

<https://www.deseretnews.com/article/680192735/Sandy-skate-park-shut-down.html>

I have a 6 year old girl that loves to scooter up and down the hills of the skate park.

However, I do not like her hearing kids swear, or fear getting hit by a fast moving bike.

I want to provide a safe place for my kids to scooter at my house.

1. Drawings.

*Drawings showing the scale, design, and materials of which the half-pipe ramp is to be built.
This is to evaluate the noise, vibration, and nuisance impact of the half-pipe ramp.*

See attached documents

2. Description.

*A written description of the materials and location of all screening
to evaluate the halfpipe ramp's impact upon and harmony with adjacent properties.*

The ramp will be fabricated from steel.

The support structure will be made from steel tubing, and the surface will be 3/16" steel plates.

The safety railing will be a fence made from steel tubing.

The ramp will be welded together.

It will be painted to prevent rust.

The paint will be a light color, so that it absorbs less heat.

Steel was selected as a building material because it can survive outside.

Wood was not selected because it soaks up water and becomes warped, and ruined.

A Concrete estimate of the same ramp, was over twice the cost of steel.

There is a 6 foot high opaque vinyl fence that surrounds the entire back yard of the property.

The ramp will be installed between two trees in my yard.

The trees are about 20' apart.

One of the trees is a large, 30 feet high,

pine tree located in the north west corner of the back yard.

The other is a plumb tree about 20' high.

There are other large trees that will act as screening,

but they are not technically located on my property.

They do have branches that easily hang over the fence and provide shade for my yard.

3. Lighting.

A written description of the scale, location, and direction of all lighting.

All lighting will face east or south east towards the back of my house.

I do not plan on needing lighting during the summer months.

In the winter, the lighting will only be used during the allowed hours of operation.

The lighting will be provided from lights used in residential applications.

It will not be on the same scale as the bright stadium lights from Crescent Community Park, which shine into my backyard.

In the front of my house, there is already bright lighting provided by a street light.

4. Rules.

A set of written rules which will govern the use and operation of the half-pipe ramp

1. Wear a helmet.
2. Be nice
3. Have Fun
4. No skating or riding when wet, raining, snowing or during maintenance periods.
5. Graffiti is illegal and will not be tolerated.
6. No competitive events are allowed.
7. No Swearing
8. No Smoking
9. No Alcohol
10. Yield to princess scooters

5. Neighborhood Notification

The names and addresses of all property owners within 300 feet of the proposed half-pipe ramp, proof that all such owners have been notified of the proposed half-pipe ramp, have had an opportunity to comment, and a written statement indicating any comments received by the applicant from them.

See attached documents

6. Affidavit.

A written statement that the owner has reviewed all laws, ordinances and regulations related to half-pipe ramp construction and use and a written agreement to comply therewith.

I, Kirk Cerny, have reviewed all laws, ordinances and regulations related to half-pipe ramp construction and use. I agree to comply with all of the laws, ordinances and regulations related to half-pipe ramp construction and use.

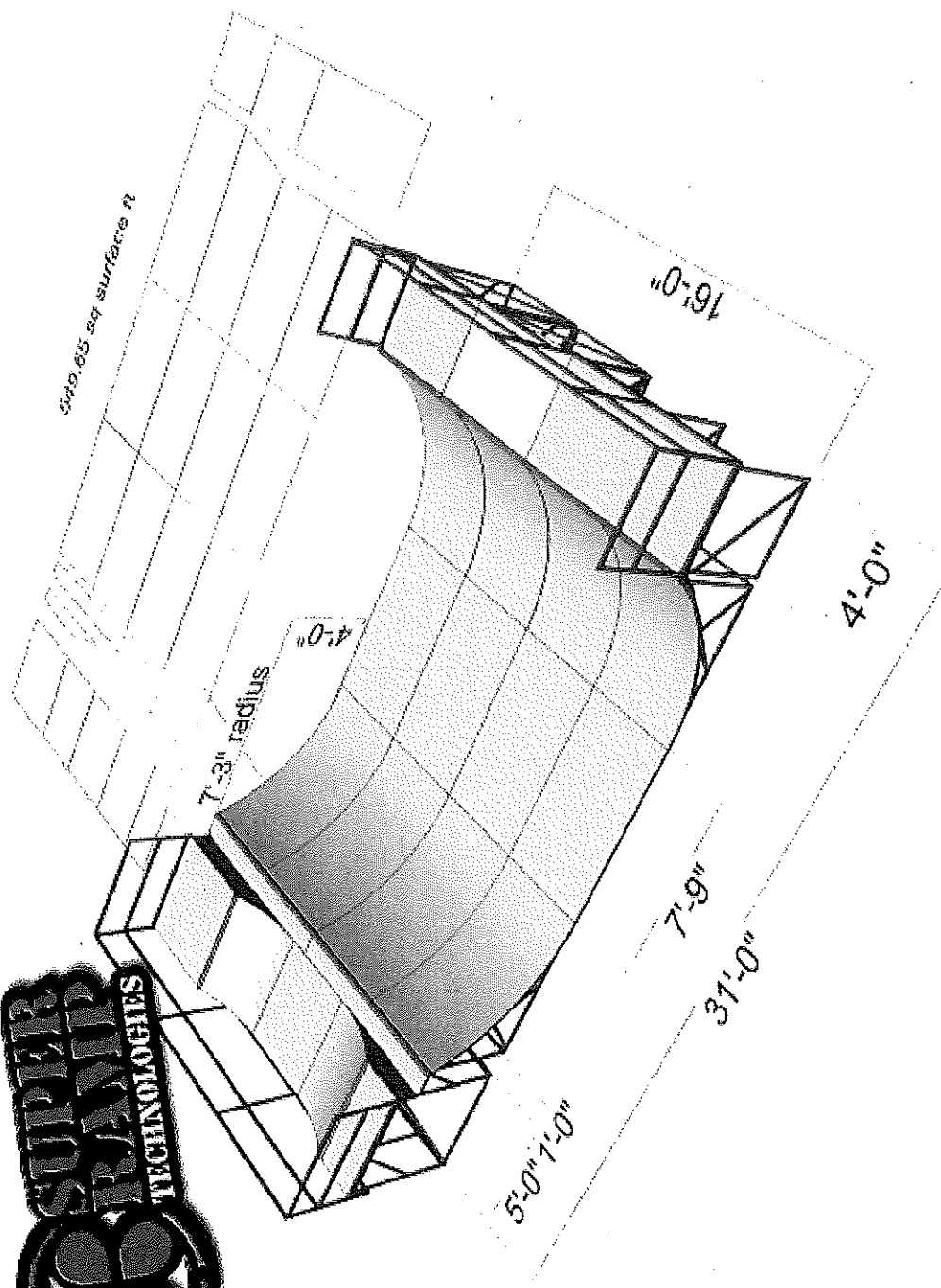
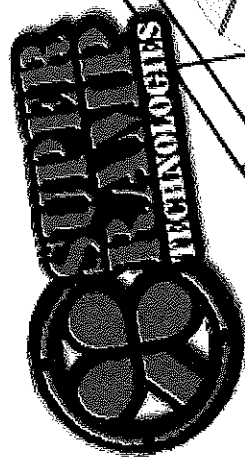
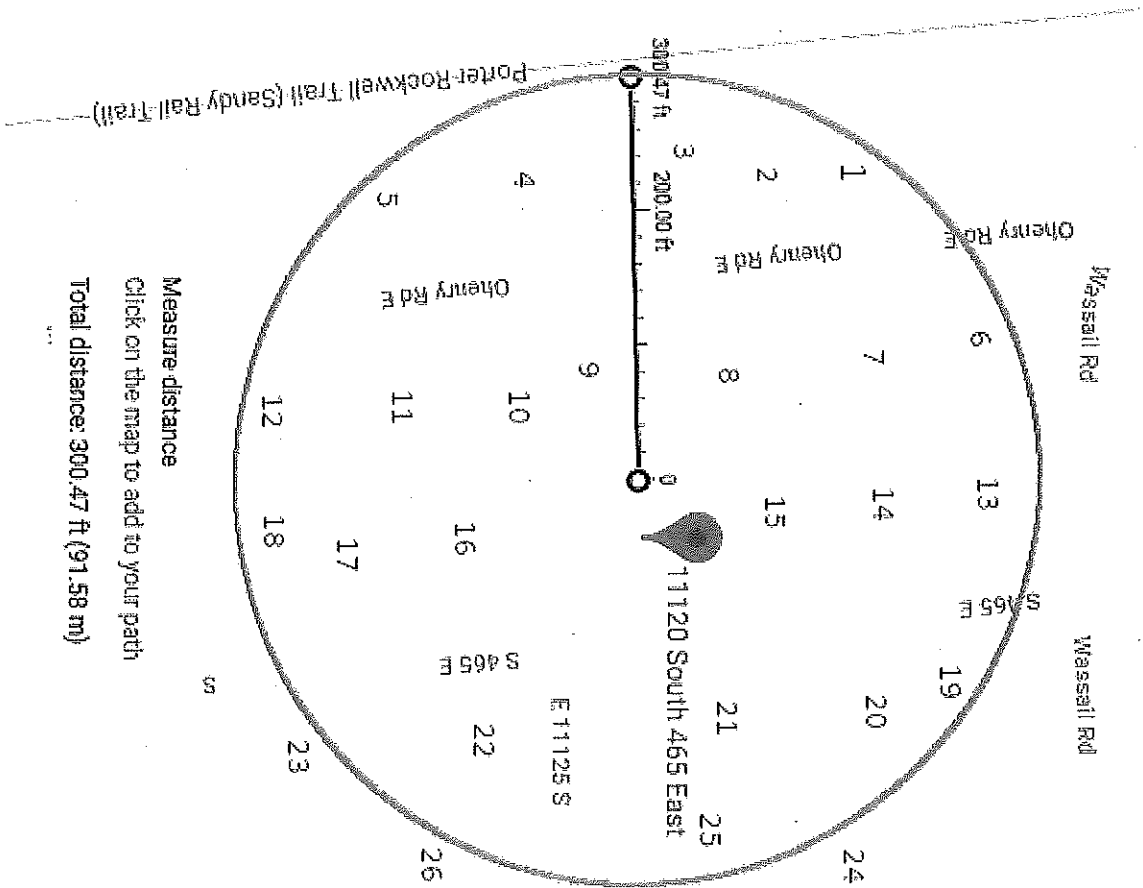




Exhibit #2 – Neighbor Comments



Measure distance
Click on the map to add to your path
Total distance: 300.47 ft (91.58 m)

Map Number	Address	Name	Comments
	1 11088 Cherry Rd	Shawn McIlcece	
	2 11102 Cherry Rd	RJ Wright	I am fine with scooter ramps
	3 11116 Cherry Rd	Jose Sejos	A halfpipe is fine with me
	4 11130 Cherry Rd	Wendy Halterman	I'm totally cool with a ramp
	5 11144 Cherry Rd	Kyle Negley	I dont care
	6 11079 Cherry Rd	Athens Sdrales	
	7 11093 Cherry Rd	Sean Hartley	
	8 11107 Cherry Rd	Lila Gilbert	
	9 11121 Cherry Rd	Lynn	It's fine with me to build half pipe for their children
	10 11133 Cherry Rd	Frankie + Ron Greenleaf	It's ok with us to build halfpipe in his backyard to use with his kids.
	11 11147 Cherry Rd	Rajeev Balasubramanian	
	12 11161 Cherry Rd	Heather Rowley	No concerns about ramp.
	13 11080 S 465 E	Shaun Gunnasen	scooter is fine
	14 11094 S 465 E	Daniel Stone	Sounds Great
	15 11108 S 465 E	Pam Davis	We are the closest to where they want to put the half-pike. We are totally fine with the cerny's putting it in
	16 11134 S 465 E	Scott Brubaker	I don't have any issues with the neighbors putting in a skate half pipe
	17 11148 S 465 E	Susie and Shane Swensen	We have no objections to having a scooter ramp on their property
	18 11162 S 465 E	Jeri D Clarke	
	19 11081 S 465 E	Rebecca Garda	It's fine with me if my neighbor builds a half-pipe in his backyard to use only with his children.
	20 11095 S 465 E	Bryan and Rachel Nichacs	We are good with it
	21 11113 S 465 E	Bethany Brockman	Seems okay with it is in their backyard
	22 472 E 11125 S	John Hansen Family	We herd about the halfpipe and are super excited for it. We hope they get it put in. We wanna come over and skate too!
	23 11155 S 465 E	Brian Easter	I am ok with skate ramp in Kirk cerny's back yard
	24 11099 S 465 E	Bonnie Whit	I feel they are responsible people. I feel that it would be fine. I have no issues and approve him to build it.
	25 487 E 11125 S	Sheryl and Joe Zahin	No problem c' skate ramp (c' is a medical term for the word with)
	26 488 E 11125 S	Sony Lub	We have no issues with this
Just outside map range	11173 S 465 E	Krisinda Puetua	We are ok with this
Just outside map range	11190 S 465 E	Jessica Pham	We are ok with the skate ramp
Just outside map range	11191 S 465 E	Adam Clayton	We dont mind a half-pipe in his backyard
Just outside map range	11176 S 465 E	Shon Schip	Let them put it in! Please!
Just outside map range	11189 S Cherry Rd	Amy Wall	For private use, a half-pipe in the back is fine!
Just outside map range	11201 S Cherry Rd	Bill Kinley	His backyard is his backyard - No Concerns

For private use a half-pipe in
the back is fine! -Amy Wall
11189 S. O'herry rd.

Let them put it in! Please!
Shaw Sch.p
111765. 465 E.

We are OK with this.
Krisinda Puetua
11173 S. 465 E.

A HALF PIPE IS FINE WITH
ME - JOSE SEGAS
11116 S O'HERRY RD

474 E
11125 S

We herd about the half pipe and
are super excited for it we hope
they get it put in we wanna
come over & skate too!

11080s

465E

Sham Gunnar

- scooter is fine.

Wendy Halterman
- I'm totally cool with
a RAMP.

11130s ohenry

R J Wright
11102 S. O'Henry Rd

I am fine with scooter ramps

WV
801-891-7422

Mr J I don't Ck

11144s ohenry

Ray Benites
11175 S. O'HENRY RD. SANDY
UT. 84070

WE ARE FINE WITH THE SCOTTER RAMP

Sharon Williams

11172 S. O'HENRY RD

ok

Susie & Sham Swensen

11148 S 465 E

Sandy WI BOPF

- We have no objections to having a scooter ramp on their property.

Sam Swensen

Sheryl & Joe Zahm - no problem w/ skate ramp

487 E 111255

488E 111258 ends CT

We have no issues with this
- Sample

We are good with it

11095S 465E

Beyan & Rachel Richard

Sounds great
D. Richard

11094S 465E

1134S
465E

I don't have any issues with the
neighbors putting in a skate half pipe.

STARR

11108 So.
465E

We are the house closest to where they
want to put the 1/2 pipe - we are totally fine
with the Cornys putting it in 😊

Sam Davis

11099s 465E

I feel they are responsible people. I feel that it would be fine. I have no issues and approve him to build it.

Barnett

11081 S 465 E

It's fine with me if my neighbor builds a half-pipe in his backyard to use only with his children.

Rebecca Hard

11121 S. 465 E.

It's fine with me to build half pipe for their children

Lynn M

11133 Cherry Rd.

It's ok with us to build halfpipe in his backyard to use with his kids.

Frankie + Ron Greenleaf

11161s Cherry
Heather Rindley - no concerns about
ramp.

11201s
Cherry
Bill Rindley - his backyard is his
backyard!! - No concerns

11191s
465 E
Adam Clayton - we don't mind a half-pipe in his
backyard.

BRIAN EASTER 11155s 465 E
I AM OK WITH SKATE RAMP
IN KIRK CERNY'S BACK YARD.
Brian Easter

Jessica Pham 11190 S. 465 E.
We are ok with the skate ramp.

Bethany Brockman 11113 S 465 E.
Seems okay when it is in their backyard.