

**City of Taylorsville
 Planning Commission Meeting
 Minutes
 Tuesday – April 14, 2009 – 7:00 P.M.
 2600 West Taylorsville Blvd – Council Chambers**

Attendance:

Planning Commission

Kristie Overson - Chair
 Scott Bolton
 Nathan Murray
 Garl Fink
 Bruce Holman
 Dan Fazzini, Jr. (Alternate)

Excused:

Stacey Staley
 Ted Jensen

Community Development Staff

Mark McGrath – Director – Community Development
 Michael Meldrum – Principal Planner
 Dan Udall – City Planner
Excused: Jean Gallegos – Admin Asst/Recorder

PUBLIC: Leah Zumbrunnen, Morris K. Pratt, Jody Clark Bateman, Tony Healy, Debra Conway, Rose Kostka, Jagdish Gill, Fred C. Cox, Denise Luttrell, Nancy Rice, Orvil Rice, Sterling Tholen, Connie Tanney, Audrey Steadman, Janice Garner, Lynette Wendel, Mark Wendel, Rebecca Owen

WELCOME: **Commissioner Overson** welcomed those present, explained the process to be followed this evening and opened the meeting at 7:00 p.m. She outlined the items on the Consent Agenda and asked if there were anyone in the audience wishing to speak to any of them. There being none, she asked for a motion regarding the Consent Agenda.

CONSENT AGENDA

Agenda/File #	Application	Applicants	Action
1. Review/approval of Minutes for February 24, March 10 and March 24, 2009			Approved as presented.
2. 7H09	Home Occupation – Day Care	Leah Zumbrunnen 3302 W 5820 S	Approved with staff recommendations.

No one came forward.

MOTION: **Commissioner Bolton** - I move for approval of the Consent Agenda as presented.

SECOND: **Commissioner Murray**

Commissioner Overson restated the motion to approve the Consent Agenda consisting of Minutes for Feb 24, March 10 and March 24, 2009 and File #7H09 – Home Occupation Day Care for Leah Zumbrunnen.

<u>VOTE</u>			
<u>Commissioner</u>	<u>Vote</u>	<u>Commissioner</u>	<u>Vote</u>
<u>Murray</u>	<u>AYE</u>	<u>Bolton</u>	<u>AYE</u>
<u>Fink</u>	<u>AYE</u>	<u>Fazzini</u>	<u>AYE</u>
<u>Holman</u>	<u>AYE</u>	<u>Overson</u>	<u>AYE</u>

Motion to approve passes unanimously.

HOME OCCUPATION

3. 6H09	Rebecca Owen – 1155 W 4800 S – Day Care (Dan Udall/City Planner)
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[19:03:33](#)

3.1 **Mr. Udall** presented this item. This application is for a family child day care for nine children. Proposed days and hours of operation are Monday through Sunday – 6 a.m. to 7:30 a.m. and 4:30 p.m. to 9 p.m. during the fall, winter and spring. During the summer, the hours of operation are 6:00 a.m. to 9 p.m. One child belongs to the applicant and is under the age of six. There is a long gravel driveway on the site. After school, two car loads of children will be coming to the home at the same time. Taylorsville City Ordinance states that hours exceeding 6:00 a.m. to 8:00 p.m. will be considered with documentation needed for justification. The applicant has submitted a letter to the Planning Commission stated that a parent will be picking up a child at 9:00 p.m., which exceeds the hours of operation in a normal setting. The applicant has also stated that the parents work late and cannot pick up the child earlier than 9:00 p.m. Therefore, Staff has placed a condition that the child day care can be open until 9:00 p.m. Staff is recommending approval of the home occupation with the conditions noted in the staff report. Two letters have been submitted to the Planning Commission by neighbors, in regards to issues and concerns with this child day care.

Findings of Fact:

1. That the applicant is proposing a family child day care home occupation and it is a conditional use in the A-1 zone.
2. That a maximum of eight outside children are coming to the home each day. One child living in the home will be attending the child day care.
3. That the day care will be required to meet all State of Utah Health Department regulations.

Staff Recommendations:

1. Receive approval from and remain compliant with all applicable reviewing agencies.
2. That the use is reviewed upon substantiated and unresolved complaint.
3. That no more than nine children can come to the home per day for the family child day care as stated in the application.
4. A maximum of one name plate sign is allowed to be attached to the single-family home. The sign is allowed to be three square feet.
5. That adequate parking will be provided on site to accommodate the homeowner's vehicles and customer vehicles coming to the home.
6. That a new fence that is at least 4' high be provided on the east side of the rear yard. That the perimeter of the rear yard is fenced and maintained.
7. Hours of operation can be allowed from 6:00 a.m. to 9:00 p.m.
8. That the home occupation is clearly incidental and secondary to the use of the dwelling and does not change the character of the neighborhood.
9. Provide adequate outdoor lighting.
10. That no other Class "D" home occupation is allowed while the child day care home occupation is under operation.
11. Because the applicant is proposing nine children coming to the home occupation, that the applicant meets all State of Utah Health Department regulations in regards to sufficient staffing for the child day care.

3.2 **DISCUSSION:** **Mr. McGrath** clarified that there will be nine total children – one belonging to the caregiver and eight children in addition to that.

3.3 **APPLICANT ADDRESS:** Not present at the time hearing began.

3.4 **SPEAKING:**

- **Sterling Tholen** (owns the property at 4882 S 1130 W) and wanted to know if the applicant the actual owner of the property? **Mr. Udall** said that records indicate that she is the owner. **Mr. Tholen** continued on to explain two situations that occurred recently. The first one involved his wife, who found a child with no shoes on (in the winter time) wandering alone at the intersection of 4800 S and 1130 W. One of the neighbors brought the child to his wife, who subsequently called the police because she did not know who the child belonged to. About a half hour later, she noticed a young teenage girl apparently looking for someone. His wife asked her if she was looking for a child and was informed that she was. Then his wife turned that child over to the teenage girl. After which the police responded and expressed their displeasure with her for doing so. [19:10:52](#) Then in the summer of 2007, between 11:30 p.m. and midnight he heard crying for an extended period of time. He proceeded in the direction of the crying child and at the top of the outside stairway at the side of the garage and found a toddler who was covered in his own feces, crying outside on the landing. Being afraid of being accused of kidnapping, he did not pick up the child and instead went to the front door and was greeted by a teenage girl. He explained that the child in question had been outside crying over an hour. He has concerns about the type of care that their own children were receiving. Another problem is the abundance of dogs which bark continuously. His concern is if the dogs are being cleaned up after, especially with nine children being on site and resultant health risk. He wanted to know how many actual residents live at this home right now – he felt it was more than the three the applicant admits to being there. He went over there the previous night and noted there were at least a half dozen or more children there at the time. He wanted to know if the facility has adequate facilities to meet Board of Health requirements, i.e., functioning bathrooms, etc. He has lived in the area 18 years and has never seen an adult present at this home. He was really concerned about the care that would be being given to these children if approved as a day care. [19:14:16](#)
- **Mr. McGrath** asked permission to make another clarification. He said that staff is not sure how many children the applicant has. Based on ordinance, they have indicated they have one child that

is under six years of age, which would count as one of the children. There may be additional children in the family but the concern for the home occupation by ordinance is just the one under the age of six. [19:14:44](#)

- **Morris Pratt** explained he was present tonight as a resident and not a City Councilman. He and his son own the property right next door to this site and the driveway shown on the image actually belongs to the Pratt family. **Ms. Owen** does have a right-of-way to use the driveway as access to their residence, which was obtained before the Pratt family bought the property. He is concerned about the driveway being used for day care. He advised that he has attempted over the last several years since the Owen family moved in to solve a major problem and that is one of where they get to the top of the driveway and want to exit through the Pratt property over to 1130 West and vice versa coming back. **Mr. Pratt** has explored the possibility of erecting a fence with a gate but there are underground issues with utilities that would prohibit that from being done. One concern with the additional traffic coming there is that they will continue to use his property as an exit or entrance. [19:16:27](#) Also that the driveway is primarily gravel and road base. That they have informed Mr. Pratt several times that would be paved, however, it still is not. It is a safety issue. He expressed concern with the seven day a week, 15 hour per day use. He said that his son's children's bedrooms are on that side of the road and the early starting hour would disturb their sleeping patterns. He has also observed children not being kept into the rear yard. The kids are well behaved but are allowed to roam at their own will. He said he was not sure if the City can grant them the right to use that driveway as a business access. He said he was not against the day care necessarily but was against the long hours and the high number of children involved. **Commissioner Overson** said she is confused on the driveway right-of-way and asked Mr. Pratt if that was his property, to which he replied that it was. He explained that the Jensen family had owned all the ground previously and when they sold this particular parcel to Lavelle Prince, in order for them to be able to build on that, the Jensen family had to grant a right-of-way to get into that property. **Mr. Pratt** said that he does possess documentation stipulating that in his title report. **Commissioner Overson** said that she would be interested in seeing that and **Mr. Pratt** said he would provide that.
- **Connie Tanney (1195 W 4800 S)** **Mrs. Tanney** introduced her mother, Audrey Steadman (1169 W 4800 S), who owns the property directly west of this site. **Mrs. Tanney** spoke in behalf of her mother saying one concern is liability – oftentimes the children who reside on this piece of property play a “dare” game with the Llamas and horses that her mother has in the back pasture. The children will run through the pasture teasing the animals. The children also throw items from their yard into her yard. There is a double fence between the properties and they like to climb on her wooden fence. She addressed the problem of the barking dogs and the number of children in the facility. During December the children knocked on her mother's door and asked if they could build a snow fort, which she refused and in the summer they use her property as a play area, also without her permission. She felt that there are multiple family members living in this home. That she has interacted with two of the older children at Taylorsville High School where she works.
- **Audrey Steadman** said that she hopes that everyone will understand why she does not want little children coming onto her property. She did not want to be responsible for them and their actions.
- **Tony Healy (4862 S 1130 W)** (Owns the property just southeast of this home). He shared the same concerns as those who spoke previously, especially in never seeing an adult in the home, which is their biggest concern. One other concern is the fence that is in between his property and their property. It is made of chain link and a tree fell over on it and mashed it down. It has never been repaired and doesn't contain the children.
- **Jodie Bateman (Lives across the street to the south)**. [19:25:02](#) She said that the applicant has three or four dogs in the yard that are barking constantly. She had no idea how many children lived there but it seemed to be at least eight. The family keeps to themselves, so the neighbors do not know them. She was concerned about what the real story is about this day care request and wondered if the high school children were the ones really in charge. She felt there were too many unanswered questions for this to be approved tonight.

3.5 **APPLICANT READDRESS: Rebecca Owen.** **Ms. Owen** said that she would like to run a day care in her home and has been doing so for the past three years, not realizing she needed a business license to do so. When she re-licensed with the State of Utah, they did let her know that she did need a business license to operate a day care in the City of Taylorsville. As far as the dogs in the yard go, there are three of them. They belong to a young

couple who live with her in her basement. She has talked with them and let them know that there is a rule that there can only be two dogs per home. She now has taken one of the dogs to her parent's home. The remaining two dogs are kept in a dog run, are well cared for and are walked every night. With regard to the children being in the yard, she has a patio in the back yard where there is a bench that she sits on to watch the children while they are playing. Therefore, some of the neighbors may not be able to see her because the patio is covered. She follows all day care policies, which means 100% supervision of the children. As far as things being thrown over the fence, she has apologized and talked with the neighbors and did ask for permission for the children to fly kites in the neighbor's field, however, that neighbor was never around and contact with her daughter next door revealed that she would not be home for awhile. On the issue of the fence that is in disrepair, that is correct and is in need of repair, which she intends to do. As far as the drive way right-of-way, there is no other way into her garage. There were a couple of times that they had gone through the Pratt's yard, it was the first winter she moved there and she had broken her leg and that driveway was too steep for her to walk it. That has not recurred since the Pratt family asked her not to do that. The people who come to the home for family parties may have gone that way but she has let each one of them know not to do that. She said that she has tried to fit in with the neighbors. The barking dogs are still a concern and she is trying to handle that through the dog's owners. As far as care for the children, they are getting the best care possible and anyone is invited to drop in to check on that at any time.

3.6 DISCUSSION:

- **Commissioner Holman** asked Ms. Owen if she is always there or are the children left in the care of siblings? **Ms. Owen** said that according to day care rules, the children can never be with anyone under the age of 18. She said that she never leaves the day care children without proper supervision.
- **Commissioner Overson** asked if there was another employee there to help her? She replied that there was not. [19:30:57](#)
- **Commissioner Holman** wanted to know if the chain link fence where the tree fell still had the tree laying on it. **Ms. Owen** said that happened before she moved into the home and she was not aware that the fence belonged to her. She planned on replacing the side fence that is not finished but the back fence she was going to talk with the neighbor and find out what needed to be done there to fix the problem.
- **Commissioner Bolton** asked if she said she was renting her basement out to a young couple and she replied that they were not renting but just living there because they are attending college and needed the help. They presently have no children of their own.
- **Commissioner Murray** asked for a sense of how many of her own children live in the home. **Ms. Owen** said that she has nine children, the youngest of which will turn six in July. That she has been licensed for eight children. **Commissioner Murray** said then asked her if the nine children were all hers, to which Ms. Owen said yes. **Commissioner Murray** then wanted to know if that meant she was seeking approval of the ability to watch an additional nine children? **Ms. Owen** said that was eight children. She said there are three bathrooms in the home and the Health Department has already conducted their inspection. She continued on to say that they visit her two or three times a year unannounced and have found her to be in complete compliance.
- **Commissioner Overson** asked Ms. Owen to address the fact that a few neighbors had talked about children wandering off the property, occasionally into the street and children being uncared for late at night. **Ms. Owen** said the one instance where the child was out in the front, was when she first moved into the home three years ago and it was her little boy who wandered off when she was cooking. That is when she realized how dangerous the location was and that extra supervision would be needed. In her other home, the front yard was fenced, a really quiet neighborhood with very little traffic. After that first instance, for the safety of her children she has installed dead bolts on two of the doors so that the little children cannot get out through there and it hasn't happened since. One issue is that they do have quite a bit of family coming over in the evening for entertainment and that is the noise the neighbors are hearing, not the day care noise. Even that usually ends by 9:00 p.m. She apologized if that was a problem for the neighbors and that too will not happen again. **Commissioner Overson** wondered how she foresaw that the children are dropped off and picked up – in front of the home, up the driveway, etc., what is the vision? **Ms. Owen** said that it depends on the time of year – if it is winter, they don't like to go up the driveway and will park up front and walk the children up the stairs and through the front doors. During the summer, sometimes they will drive up the driveway but for the most part, they do stop out front. **Commissioner Overson** said she had one other observation which was that in the staff report it says there is adequate parking by the garage and also in front of the home. She wondered if it

wasn't correct to say that the City does not allow parking in front of the home. **Mr. Udall** said that streets are allowed for public parking, unless painted red. However, day cares are supposed to have parking on site. **Ms. Owen** said that right in front of her home there is an inlet to allow the cars to leave the roadway somewhat. **Commissioner Overson** said that she is familiar with the area and with this home and did remember seeing cars parked in that inlet area but it makes it very hard for people pulling out of 1130 West to see around the cars parked on 4800 South. She continued on to say that Ms. Owen should be aware that caring for more than six children requires a staff or someone there to help out. **Mr. Udall** said that the requirement is for more than eight children. State Statute says from 9 to 12 children they must meet all Utah Health Dept regulations. Up to eight children does not require a second provider. [19:38:01](#)

- **Commissioner Fazzini** commented that Ms. Owen had mentioned that someone comes out two or three times a year to check on the welfare of the children and wanted to know which agency that was. **Ms. Owen** replied that it is the State Licensing Department for Child Day Care, however, did not know the exact name. **Commissioner Fazzini** asked if it were correct that she intends to care for 17 children total, to which she indicated that was correct, however that half of her own children have jobs and would not be there most of the time. That leaves a total of five of her own children that are home all the time. **Commissioner Fazzini** asked what the ages of the children she would supervise are. **Ms. Owen** advised that her youngest is 6, then there is one each 7, 8, 10 and a 15 year old daughter. The youngest child she is caring for is 1 1/2, along with one each 4, 7, 8 and 10. **Commissioner Fazzini** commented that she had said that most of the time she does not have help and is now asking to have the day care open seven days a week. **Ms. Owen** said that the reason for that request is that she is tending for a single father to help him out and he works Monday through Friday, and also weekends from noon until 9:00 p.m. That during the school year, she has them for breakfast, then takes the little ones to day care and the other ones to school. She, herself, works during the day. She then picks up all the children around 4:30 p.m. and has them until 9:00 p.m. **Commissioner Fazzini** then wanted to know when she had time to go shopping/errands and she replied Saturday and Sunday mornings. **Commissioner Fazzini** wanted more information regarding the dead bolts she had mentioned and wondered if the children could exit the building in the case of emergency. **Ms. Owen** said that the older children could access the dead bolts, however, that child found by the neighbors on the street was three years old and cannot now access the dead bolts. **Commissioner Fazzini** stated regarding the people living downstairs that City Ordinance states that multiple unrelated people living in a household still requires a conditional use permit. **Mr. Udall** commented that multiple families are not an allowed use in this City in a single family residence. **Commissioner Fazzini** asked Ms. Owen if she was aware of that ordinance and she advised she was not. That she was just doing it as a favor and didn't know it was an issue. **Commissioner Fazzini** continued on to say that he wasn't saying there is anything wrong with it, just that it isn't in full compliance with the ordinance.
- **Commissioner Overson** closed the public hearing and asked the Commission for further discussion or a motion.

3.6 **DISCUSSION:**

- **Mr. McGrath** made a clarification regarding the multi-family situation by saying that this is a single family zone, which means that there can be one family living there. In the City of Taylorsville, it is becoming more and more difficult to define what "family" means, so here, at least for this particular situation, family is defined as any number of people living together in a dwelling unit and related by blood, marriage or adoption and including up to three unrelated people.
- **Commissioner Bolton** said that he is still very confused on the State rule of how many kids you can watch with a day care that are your kids, other kids, etc. He was not sure if that plays into this application if there needs to be an additional staff member and wondered if it is up to eight kids including their own or up to eight additional kids. He was confused on what that number is and if it makes a difference or if it is even relevant to this current application. He asked for clarification from staff. **Mr. McGrath** said that his understanding of the State law, bearing in mind that this is not something that is enforced at the Taylorsville level but rather is enforced by the State is that if there are eight or fewer total number of kids, an additional employee is not required. If there are nine or more kids, an employee is required to help the main applicant. In terms of who counts as part of that number, Taylorsville City ordinance says that any of their own children, six years old or younger count as part the number of kids included as part of the day care. If they are older than six years, they will not be counted in that number. If there is a 10 year old and a 12 year old, they would not be counted as part of the day care number. But if there is a 4 year old, they would be included in the total number. In

this particular case, the applicant has one child under the age of 6, so that child must be counted as part of the day care calculation. What she is asking for is nine total kids. Her one child, plus up to an additional eight children.

- **Commissioner Fazzini** 19:45:05 followed up on Commissioner Bolton's comments, saying that one of the children is an infant and the staffing ratio for the State Health Department are drastically different for infants than they are for older children. Still talking about the State Health Department standpoint, this would involve supervision of 17 children, even though some of them may be out during the day but she is still in charge of supervising, directly or indirectly 17 children. He felt it would have been helpful if they were able to hear from the Health Department. They do have to license these and approve and approve it as a condition of whatever the Planning Commission decides tonight. It would be helpful for the Commission in making a decision on what the requirements are since this involves a very large number of children. **Mr. McGrath** said that he did not have the specifics of how the State would view this particular situation with the varying ages and number of children but Staff could certainly follow up in that regard.
- **Commissioner Overson** - Suppose we grant this application, saying we are okay with this and then the State of Utah takes a look and says no because of certain reasons. Because the Commission grants approval does not necessarily mean that it is going to be. **Mr. McGrath** said that was correct. The Commission would be essentially granting local consent.
- **Commissioner Fink** said he has a problem with the fencing around the yard and felt better fencing should be specified for this day care. This has shown to be a problem in the past for these children.
- **Commissioner Overson** added that she has concerns about this application, the biggest one being that the driveway is on the property of the next door neighbor. She wanted to see some documentation regarding that and wondered if the Commission could even approve something where there is no access to the property. She also reflected on the concerns expressed by the neighbors about the well being of these children.
- **Commissioner Murray** agreed with that and wanted to know what conditions were placed on that easement and also wanted to see the documentation.

3.7 **MOTION: Commissioner Fazzini** 19:48:43 – I would like to move that we continue this to our next meeting so that we can obtain some information, some of which are legal questions which can't be answered here this evening, including the easement issue, Health Department regulations and also give the applicant time to address some of the security and trespassing issues brought forth during this public hearing.

SECOND: Commissioner Fink

Commissioner Overson restated the motion to approve – we have a motion by Commissioner Fazzini to continue File #6H09 based on questions that have been raised this evening by the applicant and by neighbors regarding access, security, Health Department regulations, with a second by Commissioner Fink.

DISCUSSION: Commissioner Bolton - If we are going to table this, we need to give clear direction as to what we are requesting of the applicant and/or staff. Getting the easement document would be relatively simple but access and security issues need to be clarified because it is a condition of an approval. What we need to table it for is to have staff or others to provide additional information to make those decisions. I don't know if we are giving the applicant sufficient direction on what she needs to do next or if this is just something that we need more time to gather information that has been brought up tonight as being relevant. The security and access issues as part of the motion I am not sure exactly what we are looking for there. **Commissioner Overson** - That would probably be something to be provided by the State of Utah, I am assuming, so what we are asking for is the State approval first before a decision is made by this body. **Commissioner Bolton** - I see that we are asking for guidance on the legal issues but Taylorsville will not grant approval to the applicant unless the State approves it. **Commissioner Overson** - We could approve it but then the State could say no. **Commissioner Fazzini** - If I could clarify what I meant. On the security and trespassing issues, there are a lot of issues that have been raised today that the applicant may or may not have heard for the first time and the time between now and the next meeting may give her time to come up with a plan of correction or something to address these issues so that we can make an informed decision. Right now, I don't think we have enough information to approve or deny it because those issues were not addressed and how she intends to make appropriate corrections. **Commissioner**

Overson - The motion is to continue this application until the Commission receives further information regarding access and Health Department issues for supervising 17 children. **Mr. McGrath** - Based on my notes, here is what I have got as far as our action plan: I will contact the neighboring property owners, take a look at the easement and make a determination what rights the applicant has in terms of access. We will take a look at that easement. Also do a more detailed analysis of the road surface in terms of the safety there. We will contact the State of Utah Health Department and essentially lay out the situation and get input from them in terms of what licensing issues may be there. We will sit down and formally articulate all of the various issues and concerns that have been raised by both the Planning Commission and the public and give the applicant the opportunity to address each of those issues and then also do a formal analysis of the fence and determine if there are any security issues and bring those images back for consideration. **Commissioner Overson** (to Commissioner Fazzini) – Does that encompass your motion? **Commissioner Fazzini** – Yes. **Commissioner Overson** - So the motion is to continue? **Commissioner Fazzini** – Yes, we basically don't have enough information to make a decision yet. **Commissioner Overson** - Your motion is to continue this until we gather more information and that would include the list that Mr. McGrath just read to us – easement, road surface, Heath Department input from the State, issues from neighbors, fencing, giving the applicant a chance to respond. **Commissioner Fink** – Do you still second this motion? **Commissioner Fink** - Yes. 19:55:19

VOTE				
Commissioner	Vote	Commissioner	Vote	Motion to table passes
Murray	AYE	Bolton	AYE	5 to 1
Fink	AYE	Fazzini	AYE	
Holman	AYE	Overson	NAY	

CONDITIONAL USE

4. 8C09 **Debra Conway – 3398 W 5775 S** – Animal Hobby Permit for Three Dogs (Dan Udall – City Planner)

4.1 **Mr. Udall** presented this item. This application was continued from the March 10, 2009 Planning Commission meeting because they desired the applicant or a representative to attend the public hearing. The applicant stated that her roommate would be attending the public hearing on April 14, 2009. The applicant is requesting an animal hobby permit to allow three dogs (two Samoyed Huskies and one American Bull Terrier). The applicant has stated that the dogs remain mostly indoors. The reason for the application is that a roommate recently moved into the home with the American Bull Terrier). On Feb 16, 2009, West Valley Animal Services received a complaint in regards to too many dogs on the property and barking issues. Animal Services indicated they observed three dogs on that property needed to be immunized and two of the dogs needed to be licensed. The applicant was informed by Animal Services to obtain an Animal Hobby Permit through the City of Taylorsville. Since that complaint was filed, the applicant has obtained the necessary immunizations and proper licenses. Since the hearing scheduled for March 10, 2009, Staff has received one complaint with regards to barking and loose dogs. Staff desires to consider any public input this evening and recommending approval of this permit. 19:56:21

Findings of Fact:

1. That the applicant is proposing an animal hobby permit for three dogs.
2. That the animal hobby permit is a conditional use.
3. That a complaint was issued to Animal Services in regards to having too many dogs on the property and barking. Animal Services also stated that the three dogs needed to be immunized and two dogs were not licensed.

Staff Recommendation: Staff recommends approval with the following conditions:

1. That the use is compliant with all requirements of applicable reviewing agencies.
2. Conditional Use Permit is subject to review upon substantiated and unresolved complaints. Complaints which cannot be resolved by Staff or West Valley Animal Services personnel may be grounds for permit revocation.
3. Property violations (if any) must be resolved prior to issuance of an animal hobby permit.
4. The applicant needs to apply to all requirements that are applicable under Chapter 8 (Animal Permit Regulations). All dogs need to be licensed and sterilized.
5. That the perimeter fence is maintained and secured.

4.2 **APPLICANT ADDRESS:** **Debra Conway** was present and said she was not aware of the complaint Staff referenced having received recently and did not know her dogs had gotten out of the yard. **Mr. Udall** said that he

received that complaint from a neighbor. **Commissioner Overson** advised her that complaint was received within the last few days. She asked Ms. Conway if she had read the Staff Report and she advised she had not, therefore, **Commissioner Overson** read Staff's recommendations 1 through 5 into the record. **Ms. Conway** advised that these dogs are like family to her and she hopes to obtain approval to be able to keep all of them. **Ms. Conway** said that Ms Kostka came to live with her because she had lost her home and had no where else to go and had her own dog. **Commissioner Overson** said the reason why this was continued from March 10th was because there was no representation from the applicant. When the Commission grants Animal Hobby Permits, it is done for applicants who can demonstrate that they take exceptional care of their animals because two is the limit. So, to get a third dog approval, the Commission wants to be assured that they will be well taken care of.

4.3 **SPEAKING:** None.

4.4 There being no further discussion or comment, **Commissioner Overson** asked for a motion.

4.5 **MOTION: Commissioner Fink - I move for approval of File #8C09 with staff recommendations. SECOND: Commissioner Bolton**
Commissioner Overson restated the motion to approve File #8C09 with staff recommendations 1 through 5.

VOTE				Motion to approve passes unanimously.
Commissioner	Vote	Commissioner	Vote	
Murray	AYE	Bolton	AYE	
Fink	AYE	Fazzini	AYE	
Holman	AYE	Overson	AYE	

5. 44C08 **Steven Singleton – 5104 S 3200 W** – Animal Hobby Permit for Three Dogs. (Michael Meldrum/Principal Planner) [20:04:33](#)

On November 25, 2008, at which time the request was denied. The applicant appealed the decision to the City Council, which heard the appeal on Feb 18, 2009. At that meeting, the City Council unanimously voted to remand the item to the Planning Commission based on the content of the appeal letter submitted by the applicant. That letter identifies steps that the applicant was either taking or was willing to take to alleviate the concerns of the neighbors that opposed the granting of the Conditional Use Permit. The animals range in age from 1 to 11 years and breeds are a Golden Retriever, a mix and a miniature Husky.

Findings of Fact:

1. The animal Hobby permit is allowed as a conditional use in the R-1-8 zone.
2. The applicant has voluntarily come forward to obtain the Animal Hobby Permit.
3. No complaints were filed with West Valley animal Control.
4. The dogs primarily are indoors.

Staff Recommendation: Staff recommends approval with the following conditions:

1. The applicant must license any unlicensed dogs within one month of obtaining approval of the Animal Hobby Permit.
2. The animal Hobby Permit is subject to review upon substantiated and unresolved complaint.
3. Approval of the Animal Hobby Permit is subject to an onsite review by West Valley Animal Services.
4. Maintain current vaccinations for all of the dogs.

5.2 **APPLICANT ADDRESS: Mr. Singleton** was not present.

5.3 **SPEAKING: Janice Garner (lives directly behind Mr. Singleton).** [20:07:39](#) **Mrs. Garner** advised that she had spoken last time in opposition to this application. The reason is because her grand children are at her home a lot and the dogs keep trying to get over to her side of the fence. She asked the applicant to put one more row of block on his fence to keep the dog from being able to jump the fence. He has not done this yet, however, has kept the dogs inside but she did not know how long that would last. She was not concerned about the Golden Retriever or the Husky, but she was concerned about the nature of the mixed breed dog, which seems to be very vicious. It constantly tries to get over the fence whenever anyone is in her yard. **Commissioner Overson** said the Commission has a letter from the applicant which says that he has installed an electric fence along the back. **Mrs. Garner** said that she has not seen that and that the dog still tries to get over the fence. **Mr. Meldrum** added that when he did the inspection he did not notice anything there either. The letter says that he has started the process of extending the fence but that he did not see any evidence of that during his inspection. **Mrs. Garner** wanted to know if the electric fence would hurt anyone on her side of the fence. **Commissioner Overson** said the letter indicates that a radio

controlled electric fence. **Commissioner Fazzini** said that the way they work is to bury electrical wires which sends out a radio frequency to a collar that the dogs wear. The dogs must be trained to understand what the shock sensation is. It is a training assist but does not prevent them from getting over the fence. When they get within a couple of feet of that wire, it sends an electric signal, which they must be trained to recognize means to go no further. **Mrs. Garner** said her main worry is for her nine grandchildren under the age of 12.

5.4 **DISCUSSION:** **Commissioner Overson** expressed concern that the applicant is not in attendance for tonight's meeting and **Mr. Meldrum** said he had talked with him several times and was led him to believe that he planned to be in attendance.

5.5 There being no further discussion or comment, **Commissioner Overson** asked for a motion.

5.6 **MOTION:** **Commissioner Bolton** - I move that File #44C08 be tabled until the applicant can be present to clarify and answer questions the Commissioners may have.
SECOND: **Commissioner Murray**
Commissioner Overson restated the motion to table File #44C08 to allow the applicant to be present for questions in a subsequent meeting.

VOTE				
Commissioner	Vote	Commissioner	Vote	Motion to table this item passes unanimously.
Murray	AYE	Bolton	AYE	
Fink	AYE	Fazzini	AYE	
Holman	AYE	Overson	AYE	

6. 16C09 **Lynette Wendel – 6591 S Slalom Way** – Animal Hobby Permit for Three Dogs. (Michael Meldrum/Principal Planner 20:13:07)

Mr. Meldrum presented the item. The applicant is requesting approval for a third dog. She had filed the request for an Animal Hobby Permit because her mother is moving and will be leaving the dog with her. The property is zoned r-1-8 and occupies 0.22 acres. It is completely fenced with a six-foot high white vinyl fence. No complaints have been filed with West Valley Animal Services, however, the applicant indicated in her letter to staff that a neighbor filed two complaints about barking dogs. The letter further indicates that this neighbor incited the dogs to bark as witnessed by other neighbors. The complaints were never pursued because of the neighbor's alleged incitement of the dogs. There are one female and two male dogs, two of which are 12 years old and one is 11 years old. The breeds are a Samoyed Mix, a Beagle Mix and a Border Collie Mix.

Findings of Fact:

1. The Animal Hobby Permit is allowed as a conditional use in the R-1-8 zone.
2. The applicant has initiated the application on her own.
3. No open or pending complaints have been lodged with West Valley Animal Services.

Staff Recommendation: **Staff recommends approval with the following conditions:**

1. The applicant must license any unlicensed dogs within one month of obtaining approval of the Animal Hobby Permit.
2. The Animal Hobby Permit is subject to review upon substantiated and unresolved complaint.
3. Approval of the Animal Hobby Permit is subject to an onsite review by West Valley Animal Services.
4. Maintain current vaccinations for all of the dogs.

6.2 **APPLICANT ADDRESS:** **Lynette Wendel** was present. **Commissioner Overson** reviewed the staff recommendations with Mrs. Wendel, who stated she had no problems with any of them.

6.3 **SPEAKING:** None

6.4 There being no further discussion or comment, **Commissioner Overson** asked for a motion.

6.5 **MOTION:** **Commissioner Murray** – I move for approval of File #16C09 with staff recommendations.
SECOND: **Commissioner Holman**
Commissioner Overson restated the motion to approve File #16C09 with staff recommendations and based on the testimony of the applicant this evening.

VOTE				
Commissioner	Vote	Commissioner	Vote	Motion to approve passes unanimously.
Murray	AYE	Bolton	AYE	
Fink	AYE	Fazzini	AYE	
Holman	AYE	Overson	AYE	

7. 15C09 **Espresso Connection – 4465 S Redwood Road** – Amended Conditional Use Permit (Michael Meldrum/Principal Planner)

Mr. Meldrum presented the item. The applicant is requesting an amendment to a Conditional Use Permit that was granted in 2004 (File #29C04). The proposed amendment would eliminate a colonnade element and landscaping on the west side of the building in the drive-through area. The applicant further proposes to place seven additional parking stalls in that area.

- The applicant has submitted a proposed site plan that shows the elimination of the existing colonnade and landscape island. The site plan includes seven new parking stalls along the west and north sides of the property. The submitted site plan drawings show many items labeled as “new” but upon conducting a site inspection, Staff found that they were already installed. Both staff and the City Engineer recommend that a new site plan be submitted that clearly labels what exists on site and what is proposed.
- Staff has multiple concerns with the proposed amendment. Primary amongst these concerns is with the traffic flow on the site. Since the drawings that were submitted were not drawn to scale, Staff had to find a scale that closely matched the dimensions on the drawing. If the numbers that Staff came up with are accurate, there would only be 23 feet from the back edge of the proposed angled parking to the façade of the building. After evaluation by the City Engineer and Staff, there would be a potential conflict with a vehicle at the drive-through window and a patron attempting back out of one of these stalls. A site plan drawn to scale is required to accurately review the proposal.
- The drive-through window and traffic circulation is such that the driver’s side of the vehicle is adjacent to the building. This means that anyone that would be parked in the angled stalls or the three proposed stalls at the end of the turn-around at the end of the drive-through could or would create traffic circulation and flow problems. There is insufficient width to accommodate both the parking and the traffic circulation desired by the applicant. The City Engineer requires that an internal traffic circulation plan be submitted for his review.

Findings of Fact:

1. The applicant previously obtained a Conditional Use Permit (File #29C04)
2. The site plan drawings do not accurately reflect what is proposed with this amendment to the original Conditional Use Permit. Items are labeled as “new” but are already installed.
3. There was no internal circulation plan submitted with this application to address traffic flow in the drive-through area.
4. There were no storm drain calculations or detail drawings submitted with this application.
5. The site plan is not drawn to scale.

Staff Recommendation: **Staff recommends continuation of File #15C09 with the following direction for the applicant:**

1. The applicant has not demonstrated compliance with Section 13.50.090 A.6. of the Zoning Ordinance (internal traffic circulation). An internal traffic circulation plan must be submitted to show how the proposed parking stalls will safely interact with traffic circulation through the drive-through area.
2. Items are listed on the plan as new, but upon conducting a site visit, Staff found that they were already installed. The plans must be updated and clearly show what is proposed and what is already installed.
3. The applicant must provide storm drain calculations and detail drawings for review by the City Engineer.
4. The site plan drawing must be drawn to scale. Currently, the plan states that it is not drawn to scale.

7.2 **DISCUSSION:**

- **Commissioner Murray** said if he understood this right, looking at the site plan, the only difference between the new one and the old one is the fact that the angled parking is removed. **Mr. Meldrum** said that was correct. There is still a 40’ width from edge of the curb wall on the west side to the building, on the east side of the driveway. **Commissioner Murray** felt that was more than what was really needed for such a drive area. **Mr. Meldrum** said that 26’ is the standard width for a two-way drive.

- **Commissioner Fazzini** commented that if the width were made narrower, it would become more difficult for a vehicle to make a turn. The drive through presently is okay for smaller cars but larger vehicles would not be able to make the turn.
- **Commissioner Murray** added that the only thing that is being proposed is the removal of the landscape element. The added perpendicular parking is proposed for the roundabout to the north but is not changing the outside dimension of the turn around.
- **Commissioner Fazzini** suggested that an option might be to move the round part of the landscaping and leave the narrow part there which may leave enough room for the vehicles to back out of the parking stalls. **Mr. Meldrum** felt that would not leave enough room because they would literally be backing into the curb wall. That was a concern with the length of the stalls on the angle and then having the drive through window there presented potential conflict when backing out.
- **Commissioner Murray** wanted to know what the width of the round about portion is and **Mr. Meldrum** replied that he did not specifically measure that but the width at the bottom is 40' and **Commissioner Fazzini** advised that the drawing indicates it is 53' up to the building.

7.3 **APPLICANT ADDRESS: Orvil and Nancy Rice and Denise Luttrell** (owners). **Ms. Luttrell** said that the reason the double drive through is so wide on the one side is because the Fire Department stipulated it needed to be that way in order to accommodate large fire trucks. **Mrs. Rice** said the reason they wanted this site plan change was due to the extremely limited parking presently available. **Commissioner Overson** asked if their parking lot was usually full. **Ms. Luttrell** said that most of the time it is. **Commissioner Overson** wanted to know if they noticed much foot traffic from the College across the street and **Ms. Luttrell** said it was a moderate amount and was mostly teachers rather than students. **Commissioner Murray** asked if there was a letter from the Fire Department suggesting the removal of the landscape strip. He asked that because he is still unclear as to why the landscape strip needs to be removed. He understood adding the staff parking but not the loss of landscaping. **Mrs. Rice** said that the Fire Department could still pull in there and park – none of that space is being removed. The colonnades cover the name on the building, which hurts the business and they would like them removed. **Mr. Rice** added that instead of the required 15% landscaping, they actually have 23%. **Commissioner Holman** asked how they were able to have both a pole sign and a monument sign approved. **Ms. Luttrell** said they put the monument sign in originally and later added the pole sign for visibility. **Commissioner Holman** said that the name of the store is also on the building. **Ms. Luttrell** said that the monument sign was left because it is the only place that physically has the address of the location visually posted as required by the Fire Department. **Commissioner Overson** added that as she recalled, the reason for the colonnades was that the front of the building was a little bit stark and they were added to draw attention and make it more aesthetically pleasing. The owners all expressed belief that it was more of a detraction than a draw to the site and wanted them removed. **Commissioner Overson** asked how many employees would be on site at one time and was informed it was two at a time in the main area and then two or three at the book store. There are only 11 parking stalls.

7.4 **SPEAKING:** None.

7.5 **DISCUSSION:**

- **Commissioner Fink** asked Mr. Meldrum if instead of the four angular parking stalls, could there be two parallel parking spots put in there. **Mr. Meldrum** said that he had not examined that but suspected that would create the same kinds of issues with the traffic circulation. He did not feel installing parking spaces in a through lane was a good idea.
- **Commissioner Fazzini** asked Mr. Meldrum about the dual signage (monument and pole sign) and said that there is also an ordering sign and another permanent sign to the left of that and wanted to know if that was allowed. **Mr. Meldrum** said it was a menu board and was allowed.
- **Commissioner Overson** had concerns about the site plan that the Commission is reviewing this evening is on the projection screen, however, they do not have a hard copy of that to refer to in the staff report. She felt that the packet, therefore, was not complete and she would like more time to adequately review the new proposal. She also had a problem with removing the colonnades because one of the selling points in originally approving this application was to add visual interest to the front of the building. She questioned the landscaping and wanted to know if what is in place was on the original landscape design. She felt there should be trees out in the berm in front that were approved in the original application.

- **Commissioner Murray** agreed and felt it was important to improve the look of the City and buildings and part of doing that is adding elements that give visual interest. If it is being considered to remove the colonnades that leaves only turf grass – nothing in the way of vertical plantings. By removing the central colonnades, it would create a 40’ wide strip of black top with a fairly nondescript building now much more visible behind it. He questioned whether that was the direction the City wants to go.
- **Commissioner Holman** also agreed and would like to see an up-to-date site plan with a landscape plan showing something included along the berm, so that if the colonnades are removed there would be something more attractive left along the front rather than just grass. Just a plan showing some landscaping.
- **Commissioner Fazzini** agreed that more information was needed, such as the way the bike parking is situated currently and felt it should be flipped around so that the bikes are not backing into vehicles. The issue of the address on the monument sign could be fixed by moving the address onto the building. [20:45:56](#)

7.6 There being no further discussion or comment, **Commissioner Overson** asked for a motion.

7.7 **MOTION: Commissioner Murray - I move that File #15C09 be tabled until the applicant can supply an updated site plan with more information regarding this request. Including the recommendation that if we are going to consider removing important architectural elements, especially those that were integral to the initial approval of this project that along with an updated site show what is being proposed to replace that element with to keep that level of interest on or about the building. SECOND: Commissioner Fazzini**
Commissioner Overson restated the motion to table File #15C09 until we can have an updated site plan in a packet and that would include if they want to eliminate the colonnades, that they would show how that will look and how this will be visually appealing. **Commissioner Murray** – Even more than that, if they are going to propose removing significant architectural element to the project that they must show a proposal for what they proposed to build in its’ place to keep a similar architectural element. Whether it is engaged to the building but propose something. Architectural element – not landscaping. **Commissioner Holman** suggested instead of replacing something on that very spot, which is confusing, it could either be on the grass or against the building – something that would improve the beauty of the building if they are going to remove the colonnades. **Commissioner Murray** said that was the intent of his motion. **Commissioner Overson** continued on to say that we have a motion by Commissioner Murray and a second by Commissioner Fazzini.

VOTE				Motion to table passes 5 to 1.
Commissioner	Vote	Commissioner	Vote	
Murray	AYE	Bolton	NAY	
Fink	AYE	Fazzini	AYE	
Holman	AYE	Overson	AYE	

8. 17C09 **Jagdish Gill – 4897 S Redwood Road** – Conditional Use Permit Amendment to Sikh Temple (Dan Udall/City Planner) [20:49:13](#)

Mr. Udall presented the item. The applicant is requesting a two-story, 6,000 square foot building addition on this site and has submitted a conditional use permit amendment. The two-story temple building is proposed to be a total of 11,735 square feet and will look similar to the existing building. The applicant is proposing a sanctuary on the second floor and classrooms on the bottom floor. The applicant has stated that if he does not obtain sufficient funding, only crawl space will be provided on the bottom floor and will not be excavated for classrooms. A new entrance with restrooms is proposed in the front of the building.

- **Parking** - The applicant has stated that the people attending the sanctuary or the temple sit down on the floor rather than on chairs or pews. The applicant is proposing that a maximum number of 185 people will be sitting in the sanctuary or the meeting hall. In City Ordinance, there are no off-street parking requirements for temples. In staff’s opinion, the use is similar to a church and Section 13.44.040 8, states, “Churches, one space for each six and one-half feet of linear pew or three and one-half seats in the meeting hall.” Even though the congregation is not using chairs or pews, each body in the meeting hall would require one seat, therefore, a minimum of 53 parking stalls are required on site. The applicant is proposing 53 parking stalls on the site. The applicant has stated that approximately 7 square feet is needed for each body sitting on the floor in the sanctuary. There are 1,260 square feet within the sanctuary where the people sit on the floor. This area is where 180 people will be sitting. There are an additional five people who sit up in front of the sanctuary.

- **Landscaping** – With the addition, a total of 24 percent of the site is proposed to be landscaped. In the C-2 zone, a total of 15 percent of the site is required to be landscaped. A final landscaping plan will be submitted at final conditional use review.
- **Sidewalk** – The sidewalk in front of the entrance and adjacent to the handicapped parking stalls is proposed to be raised concrete and is only 3 1/2' wide. Typically staff desires sidewalks that are adjacent to parking stalls to be 6' wide. Vehicles parked in the stalls may overhang the sidewalk.
- **Architecture** – The proposed addition is architecturally compatible to the existing building. The addition matches the cornice, windows, block and masonry and the awnings of the existing building. As shown on the elevations and the site plan, the new entrance will jut out from the building. The block in front of the building or on the west elevation, is proposed as atlas block. The other building elevations are currently concrete masonry and they will remain as such. Staff is okay with the proposed addition.
- **Lighting** – The applicant is proposing new wall packs on the building. Lighting should not reflect onto adjacent residential property.
- **Dumpster** – The dumpster is proposed to be in the northeast corner of the property or behind the temple. Currently there is a chain link fence that surrounds the area where the dumpster is supposed to be located. Currently the dumpster is located in front of the temple. Because the addition is significant, Staff is recommending that the dumpster is enclosed with a wall that is architecturally compatible with the temple.

Findings of Fact:

1. That the applicant is requesting an addition to a temple in the C-2 zone. A quasi-public or public use is a conditional use in the C-2 zone. The temple would be considered a quasi-public use or a conditional use in the C-2 zone.
2. That the proposed addition should not adversely affect the surrounding area.

Staff Recommendation: Staff recommends approval with the following conditions:

1. Receive approval from and remain compliant with all applicable reviewing agencies.
2. That city staff approves the final conditional review.
3. That a planting plan including trees and shrubs be provided delineating planting locations and species. That the landscaping on the site is maintained.
4. That any lighting should be designed to be oriented from shining upon any adjacent residences.
5. That lighting, additions, colors, building materials, etc., match or complement the overall design of the project.
6. That no outside storage is allowed.
7. That the project receives storm drain approval from the City Engineering Department and pays all applicable storm drain fees.
8. That the building elevations are approved as submitted to the Planning Commission.
9. That a wall compatible with the architecture of the building screens the dumpster. That a solid gate screens the front of the dumpster. That the existing dumpster is moved to the northeast side of the site.
10. That the handicapped parking stalls meet all accessibility requirements.

8.2 **DISCUSSION: Commissioner Overson** asked Mr. Udall if the sidewalk were to be extended to a 6' width, would that interrupt the parking or in anyway change the number of stalls or configuration. **Mr. Udall** replied that they are very tight on their proposal for parking as far as length and width of the aisles are concerned. It would probably infringe on the parking and the entrance may need to be reduced. **Commissioner Fazzini** asked about the parking, asking what the minimum requirement. If as indicated on the site plan, it is 24' minimum, which would necessitate the loss of four stalls. **Mr. Meldrum** commented that it would depend on where the stalls were removed from. If the parking spaces running perpendicular to Redwood Road were removed, that would only constitute two stalls and it probably would still work. The only other option would be to reduce the vestibule area by approximately three feet to get the 6' wide sidewalk. **Commissioner Murray** wanted to know if the offset in the front was the existing entry to the Temple, to which **Mr. Udall** replied, no that was the proposed entrance.

8.3 **APPLICANT ADDRESS: Jagdish Gill** was present. **Mr. Gill** advised that he is the Chairman of the Board of Trustees for Sikh Temple of Utah. [20:58:08](#) He said that when they bought the present building in 2002, they put in all improvements the City of Taylorsville asked them to do. They will continue to work with the City on any issues relative to the new addition. **Commissioner Overson** asked Mr. Gill if the Commission were to ask them to widen the sidewalk in the front would that be a problem. **Mr. Gill** replied that would make it higher than the existing ones on the sides. If left as is, it would be the same level. She asked Mr. Gill if their sidewalk goes all the way in front of their building, to which he replied that it does. It also lines up with the other sidewalks on the north side and south sides. That would be a problem. **Mr. Meldrum** advised that Mr. Gill seems to be talking about the sidewalk out along Redwood Road instead of directly in front of their building. **Commissioner Overson** then said that the sidewalk that is in front of the building, just beyond the parking stalls, that sidewalk is narrow (3 1/2' wide). If that were

to be widened, particularly to accommodate those who may be using those handicap stalls, it might make it easier for them to come in and out, wheelchairs, etc., is what she was asking. Would it be possible to widen that sidewalk? **Mr. Fred Cox (Architect)** suggested another possibility being looking at reconfiguring the entrance, which may solve the problem. Another possibility would be to put some curb blocks on the two accessible stalls and then have a concrete level access aisle in between the accessible spaces so that someone comes in the front door. There is no reason why the access aisle in between the two accessible spaces, instead of being asphalt could be concrete and there is no reason why blocks could not be placed there to keep the cars from encroaching on the area. If that was done, it would provide better access to the front entrance. He was certain they could come up with a way to resolve the concern. **Commissioner Overson** said that was her only concern and wanted to make it easier to access and safer for everyone who enters and exits the building.

8.4 **SPEAKING: Morris Pratt.** **Mr. Pratt** said that he got married in this building and at that time the building was in extremely poor shape. When these owners bought it in 2002, it was very run down and they have made many improvements. These owners are excellent neighbors, very clean, friendly and he felt the community business owners as a whole support this proposal.

8.5 **DISCUSSION: Commissioner Murray** asked staff if there were anything in the Taylorsville City Ordinances regarding parking areas that require landscape peninsulas to break up swaths of parking. **Mr. Udall** said that did not exist in the C-2 Zone however, the Ordinance does require that 5% of the parking lot be landscaped.

8.6 There being no further discussion or comment, **Commissioner Overson** asked for a motion.

8.7 **MOTION: Commissioner Bolton - I move for approval of File #17C09 based on the Findings of Facts with staff recommendations. SECOND: Commissioner Holman Commissioner Overson restated the motion to approve File #17C09 based on the testimony heard this evening and the Findings of Fact in the Staff report, along with staff recommendations.**

VOTE				
Commissioner	Vote	Commissioner	Vote	Motion to approve passes unanimously.
Murray	AYE	Bolton	AYE	
Fink	AYE	Fazzini	AYE	
Holman	AYE	Overson	AYE	

CITY COUNCIL MEETING DISCUSSION: Discussion regarding events that occurred during the last City Council meeting were discussed during the pre-meeting.

OTHER BUSINESS: None

ADJOURNMENT: By motion of **Commissioner Fink** the meeting was adjourned at 9:22 p.m. [21:05:22](#)

Respectfully submitted by:

Jean Gallegos, Admin Asst/Recorder for the Planning Commission

Approved in meeting held on June 9, 2009