

**City of Taylorsville
 Planning Commission Meeting
 Minutes
 May 25, 2010
 Pre-meeting – 5:45 p.m. - Regular Session – 6:00 p.m.
 2600 West Taylorsville Blvd – Council Chambers**

Attendance:

Planning Commission

Ted Jensen, Chair
 Kristie Overson
 Garl Fink
 Ernest Burgess
 Steven Fauschou
 Anna Barbieri
 Dale Kehl
 Dan Fazzini, Jr. (Alternate)

Community Development Staff

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

PUBLIC: Mark Bond, Dan Floyd, Neil Wolcott, Dave Brown

18:15:02

WELCOME: **Commissioner Jensen** assumed duties as Chair and welcomed those present, explained the process to be followed this evening and opened the meeting at 6:00 p.m. **Commissioner Jensen** asked if there were anyone wishing to speak for or against any item on the Consent agenda. No one came forward and Commissioner Jensen then opened the meeting for any amendments and/or a motion for approval of the Consent Agenda.

CONSENT AGENDA

| Agenda/File # | Application | Action |
|----------------------|---|------------------------|
| 1. | Review/approval of Minutes for May 11, 2010 | Approved as presented. |

MOTION: **Commissioner Fink** - I will make a motion to remove Item #4 from the agenda.

SECOND: **Commissioner Burgess**

Commissioner Jensen restated the motion to remove Item #4 from the agenda as that application has been withdrawn.

| <u>VOTE</u> | | | | | |
|-------------------------------------|-------------|---------------------|-------------|---------------------|--------------|
| Commissioner | Vote | Commissioner | Vote | Commissioner | Vote |
| Fauschou | AYE | Overson | AYE | Burgess | AYE |
| Barbieri | AYE | Fink | AYE | Jensen | Chair |
| Kehl | AYE | | | Fazzini | Alt |
| <u>Motion passes 6 to 0.</u> | | | | | |

MOTION: **Commissioner Fink** - I will now make a motion to approve the Consent Agenda consisting of the Minutes for May 11, 2010.

SECOND: **Commissioner Burgess**

Commissioner Jensen restated the motion to approve the Consent Agenda consisting of the Minutes for May 11, 2010 as presented.

| <u>VOTE</u> | | | | | |
|-------------------------------------|-------------|---------------------|-------------|---------------------|--------------|
| Commissioner | Vote | Commissioner | Vote | Commissioner | Vote |
| Fauschou | AYE | Overson | AYE | Burgess | AYE |
| Barbieri | AYE | Fink | AYE | Jensen | Chair |
| Kehl | AYE | | | Fazzini | Alt |
| <u>Motion passes 6 to 0.</u> | | | | | |

SPECIAL PLANNING COMMISSION MEETING

GENERAL PLAN MAP AMENDMENT AND ZONE CHANGE

2. 3G10 – **Metro Redwood Properties – 6235 South Redwood Road and 1648 West 6235 South** – Recommendation to the City Council for a general plan map amendment from Professional Office to Business Park. (Michael Meldrum/Principal Planner)
3. 3Z10 -- **Metro Redwood Properties – 6235 South Redwood Road and 1648 West 6235 South** – Recommendation to the City Council for a Zoning map change from MD-1 and C-3 to M-1. (Michael Meldrum/Principal Planner) [18:20:56](#)

Commissioner Jensen advised that Items #2 and #3 would be heard together, the first part being the General Land Use Plan Map change and the second, the Zoning Map change from MD-1 and C-3 to M-1.

Item #2, File #3G10

2.1. **Mr. Meldrum** presented this item for a General Plan change. This item was continued by unanimous motion of the Planning Commission at the May 11, 2010 meeting. The applicant is requesting approval of an amendment to the General Land Use Plan map for three parcels located at 6235 South Redwood Road and 1648 West 6235 South. The current General Plan specifies the future land use of these parcels to be Professional Office. The applicant's request is to change the current designation to Business Park. The three parcel's total acreage is 1.93. The acreage listed on the application shows a total of 1.80 acres. The difference in the acreage is due to land they lost due to the new intersection at 6200 South and Redwood Road. This is a companion application to Item 3Z10, also on this agenda. The zoning condition (ZC) is that all uses on the property will be conditional uses. The applicants will probably demolish the building which is on the new parcel and the entrance is located on the east side of the property. Included in Mr. Meldrum's presentation was a copy of the overlay from CRS Engineers to show the UDOT traffic movement along this intersection with the new continuous flow intersection. The medians for that intersection end before the existing eastern-most drive on the main property. So there would be a full access movement allowed at the eastern-most access on the new property that would not be in conflict with those islands and the traffic movements there. He also included in the Commission's packet a letter from the project engineer working for UDOT on the continuous flow intersection which indicates their support for the drive on the eastern-most property. Also included was a copy of the proposal for the fence from O-Well Precast. The applicant's intend to use the wall pattern with the rock design, however, the ornate gate will be similar but not as fancy. **Commissioner Jensen** added that for the record, Agenda Item #3 is the zoning map amendment, File #3Z10 and #2 is the General Plan

Findings of Fact for File #3G10

1. The applicant is proposing a General Land Use Amendment from Professional Office to Business Park.
2. The subject property is impacted by the new continuous flow intersection at Redwood Road and 6200 South.
3. The subject property is located at the gateway to the City of Taylorsville.
4. There are residential properties to the east of the subject property.
5. Three totaling 1.93 acres (1.80 acres after construction) comprise the property in this application.
6. This application is a companion to Item 3Z10, also on this agenda.

Staff recommendation: Staff recommends that the Planning Commission consider the written information and oral testimony at this meeting and forward a positive recommendation to the City Council to amend the Land Use Map from Professional Office to Business Park.

2.2 **APPLICANT ADDRESS:** Applicants (Mark Bond and Dan Floyd) were present to answer questions.

2.3 **SPEAKING:**

1. **Dave Brown** - [18:26:33](#) (NOTE: **Mr. Brown** submitted to Staff and the Commissioners a lengthy E-Mail with his comments written, a copy of which is included in the file). He spoke to the Commission and emphasized that he was concerned that the recycling operation would extend to the east side of the building. He would also like a stipulation made that all recycling operation be contained within the present structure and eliminate the objectionable stock piles of cans outside. He wanted assurance that no industrial activities can expand onto the middle parcel. He was supportive of the 8' high concrete wall but would like a noise study made before

the wall is installed in order to make sure that the neighborhood is protected. He was under the impression that the recycling center would be moving their bins to the new parcels, along with the subsequent noise involved with moving those bins around. That he understood that the recycling center has a right to do business there through the grandfather clause but that the applicants could make the site look better because it is at the gateway of the City.

2.4 **DISCUSSION:**

- **Commissioner Overson** [18:29:25](#) asked the applicants why they wanted to change the General Plan land use and **Mr. Bond** advised that was based on a suggestion by the City Planning Department. [18:30:13](#) He added that when they were informed they would be losing property to UDOT for their expansion, they bought the other parcels to compensate for that loss of acreage. That they have no plans to change their present operation and would use those parcels for access.
- **Commissioner Overson** then added that she had a difficult time accepting the M-1 zoning classification and wondered why the whole site could not be changed to C-2 or C-3 instead. **Mr. Bond** said that as long as it allows them to do what they need to do, they would not have objections to the Commercial designations. In the past, they had been advised that those zoning designations were not applicable to what they were doing and that is the reason for applying for M-1. **Mr. Floyd** said that he understood within the zoning ordinance, a zoning classification can be lessened under the conditional use process but cannot be raised up with a conditional use. That in other cities where they have recycle centers, they do have lesser intensity zoning that fits what Redwood Recycling does on this site but in Taylorsville that is not an option.
- **Commissioner Overson** asked staff what the difference was between “recycling center” and “recycling point”. That the M-1 zoning only allows for a “cycling center”. **Mr. Meldrum** advised that the difference between “center” and “point” is as follows: (1) Resource Recycling Collection Point (13.03.340): “Resource recycling collection point” means a portable structure, enclosed bin, trailer, or reverse vending machine where recyclable material (aluminum cans, glass, paper, etc.) is exchanged for money or deposited as a donation. Approval is not to exceed twelve (12) months without re-approval. (Ord. 96-15, 6-19-1996); (2) “Recycling Center” – A building or an area where the primary activity is the separation of materials prior to shipment for remanufacture into new materials. This shall not include junk yards or wrecking yards.” (Planning Terms Definitions – no reference available in the Zoning Ordinance). The only zone that allows recycling in Taylorsville is M-1 and it is required to be within a building. The use presently is legal non-conforming because the use is outside of a building and is protected under a grandfather clause for this particular site. [18:35:42](#)
- **Mr. McGrath** added that in regards to the question of the M-1 zoning classification, it is undeniable that the two new parcels will be part of the business, mostly for access, but it will be part of the operation. When the applicants apply for the conditional use permit, stipulations for site improvements can be made. The present zoning for the two new parcels will not allow them the right to operate a recycling center thereon. With regard to the grandfathered clause, they do not adhere to the definition that the recycling use must be contained within a building. That legal non-conforming status will not expand into the two new parcels. The zoning law will not be retroactive for those two parcels.
- **Commissioner Fazzini** said that assuming they receive approval for the conditional use permit for the two new parcels, they can continue the operation as they are doing it now but would not be able to move the crusher onto the new parcels but could put in an office or parking facilities there and maintain the crusher at its’ current location. [18:38:27](#) **Mr. McGrath** said that was correct and added that any part of their operation would have to be fully enclosed within a building if they move to those two new parcels. **Commissioner Fazzini** added that the existing parcel would still remain grandfathered. That if the Commission goes forward with the zoning change and have talked about all the uses listed in the M-1 zone at this location, besides recycling center or recycling point, he wondered if there were any other uses that the property owners would need it for. He commented that the Commissioners went through in previous work sessions and talked about the other possible uses that might be okay at this site but it seems that people who spoke during the last public hearing said that they would rather have office or something else there if the applicants ever move away from this site. It seemed to him that rather than trying to include the litany of possible M-1, M-2 sort of places, that it just be limited to a recycling center and/or a recycling point.

- **Mr. Bond** said that they have no plans for this site other than operating their recycling center. He agreed there are other, better uses other than what they doing on that property but the recycling business is already in place and there are no other properties available in this community where this operation would be allowed. **Commissioner Fazzini** said that he understands that but his question was would the applicant have a problem if the Commission restricted this to recycling activities versus adding in a few of the other uses that might work there. **Mr. Bond** said that as long as they are allowed some flexibility if they were ever to sell the property that it doesn't restrict the use only to a recycling center. [18:40:49](#) He agreed that limiting the rougher uses from going in there would work for them. **Commissioner Fazzini** asked staff what was in the General Plan for this area, i.e., if the applicants left the site tomorrow. **Mr. Meldrum** said that the General Plan Land Use map calls that area specifically as professional office for future uses. That doesn't mean that between now and whenever another person comes in to purchase this property, they may ask for a land use amendment and change it to commercial, for example, which also could happen. But right now, today, it is professional office.
- **Mr. Brown** asked a question from the audience, however, it was not audible but generally dealt with his concern that objectionable uses could go on this site with this change in the General Plan and Zoning Map. [18:42:27](#)
- **Mr. Meldrum** advised that the uses allowed under the zoning condition by the list in the Commissioner's packets are as follows: The most objectionable ones were removed by staff.
 - **PERMITTED USES (presently):**
 - Accessory uses and buildings customarily incidental to permitted uses.
 - Animal hospitals.
 - Assembly of medical supplies.
 - Charter schools, subject only to setback, height, bulk and massing regulations, of site parking, curb cut, traffic circulation, and construction staging requirements.
 - Garage, public
 - Laboratory.
 - Monopole or stealth communications poles.
 - Office, business and/or professional.
 - Parking lot.
 - Printing, including engraving and photoengraving.
 - Recycling collection center operated within an enclosed building.
 - Restaurant.
 - Veterinary.
 - **CONDITIONAL USES (presently):**
 - Bank.
 - Motion picture studio.
 - Planned unit development.
 - Private school.
 - Public and quasi-public use.
 - Radio and television stations.
 - Recreation, commercial.
 - Restaurant liquor license.
 - Temporary buildings for uses incidental to construction work, including living quarters for a guard or night watchman, which buildings must be removed upon the completion or abandonment of the construction work. If such buildings are not removed within ninety (90) days upon completion of construction and thirty (30) days after notice, the buildings will be removed by the city at the expense of the owner. [18:43:29](#)
- **Mr. Meldrum** continued on to say that the most objectionable uses had been removed from this list, but that if the Commission just recommends the M-1 zoning, all uses under that zoning could go on this site, so he recommended limiting the uses and controlling them with zoning conditions. **Commissioner Jensen** asked if he was talking about permitted uses (13.32.30) and conditional uses (13.32.30), particularly those marked with the bullet points as indicated previously. **Mr. Meldrum** said that was correct. **Commissioner Jensen** then said that those would be the items included under the zoning conditions if it is M-1/zc. **Mr. Meldrum** said that when he and the Community Development Director were reviewing the items on the list, they intended to mark the ones that they would take out but there were more being taken out than being left and instead marked the ones to be left in.

- **Commissioner Fink** wanted to address the accesses and asked the applicant if they were planning to use the one closest to the building except for emergency purposes. **Mr. Bond** said that was correct – the primary entrance would be the eastern-most one. **Commissioner Fink** then asked if the applicant has an EPA permit for this property. **Mr. Bond** said that their parent company has the permit and they also have requirements to do storm water testing with the Department of Environmental Quality, which includes air quality testing. **Commissioner Fink** asked if they were subject to quarterly inspections. **Mr. Bond** said that he was not privy to the number of inspections required during a year but that they have periodic unscheduled inspections from those agencies. **Mr. Floyd** added that the storm water testing is a quarterly requirement on this site.
- **Commissioner Faurchou** wondered, other than cans and wire, what other types of recycling they did. **Mr. Floyd** said that it is a non-ferrous metal recycling facility so that they recycle aluminum, copper, brass and stainless steel. **Mr. Bond** said that a lot of the types of products that they handle deal with construction industry trades, i.e., plumbers, electricians, etc. along with household recycling items.
- **Commissioner Burgess** asked if the materials coming in are tested for radioactivity levels. **Mr. Floyd** said that currently this collection site does not take in that type of recycling items, however, their other two facilities do that type of recycling. The turnaround time for processing material through this site is very fast and the material for recycling does not remain on site for any extended period of time. **Commissioner Burgess** wanted to know if this facility has had any items come in bearing a radiation source and **Mr. Bond** said no. [18:47:49](#)
- **Commissioner Fazzini** [18:49:06](#) asked for clarification as to what household recycling consisted of. **Mr. Bond** said that meant mostly aluminum cans at this facility.
- **Commissioner Kehl** [18:49:48](#) said that with the things the Commission talked about the last time, stacking of cars, parking, location of the signal light, type of fence, etc. have pretty much been taken care of. He did want to make sure that the M-1 zoning is not out of line, that possibly a better choice may be C-2 or C-3. M-1 may be okay for this recycling center now but down the road may not be the best choice if another use is proposed for this particular site. In the C-2 and C-3 definitions, both refer to collection point. He wanted to make sure that is the way it is, because they can do exactly what has been discussed today and have the same rights and it can be conforming by calling it C-2 or C-3, if that would not be better. He wanted to make sure that the Commission is not assuming that it is violating the code or conditions. He asked that the definitions which refer to a center versus a point be read again. He was under the impression that when they refer to a point, there must be a building and must renew it every 12 months. **Mr. McGrath** said that the intent of the requirement for a building is so that these types of centers are not just placed in the middle of a vacant lot and it must be associated with some permanent use on the property. [18:51:36](#) He read the definition from the ordinance as follows: Resource Recycling Collection Point - This is what is permitted in a C-2 or C-3 zoning. ***“Resource Recycling Collection Point means a portable structure, enclosed bin, trailer or reverse vending machine where recyclable material such as aluminum cans, glass, paper, etc., is exchanged for money or deposited as a donation. Approval is not to exceed 12 months without re-approval.”*** He continued on to say that in his opinion that is not what Redwood Recycling does and would be more along the lines of what Deseret Industries does or some of the other charitable donation sites. **Commissioner Kehl** then asked for a definition under C-2. **Mr. McGrath** read from the C-2 section of the conditional use ordinance as follows: Resource Recycling Collection Point is identified as a conditional use in that section and then goes on to say, “Provided that it meets the following requirements: A location on improved property, including a main building with paved parking and landscaping, curb, gutter and sidewalk if required by the City. All material shall be contained within an enclosed container. The structures or bins comply with the yard requirements of the zone. Written approval is required from the property owner to locate on the site. Maintenance on the site is in a clean, orderly manner.” **Commissioner Kehl** then wanted to know what C-3 says. **Mr. Meldrum** said that it also refers to recycling collection point and has the exact same requirements as for the C-2. **Commissioner Kehl** then asked if there were a definition for Collection Center. **Mr. McGrath** said that does not exist.
- **Commissioner Fink** commented that one of the two differences he saw was the 12 month renewal requirement. **Mr. McGrath** said there are two differences and two different zoning classifications. There is the Resource Recycling Point, which is just like a bin that you would see at Deseret Industries or a place where you can donate clothing or used books, etc. That is what is allowed in a C-2 and C-3 and they have to be reapproved every 12 months by code. The Recycling Collection Center, which is what Redwood Recycling does, is only covered under M-1 and it is a permanent use as opposed to a temporary use. **Mr. Meldrum** added that is unless the property is over one acre in size, at which point it must be a conditional use, which is why this application is before the Commission this evening.

- **Commissioner Kehl** [18:58:15](#) then asked that the process for the conditional use permit for the three different parcels under the M-1 zoning be explained. **Mr. McGrath** said the Commission will forward their recommendation for the General Plan and Zoning Map changes to the City Council to be heard on June 2, 2010. If approved, once the zoning is in place, the applicant will then come back to the Commission for a conditional use permit regarding site improvements (fence, site improvements, landscaping, circulation). There will be one conditional use permit for all three properties, however, the pre-existing legal status which exists on the original parcel will not exist on the two new parcels. It will be looked at as a comprehensive analysis but they will not lose their legal rights on the main parcel. **Mr. Meldrum** said that the staff report for the City Council hearing will point out the distinction between the uses on the properties. **Commissioner Kehl** then asked if that meant the conditional use could have three different uses but probably only two, which would restrict some of their uses. **Mr. Meldrum** advised that it would only be two because the two new properties would have the same conditions and not be grandfathered in as is the original western-most property.
- 2.5 **Commissioner Jensen** said he favored going with the M-1 zoning, with all changes to the permitted uses and conditional uses recommended by staff. Keeping in mind that what is done tonight by the Commission goes with the property. [18:59:22](#) That a motion was needed for Item #2 – General Plan Amendment from Professional Office to Business Park.
- 2.6 **MOTION: Commissioner Fink** - Based on the written information in our staff report and oral testimony heard tonight, I will make a motion to forward a positive recommendation from Planning Commission to the City Council for File 3G10 to amend the land use map from Professional Office to Business Park.
SECOND: Commissioner Faurschau
Commissioner Jensen restated the motion for Item #2, File #3G10, to forward a positive recommendation to the City Council changing the General Plan designation from Professional Office to Business Park.

| VOTE | | | | | |
|-----------------------------|------|--------------|------|--------------|-------|
| Commissioner | Vote | Commissioner | Vote | Commissioner | Vote |
| Faurschau | AYE | Overson | NAY | Burgess | AYE |
| Barbieri | AYE | Fink | AYE | Jensen | Chair |
| Kehl | AYE | | | Fazzini | Alt |
| Motion passes 5 to 1 | | | | | |

Item #3, File 3Z10

[19:01:13](#)

3.1 **Mr. Meldrum** presented this item for a zone change. This item was continued by unanimous motion of the Planning Commission at the May 11, 2010 meeting. The applicant is requesting approval of an amendment to the Zoning map for three parcels located at 6235 South Redwood Road. The current zoning on the property is MD-1/zc and C-3. The requested zoning is M-1. The subject properties are identified by the following Sid well numbers: 21-22-202-036, 21-22-202-037, and 21-22-202-038 and contains 1.93 acres. The acreage listed on the application shows 1.80. The difference in acreage is due to the new intersection at 6200 South and Redwood Road. The largest parcel contains the Redwood Recycling business. The other two properties included in this application were recently purchased by the applicant to better address the access to the business that will be impacted as mentioned previously. These two properties formerly were home to the business known as Two-Ton Plumbing. This is a companion application to Item 3G10.

3.2 Findings of Fact:

1. The applicant is proposing a zone change from MD-1/zc and C-3 to M-1.
2. The zoning condition attached to the property zoned MD-1/zc is that all uses on the property as conditional uses.
3. The subject property is impacted by the new continuous flow intersection at Redwood Road and 6200 South.
4. The subject property is located at a gateway to the City of Taylorsville.
5. There are residential properties to the east of the subject property.
6. Three lots totaling 1.93 acres (1.80 acres after construction) comprise the property in this application.
7. A Conditional Use Permit will be required for site improvements to this property.
8. This application is a companion to Item 3G10, also on this agenda.

3.3 **Staff Recommendation:** Staff recommends that the Planning Commission consider the written information and oral testimony at the meeting and forward a positive recommendation to the City Council to amend the Zoning Map from MD-1/zc and C-3 to M-1/zc.

3.4 DISCUSSION:

- **Commissioner Overson** said that she would like clarification on this application because the assumption is that in the M-1 zone that the Commission is including the uses that are bulleted in the staff report and nothing else. **Commissioner Jensen** said that is if the zoning condition (zc) is added to the M-1 zoning. **Mr. Meldrum** advised those would be the zoning conditions added to that item. **Commissioner Overson** said that by that did he mean the bulleted items are referred to in the staff report. **Mr. Meldrum** added that the Commission can certainly specify that as part of the motion if that is the way it chooses to move. **Commissioner Jensen** commented that if he understood it correctly, the Commission can also change whichever bullet item they want. If the Commission sees one that is not deemed appropriate, they can strike it from the list and/or add one. He suggested that the Commissioners take a minute and review those bulleted items. **Commissioner Jensen** read the list contained in the staff report aloud.
- **Commissioner Overson** asked what was meant by “Garage – parking”. **Mr. McGrath** said that would be a parking garage.
- **Mr. Brown** suggested inserting a caveat that anything above one acre must be reviewed. **Commissioner Barbieri** advised that anything an acre or over is a conditional use and must be reviewed for that reason by the Planning Commission. **Mr. Meldrum** said that an easier way to say that would be that all uses listed in the M-1 zone are conditional uses for this property. **Mr. McGrath** reiterated that means those uses that have been identified by bullet sign. **Mr. Meldrum** added that no uses would be “permitted uses” – all would be “conditional uses”.
- **Commissioner Barbieri** commented that as a property owner she was not certain she would be comfortable with such a limitation being placed on her property. **Mr. McGrath** advised that is the way the State law is written, basically a property owner has the right to do this providing all standards are met and they must go through the public process. [19:09:45](#) **Commissioner Kehl** asked if that applied to all uses in the applicable ordinance or just the ones that have been bulleted. **Mr. McGrath** said it would be limited to the bulleted uses. For example, someone could not come in and apply for a conditional use permit for a sexually oriented business.
- **Mr. Meldrum** said that if the Commission wants to entertain that kind of an application, the applicants would have to request a zone change to amend the zoning conditions that have been established tonight.
- **Mr. Bond** said that as a property owner his concern is that if everything is conditional on this property, that now any use has to come before the Commission in order to do that. To him it seemed that it should be limited in those areas of concern but if there is a use that normally is not a concern that ought to go without the need of a conditional use permit. [19:14:13](#) Right now, one of their parcels is zoned C-3 and there are many permitted uses that could go there because of that zoning. However, under the new zoning, they would have to come in for a conditional use permit. **Commissioner Jensen** said that it is his understanding that it is peculiar to this situation where there are professional offices and residential homes surrounding that. Now there is one isolated use in the middle of all that. Therefore, the concerns of the residents and concerns of the whole planning process help to buffer things. The City would not want a sexually oriented business in there or something like a dairy. So to make it conditional makes it transitional between the residential areas and professional office areas. That is the intent in having it conditional.
- **Mr. Brown** had a comment that he would like to look at the ability to restrict the uses that the Commission is concerned with in the M-1 zone rather than all uses. **Commissioner Jensen** said in looking through the list he saw a lot that really would not fit in the area between professional office and a residence, i.e., mill, beer outlet, bottling facility, or machine shop for example. He said that he understands where staff is coming from in that M-1 is a significant zoning change and to have it within a residential area and professional offices is a concern. **Mr. Brown** said to alleviate some of the concerns, he felt the text could be worded to allow any of the uses allowed by any of the commercial zones and require any of the uses specified in the M-1 altered bullet list to be required to have a conditional use permit. He felt that would allay many concerns about reducing the value of their property and allow it to be sold if need be at some point in time without worry of restrictions. He also suggested the planners develop the proper text and have it reviewed by the City Attorney so that this is air right and done right, so the City is not left open to liability in the future. [19:16:37](#)

- **Commissioner Fazzini** said that if this is approved, the City Attorney *would* be part of that process. **Mr. McGrath** said that was correct and that before that happens, staff will clean up the language so that it is more easily understandable. That would include that every C-2 or C-3 over an acre would require a conditional use permit.

3.6 **MOTION #1: Commissioner Fink - 19:21:26** Based upon the information brought forward from the public and applicant, I move that we approve the zoning map change to M-1 and include the discussion points 1 through 6.

Commissioner Jensen - I don't know if the discussion points apply. **Mr. Meldrum** - The discussion points are intended to bring up discussion with the Planning Commission and not intended to be conditions of approval. Motion dies for a lack of second.

MOTION #2: Commissioner Jensen - Based on written information and oral testimony heard tonight, I move that we forward a positive recommendation to the City Council to amend the zoning map from MD-1/zc and C-3 to M-1/zc, with the bullet point changes to Section 13.32.30 under Permitted Uses in an M-1 Manufacturing zone and 13.32.40 Conditional Uses in an M-1 Manufacturing zone. With the further stipulation that anything over an acre will be a conditional use as well.

SECOND: Commissioner Fink

Commissioner Jensen restated the motion to send a positive recommendation to the City Council for a zoning application amendment from MD-1/zc and C-3 to M-1/zc, File #3C10.

DISCUSSION: Commissioner Overson said that she wanted to clarify if the bullet points as stated in the motion, are permitted or conditional? **Commissioner Jensen** allowed that they are Conditional. Thank you for the clarification.

Commissioner Kehl asked if it was a Conditional use now if it is over an acre and why not say include that anything under an acre is a conditional use. He felt that was the point the Commission was trying to make. **Commissioner Jensen** wondered if when these properties are combined, it would be over an acre. **Mr. McGrath** said it would but they would have the potential to subdivide or reconfigure in the future. **19:25:37 Commissioner Kehl** suggested just saying that regardless of the size, all uses are conditional uses. **Commissioner Jensen** asked staff if he needed to remove that portion from his motion about the size or is the intent still there? **Mr. McGrath** said that it would depend on what he was trying to say. If the intent is for all uses to be conditional, it would simply be stated that each one of the uses identified in the bulleted list will be considered as conditional uses on this property. **Commissioner Jensen** asked Commissioner Fink if he was okay with that amendment as Second, to which Commissioner Fink replied that he was. **19:26:21 Commissioner Barbieri** said to the Chair that with that change in mind, she would be interested to know what the applicant thinks about that change. **Commissioner Jensen** advised that the bulleted points will all be conditional uses and it already includes what they are currently doing. All in favor of the motion please signify.

| VOTE | | | | | |
|----------------------|------|--------------|------|--------------|-------|
| Commissioner | Vote | Commissioner | Vote | Commissioner | Vote |
| Faurschou | AYE | Overson | NAY | Burgess | AYE |
| Barbieri | AYE | Fink | AYE | Jensen | Chair |
| Kehl | AYE | | | Fazzini | Alt |
| Motion passes 5 to 1 | | | | | |

Commissioner Overson explained her NAY vote by saying that she does not agree with the M-1 zoning for the site. **19:27:22**

CONDITIONAL USE

4. 20C10 **Cindy Peña - 5313 S 4015 W** – Conditional Use Permit for a Taco Cart. (Michael Meldrum/ Principal Planner)

4.1 **Mr. Meldrum** advised that this item was withdrawn by the applicant.

WORK SESSION

19:27:35 Commissioner Jensen closed the special planning commission meeting and opened the meeting for the work session.

5. Recommendation to the City Council regarding Temporary Business Licensing. (Mark McGrath/Community Development Director). [19:27:40](#)

5.1 **Mr. McGrath** presented this item. He said that in March 2010, the Planning Commission had a brief discussion regarding the existing regulations concerning temporary business and whether any amendments to those regulations are necessary. At the time the general consensus of the Commission was that the current ordinance was working well, although there was some room for tightening up the design standards for such businesses. **Mr. McGrath** asked to continue that discussion this evening and filter through a few ideas prior to formalizing a recommendation to the City Council. There was a short discussion of certain businesses that either are or have been located within Taylorsville and with which the City has experienced problems. He said that he would bring it back to the Commission next month with specific language for the City Council including a requirement that they submit a specific site plan. [19:37:47](#) **Commissioner Kehl** asked how long the permits were for and **Mr. McGrath** informed him that it varies depending on the type of temporary business involved. There are six or seven different categories for temporary business licenses from Christmas trees, fireworks, food vendors, produce stands, automobile sales and rug sales. **Commissioner Kehl** asked for specific information regarding automobile sales and **Mr. McGrath** said that they must have a temporary business license and demonstrate that they have a sales tax number before they are allowed to set up for a temporary event. **Commissioner Kehl** asked what would have to be done in order for the Commission to obtain a tax base and for zoning approvals, etc., what the source of revenue is. He said that he personally would like to know. When he pays property tax, it goes to the State and wanted to know how much gets back to the City and is actually usable by the City. **Mr. McGrath** felt that was a good idea and said that he would bring that back to the work shop meeting in June. It would include all revenue acquired by the City.

5.2 **MOTION: No motion was required for this discussion item.**

6. Ex-Parte Communications. (Michael Meldrum/Principal Planner) [19:46:52](#)

Mr. Meldrum presented this item and said that the purpose of this discussion was to ensure that the decision-making process is fair and impartial. Planning Commission members and other parties in proceedings before the Commission are held to certain standards regarding “ex parte” communication on items under review. This includes discussions between Planning Commissioners while an item is before them for consideration.

- Ex parte communication is defined as “oral or written, off-the record communication made to or by Planning Commissioners without notice to parties that is directed to the merits or outcome of an on-the-record proceeding.”
- Generally, the ex parte rules prohibit Planning Commissioners from engaging in informal communications with parties that could influence how a case is decided. Under the rules of ex parte communications, parties may not, for example, present information to commissioners about the facts or merits of an item, extend offers of employment, or offer gifts or favors.
- Communication between commission staff and parties is allowed without documentation for procedural, scheduling, and status inquiries, or other inquiries or requests for information—as long as they have no bearing on the outcome of the proceeding. Planning Commissioners may call staff to ask questions about a specific item on an agenda without creating ex parte communication problems.

There was a short discussion with Commissioners asking specific questions about what is and is not proper. Staff answered their questions and Commissioners thanked Mr. Meldrum for bringing this subject up for a training session this evening.

MOTION: No motion was required for this discussion item.

7. Discussion of Zoning Conditions. (Michael Meldrum/Principal Planner)

Mr. Meldrum presented this item. [19:56:11](#) He furnished each Commissioner with a hand out of paragraph 13.54.060 from the Zoning Ordinance, which says:

- “A. In order to provide more specific land use designations and land development suitability; to ensure that proposed development is compatible with surrounding neighborhoods; and to provide notice to property owners of limitations and requirements for development of property,

conditions may be attached to any zoning map amendment which limit or restrict the following: (1) Uses; (2) Dwelling unit density; (3) Building square footage; and (4) Height and/or setbacks of structures.

- B. A zoning map amendment attaching any of the conditions set forth in subsection A of this section shall be designated ZC after the zoning classification on the zoning map and any such conditions shall be placed on record with the planning commission.
- C. In the event any zoning condition is declared invalid by a court of competent jurisdiction, then the entire zoning map amendment shall be void. Any deletion in or change to zoning conditions shall be considered an amendment to the zoning ordinance and shall be subject to the requirements of this chapter.
- D. The attached conditions to any zoning map amendment shall not affect the applicability of the requirements of Chapter 13.50, "Conditional Uses", of this title. (Ord. 99-26, 9-1-1999)"

Commissioners thanked Mr. Meldrum for bringing this subject up for a training session this evening and said it was very informative.

MOTION: No motion was required for this discussion item.

CITY COUNCIL MEETING DISCUSSION: Discussion of the previous City Council meeting was presented by **Commissioner Overson.**

OTHER BUSINESS:

ADJOURNMENT: By motion of **Commissioner Fink** the meeting was adjourned at 8:57 p.m.

Respectfully submitted by:

Jean Gallegos, Admin Assistant/Recorder for the
Planning Commission

Approved in meeting held on June 8, 2010