

City of Taylorsville
 Planning Commission Meeting
 Minutes
 Tuesday – May 12, 2009 – 7:00 P.M.
 2600 West Taylorsville Blvd – Council Chambers

Attendance:

Planning Commission

Kristie Overson Chair
 Ted Jensen
 Scott Bolton
 Nathan Murray
 Bruce Holman
 Stacey Staley
 Dan Fazzini, Jr. (Alternate)
Excused: Commissioner Fink

Community Development Staff

Mark McGrath – Director
 Michael Meldrum – Principal Planner
 Dan Udall – City Planner
 Jean Gallegos/Admin Asst

PUBLIC: Katrissa Hatch, Erica Price, Preston Hunt, Erin Hung, Delos G. Larsen, Kim Petersen, Angie Larsen, Marie Madrigal, Helene Smith, Gerald Rose, Brenda Comstock, Bob Perrington, Steve Singleton, Kathy Davies, Dan Davies, Robert Rawsen, Randy Smith, Wade Warner, Julie Warner, Carolyn Forman, Joseph Allen, J. Perrington, Todd Petersen, John Kesler, Elizabeth Graehl, Kristen Bunderson, Billie Christensen, Harold Christensen, Keith Hayes, Elva Pearson, Sherrie Rose, Steve Rose, Paul Christiansen, Morris Pratt

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. [19:00:06](#)

CONSENT AGENDA

Agenda/File #	Application	Applicants	Action
1. Review/approval of Minutes for April 28, 2009			Approved as presented.
2. 8H09	Home Occupation – Child Day Care	Erica Price 3690 W Christyann Dr.	Approved with staff recommendations.
3. 10H09	Home Occupation – Child Day Care	Katrissa Hatch 3482 W Downhill Road	Approved with staff recommendations.

MOTION: **Commissioner Staley** - I move that we approve the Consent Agenda, including Item #1 the Minutes for April 28, 2009 and Items #2 and #3, home occupations for day care.

SECOND: **Commissioner Bolton**

Commissioner Overson restated the motion to approve.

VOTE					
Commissioner	Vote	Commissioner	Vote	Commissioner	Vote
Murray	AYE	Bolton	AYE	Overson	AYE
Staley	AYE	Jensen	AYE	Motion to approve the Consent Agenda passes unanimously.	
Holman	AYE	Fazzini	AYE		

ZONE CHANGE

4. 4Z09	<u>Dale Kehl – 6326 S 2200 W</u> – Recommendation to the City Council to Amend the Zoning Map from A-1 to R-1-6. (Michael Meldrum/Principal Planner)
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[19:02:27](#)

4.1 **Mr. Meldrum** presented this item. The applicant is requesting a zone change from A-1 to R-1-6 on a 0.51 acre parcel which is currently owned by John and Jolene Sylar. Mr. Dale Kehl developed ten lots in this area previously and now desires to divide the remaining 0.51 acre parcel into three new lots. The property currently has a home on the lot that would abut 2200 West. There is an existing garage located on the third lot and no structures on the second lot. The three lots contain 7,604, 7,315, and 7,378 square feet as Lots 1, 2 and 3 respectively. Mr. Kehl desires to request an exception to the sidewalk placement as allowed in Section 14.12.150 of the Highway Ordinance to allow for the sidewalk to vary from the standard. However, this evening the Commission is only hearing the zoning change request.

Findings of Fact:

1. The proposed zone change is consistent with the General Plan.
2. This application completes the previous subdivision as required by the Planning Commission on September 12, 2006.
3. The proposed zone change is compatible with the surrounding land use designations.

Staff Recommendation:

Staff recommends that the request for a zone change from A-1 to R-1-6 zone be forwarded to the City Council with a positive recommendation.

4.2 **APPLICANT ADDRESS:** Dale Kehl was present and had no additional input or questions.

4.3 **SPEAKING:** None.

4.4 **DISCUSSION:** 19:06:48 Commissioner Bolton said he was aware that the issue to be discussed tonight was just the zoning change but that change brings to light numerous problems with the Highway Ordinance, similar to what took place within this subdivision previously on the south side. Where if it is left at the current zoning, similar problems and exceptions would have to be made for these three lots. There are definitely site plan issues so even through the decision tonight is solely on the zone change those issues should be kept in mind for the future. Examples would be sidewalks, easements, road setbacks, public utility easements, the existing home with the minimal set back already there, etc. He expressed that he was just trying to think ahead and that from a planning standpoint, this would put in three small lots that are surrounded by half acre lots. The south side of the road has already been adjusted from the road standard based on the first time the Commission dealt with the subdivision and now they want the same thing again on the north side. His concern is how that will affect the overall functionality of that road. Commissioner Overson said it would also be appropriate to note that the rest of the homes in the subdivision are zoned as R-1-6, so it could be in keeping with what is already there. 19:07:56

4.5 **MOTION:** 19:10:11 Commissioner Jensen - Inasmuch as this is a zoning change only, I move for a positive recommendation to the City Council on the zoning request change from A-1 to R-1-6 on the site located at 6326 South 2200 West. I would also like to make sure the City Council is aware of the concerns that have arisen during this meeting. 19:10:41

SECOND: Commissioner Holman
Commissioner Overson restated the motion to submit a positive recommendation to the City Council for a zone change from A-1 to R-1-6.

VOTE					
Commissioner	Vote	Commissioner	Vote	Commissioner	Vote
Murray	AYE	Bolton	NAY	Overson	AYE
Staley	AYE	Jensen	AYE	Motion to approve passes 6 to 1.	
Holman	AYE	Fazzini	AYE		

CONDITIONAL USES

5. 18C09 **Delos Larsen – 4810 S Southridge Drive** – Conditional Use Permit for an Animal Hobby Permit. (Dan Udall/City Planner)

19:11:25

5.1 **Mr. Udall** presented this item. The applicant has requested a conditional use permit for an animal hobby permit to allow four dogs on his property. The breeds include two American Staffordshire Terriers, an American Pit Bull Terrier and a Jack Russell Terrier. All dogs are mainly indoor pets. The applicant's mother lives with the applicant and will remain there for the next 6 to 8 months. The Jack Russell Terrier is owned by her. The other three dogs are owned by Delos Larsen. The Jack Russell Terrier was licensed by his mother at another location previously. This is the result of an Animal Services inspection in the neighborhood wherein they noticed that there were too many dogs on this property. The applicant was informed by Animal Services to obtain an animal hobby permit through the City of Taylorsville. No comments were received by Staff as a result of the public notice mailing.

Findings of Fact:

1. That the applicant is proposing an animal hobby permit for four dogs.
2. That the animal hobby permit is a conditional use.
3. That Animal Services observed that the subject property had too many dogs on the property.

Staff Recommendation:

Based on the number and breeds of the dogs located on the property, staff is not making a recommendation of this application. If the Planning Commission approves the application based on the above stated findings of fact and the findings articulated in the public hearing, staff is recommending 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 immunized.
5. That the perimeter fence is maintained and secured.
6. **[Added by Motion] That the number of animals allowed will be reduced from 4 to 3 when the mother of the applicant and her dog leave.**

5.2 **APPLICANT ADDRESS:** **Mr. Delos Larsen** was present. **Commissioner Jensen** said that he was concerned about the condition of the fence around the property, if it was solid and well maintained. **Mr. Larsen** said it was in very good condition and said that he has received no negative comments from his neighbors. [19:15:05](#) **Commissioner Overson** wanted to make sure that Mr. Larsen knew that since one of the dogs belong to his mother, when and if she leaves, he will not be able to replace that one with another dog. She also reviewed the five conditions for approval listed in the staff report and he acknowledged he was aware of the conditions and that he would not replace his mother's dog when she leaves. [19:16:06](#)

5.3 **SPEAKING:** None.

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

5.5 **MOTION:** **Commissioner Staley** – Based on the Findings of Fact and conditions listed in the staff report, I move for approval of File #18C09, with Staff Recommendations 1 through 5. [19:17:08](#) **SECOND:** **Commissioner Jensen** - I will second that motion, adding the condition that the number of animals allowed will be reduced when the mother and her dog leave. **Commissioner Overson** restated the motion to approve File #18C09 with staff recommendations, adding #6 that the number of animals will be decreased from 4 to 3 when the applicant's mother moves out. It has been seconded by Commissioner Jensen. [19:18:35](#)

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

6. 44C08 **Steven Singleton – 5104 S 3200 W** – Conditional Use Permit for an Animal Hobby Permit. (Michael Meldrum/Principal Planner)

[19:18:51](#)

6.1 **Mr. Meldrum** presented this item. This application was originally presented to the Planning Commission on November 25, 2008. The Planning Commission denied the request by a 5-2 vote. The applicant appealed the Planning Commission's decision to the City Council. The City Council heard the appeal at their February 18, 2009 meeting and unanimously voted to remand the item back to the Planning Commission based on 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 who opposed the granting of the Conditional Use Permit. He has expressed a desire to be in compliance with all ordinance requirements and has provided all requested documentation. The breeds of the dogs are a Golden Retriever, a Mix breed, and a Miniature Husky. The only dog that is not currently licensed is the Miniature Husky. The Golden Retriever is in poor health and will not be replaced when it passes away.

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 are primarily indoors.

Staff Recommendation:

1. The applicant must license any unlicensed dogs with 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 **DISCUSSION:** Commissioner Bolton asked Mr. Meldrum if he had made a site visit recently, to which Mr. Meldrum replied that he had done so.

6.3 **APPLICANT ADDRESS:** Steven Singleton was present. Commissioner Overson advised him that she was in receipt of a letter from him which said that he had made significant improvements in order to contain his animals. She went on to say that during the first hearing, there were a lot of neighbors expressing their concerns about this use and wanted to know if he felt that he has sufficiently complied with what he had been asked to do to satisfy the neighbors. He said that he felt he had and if they still have concerns he will hook up the radio controlled fence. Currently the dogs are secured with chains to control their movement while outdoors. [19:21:44](#) Commissioner Murray [19:22:19](#) wanted to know if Mr. Singleton had begun the process to install the higher fence or if he was waiting until there was another complaint. Mr. Singleton expressed concern that there may be a restriction on the height of the fence in that after 6' in height, it must be engineered, which would be very expensive but if the neighbors still have the same concerns, he will install it. Mr. Meldrum advised that the limitation the applicant is referring to is after 6' the wall must be engineered but he may extend it up to the 6' without special permits. Mr. Singleton added that even with the 5'5" high wall, the dogs have never been able to jump over it, so that is not an outlet for them anyway. Commissioner Staley asked him how the dogs were able to get out of the yard previously and he had no knowledge of that happening and said about the only possibility would have been through at the carport entrance, which he has taken care of with an extension of chain link fencing across the back of the carport. Commissioner Fazzini asked if there was anything in the back yard which the dogs could be stepping up on to get over the fence. Mr. Singleton said there was nothing against the wall and as far as he knew, nothing ever was. The dog run was built next to the house in the middle of the yard. Commissioner Jensen asked about the Golden Retriever's health problems. Mr. Singleton said the dog has severe arthritis and joint pain at this point.

6.4 **SPEAKING:** None.

6.5 **DISCUSSION:** Commissioner Bolton - During last month's meeting, there were members of the public in attendance who said that the dogs were problems. Commissioner Overson said that the neighbor right behind Mr. Singleton had spoken in opposition. They were informed that this would be continued until the applicant could be in attendance. Mr. Meldrum advised that the neighbors were noticed for tonight's meeting. Mr. Singleton said he had a conversation with Gerald (not further identified), the owner of that home behind him about a week ago. He said that if that if the Planning Commission requires him to do so, he will put in the radio controlled fence. [19:27:48](#) Commissioner Overson asked Mr. Singleton if he had received a copy of the staff report and he advised he had and was aware of conditions listed therein.

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

6.7 **MOTION:** Commissioner Murray [19:28:44](#) - Given the fact that Mr. Singleton has made efforts to resolve issues with his neighbor, I will make a motion to approve File #44C08.
SECOND: Commissioner Jensen
Commissioner Overson restated the motion to approve File #44C08 based on information contained in the staff report and testimony of the applicant heard this evening. [19:29:26](#)

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

MOTION: Commissioner Jensen - I will make a motion to change the order of the agenda to hear Item #8 before #7 due to the possibility of lengthy testimony for Item #7.

SECOND: Commissioner Holman

Commissioner Overson restated the motion to change the order of the agenda to hear Item #8 (File 1S09 – Two lot Subdivision) before Item #7 (Item 20C09 – CUP for a Trail along the North Jordan Canal).

VOTE					
Commissioner	Vote	Commissioner	Vote	Commissioner	Vote
Murray	AYE	Bolton	AYE	Overson	AYE
Staley	AYE	Jensen	AYE	Motion to approve passes unanimously.	

NOTE: The following item was heard last but was retained in the Minutes in the order specified by the Agenda.

7. 20C09 **City of Taylorsville** – An 8’ Wide Walking and Bicycle Trail (Preliminary Conditional Use) – 4800 South to 4700 South

7.1 **Mr. Udall** presented this item. The City of Taylorsville is proposing an 8’ wide bicycle/walking trail along a portion of the North Jordan Canal in order to provide another walking/bicycle link in the community. In the future, the City is planning to extend the trail north and south of the proposed trail or continue it along the North Jordan Canal easement. The trail is proposed to be either asphalt or concrete and will extend approximately 5,530’. A majority of the trail is not proposed to be located within the North Jordan Canal easement. The trail will extend from 4700 South to 4800 South or from Taylorsville Bennion Heritage Center to Taylorsville Park. The trail along the easement will be located 6’ from the lip or edge of the canal channel. [19:39:02](#)

- Beginning at 4800 South and extending approximately 320’, the trail is proposed to be located on the west side of the parking lot of Taylorsville-Bennion Heritage Center and on the east side of the North Jordan Canal channel (or within the canal easement). At approximately 320’ northwest from 4800 South, a bridge is proposed to cross the North Jordan Canal. The bridge will be designed to be constructed so bicyclists and pedestrians can cross safely. The remaining 1,210’ of the trail will be located on the west side of the North Jordan Canal. That portion of the trail is approximately 8’ to 50’ away from the North Jordan Canal easement. The trail is proposed to extend along three single-family residential properties as well as Settler’s Point apartments that are west and northwest of Taylorsville Bennion Heritage Center (the trail will extend along a portion or the west side of the Settler’s Point apartments property). A bicycle/pedestrian easement agreement will need to be provided between the City and the private properties to allow the trail to be installed on these private residential properties. A large portion of the trail is proposed to extend along the northeast side of Taylorsville Park.
- The North Jordan Canal Company has indicated they are okay with the proposed design of the trail. The City still needs to get cooperation from the private property owners so the pedestrian/bicycle easements can be signed.
- The City is planning to provide 6’ high chain link fencing with slats or another type of solid fence to be located along the west side of the trail where it extends along the single-family home residential properties to separate these uses from the proposed trail and for privacy.
- A pedestrian sidewalk is proposed to connect from the proposed walking/bicycle trail to the parking lot of the Senior Citizen’s Center. The sidewalk that extends from the proposed trail will be located on both the Settler’s Point Apartments and City properties. Where the trail extends by the North Jordan Canal, the canal will be buried underground or if the canal is not buried, fencing would be needed on the west side of the trail for safety purposes.

Findings of Fact:

1. That the applicant is requesting a walking/bicycle trail in the MD-1, R-2-8 and R-M zones. The public use or trail is a conditional use in the above zones.
2. That the use may adversely affect the surrounding area.
3. That the use is potentially beneficial to pedestrian and bicyclists.
4. That the trail is proposed to extend on private and public property. A portion of the trail is proposed on the North Jordan Canal easement.

Staff Recommendation: [Changed by Staff during public hearing] [19:42:32](#)

- 1- Receive approval from and remain compliant with all applicable reviewing agencies.
- 2- That the pedestrian/bicycle trail easement be provided between the City and all the private property owners where the trail is proposed to be located.
- 3- That the bridge structure over the North Jordan Canal is approved by the City before it is installed.

Staff recommends a continuance indefinitely in order for the City to complete negotiations with the North Jordan Canal Company and impacted property owners.

7.2 **APPLICANT ADDRESS:** John Taylor (City Engineer) [19:43:00](#) Mr. Taylor advised this project has been in the planning stage for a long time and was included in the General Plan. The reason it is moving forward now is that funding has been obtained from the Federal Government through CDBG funds. This project meets the criteria for that funding and would be constructed solely with those funds. Mr. Taylor said that he has been working with the Canal Company and apologized to the public in attendance for not including them in that process. He recognized that there is a lot of work to be done in that area and to determine exactly where the best location for the bridge would be. He advised that he is anxious to hear their comments this evening.

7.3 **Commissioner Overson** opened the public hearing and invited those interested in speaking to come forward.

7.4 **SPEAKING:**

1. Dan Davies - [19:45:49](#) - Mr. Davies said the proposal if it moves forward as planned, will take out their garden, fruit trees, etc. That it has a significant impact on his family. The way it is now, it will take out a 25' wide by 300' strip out of their property. They are adamantly in opposition to the trail and suggested that if they insist on doing the trail, it would make more sense to keep in on the other side of the canal. That there is no reason to cross over onto his property and his neighbors. He is also concerned about the vandalism it would create. There are already problems there with that and suggested it would attract more of the youths who use the skate park to congregate there where they cannot be seen. Also he did not feel the senior citizens would be using the trail.
2. Keith Hayes (Realtor 1539 W 4800 S.) representing John and Carol Froysland. Mr. Hayes said that the Froysland's are vehemently opposed to this project as it significantly impacts their property and in fact will take out his gazebo and landscape area where he has spent thousands of dollars putting in improvements required of him by Taylorsville. As far as the bike trail is concerned he felt re-stripping 4800 South to include the bike lane instead would be better. He felt the proposal for the trail along the canal is a bad idea.
3. Kathy Davies said that teenagers already congregate along that area to smoke, so it creates a fire danger element for the neighbors as well. [19:51:29](#)
4. Gerald Rose (Lives on 4800 South). Mr. Rose concurred with comments made previously, especially with regard to the unsavory element of young people that this will attract to the area, particularly from skate park. This will be out of sight and he was concerned about the vandalism to the wall, path, and also was fearful of what will happen to the ducks and geese that now live there. He wanted to go on record as very opposed to this and felt it was an unnecessary way to spend this money. [19:52:43](#)
5. Elizabeth Graehl (Lives along 4800 South) Mrs. Graehl said that she is a stay at home mom and can see a lot of things going on when people think they are not being watched, i.e., obscene gestures, inappropriate behavior, mooning, damaging property, trying to break into cars etc.. This will only get worse if this trail is made. [19:55:08](#)
6. Joseph Allen [19:57:07](#). Mr. Allen was concerned that this would encourage people breaking into the apartments and homes along there because it would be a quick way out after doing so. He suggested building the trail around the park itself instead and also brought up the issue of building restrooms for people who do use the trail.
7. Preston Hunt [19:58:25](#). Mr. Hunt said that he has lived in Taylorsville for 50 years. He went over to the proposed site to see what it looked like and also questioned the reason for putting a bridge over the canal when there is already a roadway along one side. He saw no reason to destroy people's private property for this type of use. While he was over there he noticed there were blankets kept there, apparently for people who slept there. He felt it was wrong to spend government money on something that was not good for the neighborhood.
8. Steve Rose (Lives at 1533 W. 4800 S.) [20:01:01](#) Mr. Rose said that he has lived in this area for his whole life. His occupation is graffiti removal and he has found that these walk ways are a constant problem for graffiti and to attract people selling drugs, transient living space, etc. He felt allowing access along this type of path would just be asking for trouble.

9. **Robert Perrington.** Mr. Perrington said that he has lived in this area his whole life. Even installing a gate across there will not stop anyone from going through there. He felt having the pathway on either side of the canal was a bad idea and was concerned about the unsavory element of people that would be attracted. He felt this would be a terrible way to use the Federal money. That to invite this type of criminal element into the neighborhood is uncalled for and wrong. The museum is only open two days a week and the City is blind to think people are going to use this trail. The cost for graffiti remove and maintaining the area is going to be phenomenal and the money could be better spent elsewhere to help our citizens.
10. **Jeanne Perrington** [20:05:56](#) Mrs. Perrington has lived in this area for over 30 years and has had to call the police several times about crimes in the area. She felt this trail would only elevate that in the future. These path ways attract the criminal activities and teenagers doing what they do when they cannot be seen. She felt to spend money on this was just wasteful and invited crime and numerous other problems into this area.
11. **Harold Christensen** (4950 S. Canal Road) [20:08:05](#) Mr. Christensen felt that using this money on a walk way that goes nowhere was a bad idea. He suggested instead to install a nice fence on Canal Road. He did not feel the walk way would be used by senior citizens and wants to see the money put to better use.
12. **Mr. Wade Warner** [20:09:20](#) (Lives at 4870 S 1470 West) His home is west of the canal. He is definitely opposed to this. Within the last three weeks they have been victims of two robberies and have lost about \$20,000 worth of items stolen from their home. It is going to get worse. The response time for the police to his home was six hours on the first incident and four hours on the second one. He did not feel the police could adequate patrol this area and wanted to go on record as being very opposed to installation of this proposed trail.
13. **Erin Hunt** [20:10:54](#). Ms. Hunt has lived in this area for six years and has taken the opportunity to walk around Taylorsville. During those walks, she noticed that along Canal Road there are two fences and a lot of garbage. She is concerned about the wildlife in this area and feared for the safety of the ducks, geese and animals that call the area home when people think what they are doing cannot be seen. Work such as this should be beneficial or cultural. In looking at this proposed path way, there is no way if a person needed help while in there, that could happen. She felt there are other, more productive uses for this money.
14. **Paul Christiansen** [20:13:34](#). Mr. Christiansen was opposed to this project and recommended a comprehensive risk assessment be made by the police depart before this goes any further.
15. **Morris Pratt (Citizen and City Councilman)** [20:14:05](#). Councilman Pratt commended those who came out tonight for this public hearing and felt that many of their concerns were valid. He said he and Mayor Wall had gone to the area to see what this would do to the existing property owners and realized that if it is to go in, the bridge would need to go further down the Canal Road than is being proposed. One of the issues with the Canal Road is that it won't allow that, which is something to be taken into consideration. This trail does have some historical significance in that near Mr. Froysland's property there used to be baptisms performed. The City doesn't want to destroy the area but rather improve it. The City Administration and City Council want to make the right decision and will take another look to see if it is appropriate to move forward on this or not. [20:14:33](#)
16. **Preston Hunt** [20:16:07](#). Mr. Hunt wanted to know why the Canal Company won't allow the City to use the road presently in place. Mr. Taylor said that a lot of it has to do with their maintenance program, in that they stockpile some of the drift wood on the road and also that the public access is a nuisance to their operation. Mr. Hunt then said that apparently because the Canal Company won't let the City use their road, the City wants to move onto private property. Mr. Taylor said that is not the case but he did not want to enter into a debate this evening but that is why he apologized for not meeting with the property owners first. After hearing tonight's comments, he will work with the Canal Company to try and move the bridge further south to where if the canal is crossed, it is on City property and will continue to work with the Canal Company to see if it is possible to have the trail on the east side of the canal. Mr. Hunt wanted to know the purpose for the trail and Mr. Taylor replied that is for pedestrian/bicycle access along the trail. There is the Jordan River Trail which is similar to this on the master plan and it shows many of the canals have these type trails. Mr. Hunt questioned that by saying that this one only goes from 4700 South to 4800 South. He felt that was too small of an area to justify spending money

doing this. **Mr. Taylor** thanked the citizens for their input tonight. [20:18:06](#) He continued on to say that in other meetings held on this proposal, there were many that were in favor of the project. **Mr. Hunt** said that all the people who spoke this evening live around there, are directly impacted and don't want this.

- 17. **Brenda Comstock** (Lives on Plymouth View Drive) [20:18:53](#) **Mrs. Comstock** said that her son walks home from Eisenhower Junior High everyday and she would not want him to walk along that path. She would prefer him to be on a busy street such as Redwood Road rather than a secluded area walking home alone.
- 18. **Kristen Bunderson** (1548 W. 4800 S) [20:19:21](#). **Mrs. Bunderson** said she has lived in her home for nine years and during the time she has lived there her house was almost broken into. The back property where John Froyland now lives, was started on fire by people in the apartments lighting illegal fireworks an event that happens every year. There was a gentleman running down the street recently with a gun. She felt by making this trail it promotes truancy for students and invites people back there who don't want to be seen doing what they do. The canal is dirty and smelly, has snakes and she did not feel people would want to leisurely stroll along that canal in the evening hours. She felt the project was not necessary. She wondered why the citizens are having to pay for storm drain repair and yet the City promotes this type of wasteful project. She asked that this not be forced upon the neighborhood.
- 19. **Richard Seely** (4890 S 1575 W): Written Comments: "I want to voice my strong opposition to the proposed walk way going from the Taylorsville Senior Center to the Jones Dairy History Museum. In my opinion this would be a total waste of money. To think that the seniors will be using this walkway to go to and from the Dairy area is foolish. If they go at all, they will drive there and back. Placing such a walk way will simply provide another area for numerous crimes to take place. This walkway would be secluded and off the road and a great place for various inappropriate acts to be taking place by individuals who want to be hidden from the public view. We already have our share of criminal activity taking place right on our streets as it is. Further, it will place a terrible undue risk upon those residents who live where the walk way will be placed. With so many worthwhile projects that could be undertaken with the funds that it will take to do this walk way, this proposal is a very poor idea at best. Just one example of spending the money better and wiser would to install a proper fence rather than the chain link fence along 1175 West called the Canal Road in the same general area. I know for a fact that other residents of our area, even many from blocks away from the proposed site, do not want this walk way to be put in. Please listen to the concerns from those of us who this will be affected the most and make us think we really do have a say in our government." (Copy on file)

7.4 **DISCUSSION:** **Commissioner Overson** closed the public hearing and commended all the citizens who came tonight and voiced their opinions, which will be included in the public record. [20:22:15](#) She suggested that if they want to discuss this further, to contact Councilman Pratt, Mayor Wall or the City Engineer John Taylor. They will be able to answer questions. **Commissioner Murray** also commended those in attendance and thanked them for the turn out. He added that when the public is involved, it plays into the success of projects. No one would disagree with a good development but essentially this is an alleyway and not well thought out. He added that he is but one voice but was supportive of walk able communities which are done in the right way, in the right place. [20:24:28](#)

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

7.6 **MOTION:** **Commissioner Bolton** [20:26:57](#) Due to what has been brought to light this evening with the City reevaluating the location and direction this is headed, I would make a motion to table this item to a time to be determined when the City has completed their negotiations with the Canal Company and has further evaluated the project. [20:27:09](#)

SECOND: **Commissioner Staley**

Commissioner Overson restated the motion to table Agenda Item #7, File #2C09, a conditional use permit for a trail along the North Jordan Canal. It was the City's request that we do this so that they can explore all the possibilities.

VOTE					
Commissioner	Vote	Commissioner	Vote	Commissioner	Vote
Murray	AYE	Bolton	AYE	Overson	AYE
Staley	AYE	Jensen	AYE	Motion to table File #2C09	
Holman	AYE	Fazzini	AYE	passes unanimously.	

8.	1S09	Harmon's City, Inc. – 5454 S Redwood Road - Two-Lot Subdivision. (Michael Meldrum/Principal Planner)	
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[19:31:01](#)

8.1 **Mr. Meldrum** presented this item. The applicant is seeking approval for a simple two-lot subdivision for the purpose of separating the shops and the grocery store to each be on their own lot. Both lots conform to all bulk standards (lot width and lot area) for the C-2 zoning district. The applicant is proposing the two-lot subdivision plat because they are in the process of trying to renegotiate their mortgage payment. In preparing for the refinancing, their lender has informed Harmon's that they will not provide new financing with a dry cleaner in the same plat as the grocery store. Thus, the request to separate the in-line shops on the north from the grocery store on the south is being submitted this evening. .

Planning and Building Department staffs have requested and were provided with as built plans for the shopping center. The building Division has conducted an onsite inspection with representatives from Harmon's and their architect present. The intent of this inspection was to determine if an adequate fire separation wall is present and, if so, what condition it is in.

Upon inspection, an adequate fire wall, with some exceptions, was found. The exceptions are that there are holes in the wall in various locations. A list of corrective measures was provided to the applicant's architect. Appropriate building permits must be obtained prior to any modification or construction.

The City's GIS maps and the County plat maps show a very small second lot on the subject property. After conducting some research, it was determined that this lot was created by a quit claim deed and did not proceed through the required subdivision plat review with the City of Taylorsville. This application will remedy that oversight and legally create the second lot.

Both of the proposed lots extend into 5400 South. Staff has spoke to the applicant about dedicating that portion of each parcel to the City or State as they are currently paying taxes on property on which they have no use. At this time, it is the applicant's intent to complete this plat so that the refinancing can happen in as timely a manner as possible. At an undetermined future date, the applicant will come back to the Planning Commission to amend this plat and complete the road dedication. The applicant has informed staff that time is of the essence for their proposed change.

Both lots meet all standards and ordinance requirements established in Title 12, (Subdivision Ordinance). Therefore, Staff recommends that the Planning Commission grants approval of the modified subdivision plat as proposed.

Findings of Fact:

1. The applicant has requested the opportunity to create two legal lots of record.
2. The lots comply with all ordinance requirements.
3. The separation of the property into two lots will not change the day-to-day functionality of the property.

Staff Recommendation: Staff recommends approval based on the following reasons:

1. That the proposed subdivision creating two lots is compatible with Title 12 of the Zoning Ordinance.
2. **[Changed by Motion]** Receive approval from and remain compliant with all applicable reviewing agencies. **Emphasizing that a specific recommendation must be received from the Building Department.**
3. Provide a cross access parking agreement between the two lots to be recorded with the Salt Lake County Recorder's Office.
4. Provide the Simple Subdivision drawings for recording with the Salt Lake County Recorder's Office.

NOTE: Original Staff Condition relating to "No adverse impact is anticipated on any adjacent properties", was removed by Staff as being unnecessary.

8.2 **APPLICANT ADDRESS: Randy Smith, Bush and Gudgell Surveyors and Engineers** (representing Harmon's City. [19:33:54](#) **Mr. Smith** said that he appreciated staff's help through this process. It is basically a request by the lender to separate the in-line shops from Harmon's Store parcel. He said they are aware of the building issues, i.e., the holes in the fire wall and will comply with all conditions. He said that Harmon's City has representatives in attendance if there are any questions, as well as their legal counsel and architect. **Mr. Smith** said to address the parcels along 5400 South, the current legal descriptions include that property and they understood that the City would request dedication of that, with which they have no problem doing. He advised that per staff condition #2, there already is in existence a cross-access parking agreement between the two lots, which has been recorded with the Salt Lake County Recorder's Office.

8.3 **SPEAKING:** None.

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

8.5 **MOTION:** **Commissioner Holman** I move that we approve File #12S09, based upon Findings of Fact, oral testimony and the conditions in the staff report. One exception would be to include on Staff Recommendation #2, that the Building Department be specifically included. [19:36:40](#)

SECOND: **Commissioner Murray**

Commissioner Overson restated the motion by Commissioner Holman to approve File #1S09, a two lot subdivision for Harmon's City with four conditions, modifying #2 to specifically include the Building Department as one of the applicable reviewing agencies. [19:37:52](#)

Commissioner Jensen wanted clarification on staff conditions. **Mr. Meldrum** said that Condition in the staff report which stated that "No adverse impact is anticipated on any adjacent properties" was not included for the recommended motion as being unnecessary.

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

CITY COUNCIL MEETING DISCUSSION: Discussion was held during the pre-meeting outlining what occurred during the most recent City Council meetings. There were no planning items discussed during that meeting.

OTHER BUSINESS: None.

ADJOURNMENT: By motion of **Commissioner Fazzini**, the meeting was adjourned at 8:20 p.m. [20:28:53](#)

Respectfully submitted by:

Jean Gallegos, Admin Asst/Recorder for the
Planning Commission

Approved in meeting held on June 9, 2009.