

**City of Taylorsville  
 Planning Commission Meeting  
 Minutes  
 June 14, 2011  
 Pre-meeting – 6:00 p.m. - Regular Session – 7:00 p.m.  
 2600 West Taylorsville Blvd – Council Chambers**

**Attendance:**

**Planning Commission**

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

**Community Development Staff**

Michael Meldrum – Principal Planner  
 Dan Udall – City Planner  
 Jean Gallegos – Admin Asst/Recorder  
**EXCUSED:** Mark McGrath - Director

**PUBLIC:** Leighton Allred, Lisa Benson, Mr. and Mrs. John Kresteler, Terri Allen, Jessica Smith, Charles Morrison

**WELCOME:** **Commissioner Kehl** assumed duties as Chair and welcomed those present, explained the process to be followed this evening and opened the meeting at 7:00 p.m. He outlined the items on the Consent Agenda and asked if there were anyone in the audience wishing to speak to any of them or any changes deemed appropriate by the Planning Commission. There being none, **Commissioner Kehl** asked for a motion regarding the Consent Agenda. [19:03:23](#)

**CONSENT AGENDA**

Agenda/File #	Application	Applicants	Action
1.	Review/approval of Minutes for May 24, 2011		Approved as presented.
2.	2S11 – Two-Lot Subdivision – Randall Henderson – 2226 West Heatherglen Drive		Approved with Staff recommendations.
3.	3S11 - Two-Lot Subdivision – Lisa Benson – 2238 West Heatherglen Drive		Approved with Staff recommendations.
4.	6H11 - Beauty and Nail Salon – 5607 South Easton Street		Approved with Staff recommendations.

**MOTION:** **Commissioner Fauruschou**[19:04:51](#) - I move for approval of the Consent Agenda consisting of the Minutes for May 24, 2011, File #2S11 (2-Lot Subdivision), File #3S11 (2-Lot Subdivision), File #6H11 – Home Occupation – (Beauty and Nail Salon)

**SECOND:** **Commissioner Jensen**

**Commissioner Kehl** restated the motion to approve the Consent Agenda consisting of the Minutes for May 24, 2011, Application numbers 2S11, 3S11 and 6H11, as presented.

**VOTE**

Commissioner	Vote	Commissioner	Vote	Commissioner	Vote
Fauruschou	AYE	Fink	AYE	Burgess	AYE
Jensen	AYE	Barbieri	Excused	Kehl	Chair
Overson	AYE	Fink	AYE	Fazzini	AYE
<b>Motion passes 7 to 0.</b>					

**CONDITIONAL USES**

5. 18C11 - Leighton Allred – 4159 South Redwood Road – Haunted House. (Dan Udall/City Planner) <a href="#">19:05:39</a>
---

5.1 **Mr. Udall** presented this item. The applicant is requesting a conditional use amendment for a temporary haunted house in a suite that is approximately 8,000 square feet. The applicant has stated that he desires to expand his proposed business if it is successful after the first year (increase the square footage of the business). The applicant has signed a 5 ½ year lease for the suite, so he is planning to be located there for at least five Halloween periods. Temporary haunted house uses are a conditional use in the C-2 zone and the applicant must meet Health and Fire Department codes before opening for business. The Community Development Director has made an administrative decision that haunted houses are a conditional use and should be reviewed by the Planning Commission. The Planning Commission approved a new store front for Meadowbrook Plaza a few months ago. The applicant has stated that all work on this suite store front will be completed during the months when the business is not in operation. The applicant and property owner have worked out an agreement so stating. The applicant is proposing to provide black Victorian curtains over the interior of the windows when the business is under operation. The curtains will be pulled open when the business is not in operation. The applicant is proposing a temporary sign on the business for the first year and a permanent wall sign in the future. No other improvements will be provided on the store front. The applicant desires to occupy the building as a haunted house from the middle of September to the first part of November every year. The hours and days of operation in September are 5 p.m. to midnight, Monday through Sunday. In October and November, the days and hours of operation are from 5 p.m. to midnight, Monday through Friday and from 2 p.m. to 1 a.m. on Saturday and Sunday. Two to four policemen will be on site as security. [19:09:10](#)

**Findings of Fact:**

- That the applicant is proposing a temporary conditional use in the C-2 zone.
- That the proposed addition should not adversely affect the surrounding area.
- That the applicant needs to meet all remodeling code requirements.

**5.3 Staff Recommendation:** Staff recommends approval of File 18C11 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 the use is reviewed upon by substantiated and unresolved complaint.
4. That the use is approved by the Planning Commission if the applicant desires to expand in the future.
5. That all signs receive applicable permits from the City.
6. That the days and hours of operation in September are 5 p.m. to midnight, Monday through Sunday. That the days and hours of operation in October and November are from 5 p.m. to midnight Monday through Friday and from 2 p.m. to 1 a.m. on Saturday and Sunday.

5.4 **Mr. Meldrum** provided more information that the Chairman had requested regarding the façade updates as follows: During the Planning Commission meeting held on January 11, 2011, Commissioner Faurschou wanted to know if there were any kind of time line proposed for completion of the remainder of the buildings within that shopping center. Mr. Mangum (architect for the project) said that the architectural drawings had been completed but he did not know when the owners were planning to finish the other phases for the buildings within the shopping center because it was probably driven by economics. He understood that there were people interested in moving into the vacant spaces and felt that would probably accelerate the timing on the construction. Then going to the conditions of approval by the Planning Commission there were four as follows: (1) Comply with the requirements of all reviewing agencies; (2) Conditional Use Permit is subject to review upon substantiated and unresolved complaint; (3) Each subsequent phase of the façade update must obtain a separate building permit; and (4) Any changes outside the scope of the application (48C10) must be reviewed and approved by the City of Taylorsville prior to construction. [19:09:52](#)

5.5 **APPLICANT ADDRESS:** [19:12:03](#) **Leighton Allred** (4622 Knox Drive) and **Charles Morrison** were present to answer questions. **Mr. Allred** said that they are attempting to open a haunted house at 4159 South Redwood Road. He explained that there was some confusion as to exactly where in the shopping center this space is located and **Mr. Meldrum** pointed it out on the image. **Mr. Allred** explained the emergency exit positions as being one main exit down the center of the space and one exit per room. Six new emergency lights will be installed.

- **Commissioner Kehl** wanted to know if Mr. Allred was aware of the Fire Department requirements for this use. **Mr. Allred** that he was, in fact added that it was the Fire Department who said that there should be six more exit lights. **Commissioner Kehl** asked if Mr. Allred knew what the plans for the use of the building would be when it is not being occupied as a haunted house. **Mr. Allred** said that it would essentially be an office for him.
- **Commissioner Overson** asked if that meant the space would be occupied the whole time. [19:17:16](#) **Commissioner Kehl** added that the way he understood this is that even after the Halloween events end, the building will still be occupied by the applicants. **Mr. Allred** said that was the plan for now.
- **Mr. Morrison** said that they planned to upgrade the inside to make it look nice and be as safe as possible. That they have been working closely with the Fire Department and will do whatever they require. **Commissioner Kehl** wanted to know if that included anything to do with the outside façade. **Mr. Morrison** said that the landlord was working on that issue.
- **Commissioner Kehl** suggested removing the word “temporary” from the application. **Mr. Meldrum** said that was not a problem because the conditional use runs with the land.
- **Commissioner Burgess** addressed Mr. Allred and Mr. Morrison saying that the City appreciates this business coming into Taylorsville. [19:29:05](#)

5.6 **SPEAKING:** None.

5.7 **MOTION:** **Commissioner Overson** - I move for approval of File #8C11 based on the Findings of Fact and Staff conditions 1 through 6 in the Staff Report. I suggest that because Haunt Haven is a paying tenant, that they may have some influence with the land owner to persuade him to work on their building facade first. [19:30:49](#)  
**SECOND:** **Commissioner Fazzini**

VOTE					
Commissioner	Vote	Commissioner	Vote	Commissioner	Vote
Faurschou	AYE	Fink	AYE	Burgess	AYE
Jensen	AYE	Barbieri	Excused	Kehl	Chair
Overson	AYE	Fink	AYE	Fazzini	AYE
Motion passes 7 to 0.					

6 19C11 **Jessica Smith – 5794 South Carranza Drive** – Animal Hobby Permit for Four Dogs. (Dan Udall/City Planner) [19:32:19](#)

6.1 **Mr. Udall** presented this application. The applicant is requesting a conditional use permit for an animal hobby permit for four dogs on her property. The applicant is requesting to have an English Mastiff, Border collie, Heeler Australian Shepherd mix and a Chinese Crested. The applicant lives on an 8,076 square foot lot in a single-family home. There is a 6' high chain link fence surrounding the entire rear yard. The property is located in an R-1-8 zone and is surrounded by other lots zoned R-1-8. The dogs spend half their time  
Planning Commission Minutes  
June 14, 2011

indoors and half outdoors. The Chinese Crested is indoors approximately 90 percent of the time. In May 2011, Animal Services received a complaint of too many dogs on the property. The applicant was informed by Animal Services to obtain an animal hobby permit through the City of Taylorsville, which the applicant has done. Staff has received five letters of complaint and one phone call in opposition. (The letters were from (1) Robert Baty – 06/09/11; (2) Debbie Baty – 06/09/11; (3) Kathy Withers – 06/08/11; (4) Brian Withers – 06/08/11 and (5) Debbie Baty – 01/14/11. [19:34:26](#)

**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. Currently there are four dogs located on the property.
4. There was one response by animal control to the property
5. One complaint of barking, lack of care and odor of animal excretion has been received by Staff.

**Staff is recommending approval of preliminary conditional use application 17C10 with the following conditions:**

1. Receive approval from and remain compliant with all 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 comply with all requirements that are applicable under Chapter 8 (animal permit regulations). All dogs need to be licensed.
5. That the perimeter fence is maintained and secured.

6.2 **APPLICANT ADDRESS:** Jessica Smith, Carranza Drive, [19:37:33](#) **Ms. Smith** said that from the time she first moved into the home, the neighbors have complained and Animal Control has been sent to her home three or four times. Each time, they said there was no problem with her animals because she takes good care of them. She works at a Veterinary Clinic, therefore, knows what animals require and makes sure that they have adequate food and water available and cleans her back yard daily. There is also a shed in the backyard to which the dogs have full access if the weather turns inclement before she gets home. The dogs prefer being outdoors and she felt the most barking occurs when other dogs walk by the fence. **Commissioner Faurschau** advised that he lives in this neighborhood and there are a lot of dogs there but he had personal knowledge that Ms. Smith’s dogs do bark a lot. [19:44:48](#)

6.3 At this point, **Commissioner Kehl** opened the public hearing. No one came forward to speak either for or against this application; therefore, he closed the public hearing portion and opened the meeting up for discussion by the Commission.

6.4 **DISCUSSION:** **Commissioner Jensen** explained the parameters involved with obtaining an animal hobby permit in detail. [19:46:40](#) The hobby permit was originally intended to let people have more than the limit of two dogs or cats or ferrets and it was intended to be for owners who know how to take care of their animals properly. That is the intent of the Hobby Ordinance is to protect not only the animals but the owners and neighbors interests alike. It is a conditional use and part of that states that it is reviewable upon substantiated and unresolved complaint, so there must be substance to the complaint and it has to be unresolved for the permit to be in jeopardy. Ms. Smith seems to have achieved the portion of taking care of the animals appropriately. **Commissioner Fink** wanted to make sure that the applicant knows that the hobby permit applies only to these particular dogs and **Mr. Meldrum** suggested that be added as Staff Condition #6. **Commissioner Burgess** asked if the shed where the dogs go is warmer than outside and **Ms. Smith** said that it is but whenever the temperature drops below zero degrees the animals are brought inside. Also that every night they are brought inside. Commissioner Fink wanted to put this application on hold a few months to allow West Valley City Animal Services to patrol the area more often. Commissioner Fazzini offered that the application could be approved with an automatic date to come back to the Commission in a set number of months. [20:00:29](#)

6.5 **MOTION:** **Commissioner Jensen** [20:01:10](#) – I would like to make a motion to approve File #19C11 based on the Findings of Fact and the input from the applicant here this evening. I would like to point out first of all that we have received a telephone call and a couple of letters, however, no one is here tonight to speak and that for me speaks volumes. I would like to make a recommendation for approval with five conditions that are currently listed and I would like to make a change to #4 so that it reads, “The applicant needs to comply with all requirements that are applicable under chapter 8, including shelter, food, water and sanitary conditions and all dogs need to be licensed. Then add #6 as just a reminder that this applies to the four dogs in the application and when one of the animals passes away or moves to a new location that it applies to the three. If you then want another one, you can come back here and apply for another permit. **Commissioner Kehl** asked Commissioner Jensen to restate the additions. **Commissioner Jensen** - Add #6 that this applies to the four animals alluded to in the staff report. [20:01:47](#)

**SECOND: Commissioner Burgess**

**DISCUSSION:** **Commissioner Fazzini** [20:02:52](#) – Mr. Chair. Would you entertain adding the language to have them come back automatically within a certain time frame? **Commissioner Jensen** - I personally think that “reviewable upon substantiated and unresolved complaints” is sufficient. If anyone complains after today, it will go to Animal Control and I have met and talked with the people in the Animal Control Department during previous actions within the City and know that they can be tough but also be fair. **Commissioner Kehl** - Then the motion stands as presented. He then asked for a vote.

VOTE					
Commissioner	Vote	Commissioner	Vote	Commissioner	Vote
Faurschau	NAY	Fink	NAY	Kehl	Chair
Jensen	AYE	Barbieri	Excused	Fazzini	NAY
Overson	NAY	Burgess	AYE		
Motion fails 4 to 2.					

**Commissioner Kehl called for a revision of the motion or a new motion.**

6.6 **MOTION:** Commissioner Fazzini 20:05:18 I would like to make a motion to add to Commissioner Jensen's motion that this be reviewed by the Commission after three months and if someone can give us the correct date for that meeting, we can include it in the motion. Commissioner Overson advised that September 13<sup>th</sup> was the second Tuesday in September. Commissioner Fazzini - So then for the regular meeting on September 13<sup>th</sup>, 2011. 20:05:44

**DISCUSSION:** Commissioner Faursschou – Just for clarification, so during that three month period we will monitor any complaints through West Valley Animal Services. Mr. Meldrum - Correct. Commissioner Faursschou - Do you mean neighbors complaining, etc? . . . Mr. Meldrum - Any type of complaints, regardless of how they are generated will be monitored. Commissioner Fazzini - Will this be re-noticed or is that essentially happening now? Mr. Meldrum - We would probably re-notice on something like that where it is that far out even though a specific date has been given. Commissioner Kehl - There are two things that have come up here. The original motion said that there is already enough information given in the approval and the second one has been added to it is that it has an automatic review in 90 days. Commissioner Fazzini - I added it but I don't think it was part of that. We have Findings of Fact. I asked the question about adding that and he felt that there was enough under substantiated complaint. That can still happen before the 90 days. I think it is safe to have both of them in there. I don't see a conflict having both in there. Commissioner Kehl - We are discussing Commissioner Fazzini's motion. Commissioner Burgess – May we have the motion repeated one more time? Commissioner Kehl - Just the part that he is adding or the whole thing? Commissioner Fazzini - My motion was just to generally follow Commissioner Jensen's motion, with additions. Basically make a motion based on the Findings of Fact, testimony and letters that we have today, that we accept the Findings of Facts 1 through 5. Add #6 that all health and safety issues are taken care of. #7 that this application only refers to these four dogs and #8 that we come back in a meeting on the date and time listed earlier which is September 13<sup>th</sup>, 2011 for a review. 20:08:09  
**SECOND:** Commissioner Jensen.

VOTE					
Commissioner	Vote	Commissioner	Vote	Commissioner	Vote
Faursschou	NAY	Fink	NAY	Burgess	AYE
Jensen	AYE	Barbieri	Excused	Kehl	NAY
Overson	NAY	Fazzini	AYE		
Vote was 3 to 3 (Tie Breaker by Commissioner Kehl was Nay – Motion Fails 4 to 3)					

Commissioner Kehl explained his Nay vote by saying that he goes back to what Commissioner Jensen explained in the beginning as to the purpose for an Animal Hobby permit and his concern was more for the neighbors and the complaints that have not been satisfied so he voted NAY. The motion fails with a final vote of 4 against and 3 in favor. 20:10:10

**DISCUSSION:** Commissioner Fazzini brought up a point of order asking what happens if the Commission does nothing. He felt it was a denial by default which gives the applicant the opportunity to appeal it to the City Council. Mr. Meldrum explained that in essence the Commission has denied the application with the two votes taken. Commissioner Overson wanted to make sure the applicant fully understood her rights from this point forward. Mr. Meldrum explained to Ms. Smith that if she chooses to appeal this decision, her appeal must be filed to the City Council in writing through the Planning Staff within ten business days from the date of this meeting in order to be included on their agenda for hearing. Commissioner Jensen commented that the main reason why he turned down Commissioner Fazzini's amendment in the first place was because he saw that as arbitrary and capricious because the Commission has never had an animal hobby permit before which involved a specific time limit being placed on the applicant for compliance. That is something which has never been one before and he felt that when that comes up, that will be a big thing in over turning the decision because it gives the impression of playing favorites. He also said that it is important for him to note that there is nobody present to speak in opposition here tonight. So he felt she deserves a chance and the neighbors have their substantiated and unresolved complaint route if there is a problem. Commissioner Kehl said that if there is no other motion to be made, the applicant needs to be given specific instructions on how to file a timely appeal. He also felt she should know who her City Council representative is. There was no other motion offered. Mr. Meldrum advised he would take care of all those details and help her file the appropriate paperwork on appeal. Commissioner Kehl advised that he was merely making a statement that he felt it was important for the applicant to go to the person who represents her on the Council. It is not a requirement as part of the process, however. Mr. Meldrum said that he would have Mr. Udall call Ms. Smith in the morning with the necessary information and leave it up to her whether or not she wishes to contact Council Member Barbour. That Mr. Udall will also send the applicant a letter tomorrow detailing what the discussion was at this meeting. 20:15:53

**CITY COUNCIL MEETING DISCUSSION:** Discussion of the previous City Council meeting was presented by Commissioner Kehl. The main focus that night was about the budget and an informative presentation by the Unified Police Department. Also, as a matter of information, the future of the area surrounding City Hall was discussed.

**OTHER BUSINESS:** None.

**ADJOURNMENT:** By motion of Commissioner Fazzini the meeting was adjourned at 8:35 p.m.

Respectfully submitted by:

Jean Gallegos, Admin Assistant/Recorder for the Planning Commission

Approved in meeting held on November 15, 2011.