



## Planning & Zoning Commission

### Public Hearing

Thursday, February 9, 2017

Delta City Building Council Chambers

76 North 200 West

Delta, Utah

#### PRESENT

Linda Beard, Commission Member  
Rand Crafts, Commission Member  
John Niles, Council Representative  
Linda Sorensen, Commission Chairwoman

Wes Duncan, Commission Member  
Richard Jones, Commission Member  
Roger Zeeman, Commission Member

#### ABSENT

Alan Johnson, Member

#### ALSO PRESENT

Dent Kirkland, Code Enforcement Officer  
Travis Stanworth, Asst. Code Enforcement Officer  
Lora Fitch, Deputy Recorder  
Todd Anderson, City Attorney  
Rob Droubay, Delta Citizen  
Krystal Moore, Delta Citizen  
Amber Zufelt, Delta Citizen  
Chase Christensen, Delta Fit Owner  
DeAnna Christensen, Delta Fit Owner  
Patrick Stefanoff, Delta Fit Property Owner  
Neil Clayton, Delta Fit Member  
Laura Peterson, Delta Fit Member  
Tyler Harris, Delta Fit Member

Lance Johnson, Delta Fit Member  
Jason Stefanoff, Delta Fit Member  
Brandon Smith, Delta Fit Member  
Travis Keel, Council Member  
Andy Nickle, Delta Fit Member  
Daren Dmith, Delta Fit Member  
Jake Christensen, Delta Fit Member  
Jackson George, Delta Fit Member  
Russ King, Delta Fit Member  
Janette Fitzgerald, Delta Fit member  
Brittany Anderson, Delta Fit Member  
Kiley Chase, Council Member  
Cory Morris, Delta Citizen  
Jenny Morris, Delta Citizen

Chairwoman Linda Sorenson called the public hearing to order at 6:30 p.m. She stated that notice of the time, place and the agenda of the meeting had been posted at the City Building, on the Utah Public Notice website, and had been provided to the Millard County Chronicle-Progress and to each member of the Commission at least two days prior to the meeting.

#### Receive and Consider Public Comment Concerning: The renewal of the Conditional Use Permit for Delta Fit to operate at the location of 233 West 100 North

Krystal Moore came before the Commission to inform them that she lives right next door to the gym and that she doesn't have a problem with them operating at their current location, but she

does have a problem with them operating outside the noise ordinance. Krystal Moore stated that she is often woken up early in the morning between 5 and 6. She continued that she has tried to contact the owners of the gym multiple times since December 3 or 4 and hadn't heard back from them until a week prior to the meeting. Mrs. Moore stated that the problem wasn't so much a noise as it is the vibrations and that it has lessened since they put a trailer between her house and the gym, but the concussion is still an issue. Commission Member Crafts asked Mrs. Moore when she is hearing the gym. Mrs. Moore stated that she has heard it has between 5:30 in the morning and as late as 8 in the evening.

Chase Christensen, the owner of Delta Fit, informed the Commission that between the hours of 5 and 6 am the members of Delta Fit have been working on lowering weights rather than dropping them and that they are using rubber weights on a rubber floor to help lessen the noise. Mr. Christensen said that there might have been a time or two that weights had been dropped from a height, but for the most part they have been able to keep that from happening. Mr. Christensen stated that he hasn't had a class after 7:30 in quite a while. Mr. Christensen reviewed some of the changes that he had made at his business to help with the issues. Commission Member Crafts and Mr. Christensen discussed that he had not been required to cancel his early class, just try to minimize the noise.

Patrick Stefanoff asked the Commission to review what the noise ordinance is. Commission Member Crafts reminded him that it is a conditional use permit for something that is in a location that it is usually not allowed to take place in and so the permit is able to have conditions that go beyond just the noise ordinance. City Attorney Anderson reviewed the noise ordinance. Patrick Stefanoff asked if there is an ordinance on vibration, he continued that he has been doing research and seismic monitoring at the business location, but everything he has read, Delta Fit has been below federal transit regulations.

Amber Zufelt came before the Commission to inform them that she lives right next door to Delta Fit and that she has been having problems with stuff being knocked off her wall in her kitchen early in the morning. She continued that she doesn't have a problem with them being where they are, just how early they are starting.

Brandon Smith came before the Commission to say that the major issues that had been addressed at the previous meeting had been parking and early morning noise. Mr. Smith stated that since that meeting Delta Fit has done what they can to address both of the issues.

Brittany Anderson came before the Commission to say that there are many places in town that have similar issues and the building that the gym is in has had many different businesses in it. Mrs. Anderson continued that she wasn't sure why it was such an issue now where there have been other businesses, including cloggers, in the building.

Chase Christensen informed the Commission that Delta Fit only runs from 5 am to 7 am, 9 am to 10 am, and 5:30 to 7:30 pm and is not running during all hours of the day. He continued that to

accommodate the neighbors, he has already cut out one class. Commission Member Crafts reminded Mr. Christensen that one of the conditions of his first conditional use permit was that he only do low drops between 5 and 6 and asked if there had been any being done during that time. Mr. Christensen stated that there had been one or two instances where high drops had been done.

City Attorney Anderson informed the Commission that the law assumes that if a use is allowed under a conditional use permit that it should be allowed, but the aspect of it is that you can put on reasonable restrictions to mitigate the conflicting use. Commission Member Beard asked what the recourse would be for conditions that are not followed. City Attorney Anderson stated that the conditional use permit would be terminated for violation of the conditional use permit.

Commission Member Duncan asked if Delta Fit had looked into doing sand trenches. Patrick Stefanoff replied that the data that he has collected made it seem like that would not be helpful, he informed the Commission that he had put up some insulation board inside the building and put a trailer in between the building and the neighbors to try to help.

Chairwoman Sorenson declared the Public Hearing closed at 7:04 p.m.

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**Minutes Approved Lora Fitch, Deputy Recorder**