

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

Attendance:

Planning Commission

Kristie Overson
 Scott Bolton
 Nathan Murray
 Ted Jensen
 Dan Fazzini, Jr.
Excused: Garl Fink

Community Development Staff

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

PUBLIC: There were approximately 25 people in attendance, however, they did not sign the attendance roster. There was also a seven person Boy Scout Troop #992 in attendance.

1. **BUSINESS ITEM:** **Commissioner Overson** advised that the Commission held the election for this year's Chairman/Vice Chairman for the upcoming year in the pre-meeting but announced the results for the public record: The Chairman for 2009/2010 is Scott Bolton and Commissioner Jensen is the Vice Chair.

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

CONSENT AGENDA

Agenda/File #	Application	Applicants	Action
2. Review/approval of Minutes for June 23, 2009			Approved as presented.
3. 25C09	Conditional Use Permit – Oversized Detached Garage	A-Shed 5757 South Blake Drive	Moved to regular agenda for hearing by the Planning Commission.
4. 4S09	Two-Lot Subdivision	Craig Wright 6062 S Jordan Canal Road	Approved with staff recommendations.

MOTION: **Commissioner Murray** - Madam Chair, I propose that we move Item #3 off the Consent Agenda and hear it during the regular session.

SECOND: **Commissioner Jensen.**

Commissioner Overson restated the motion.

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

MOTION: **Commissioner Bolton** - Madam Chair, I move for approval of the modified Consent Agenda.

SECOND: **Commissioner Murray**

Commissioner Overson restated the motion to approve the Consent Agenda consisting of Items #2 and #4.

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

Motion passes unanimously.

CONDITIONAL USE

3. 25C09	<u>A-Shed – 5757 South Blake Drive (For Charles Felice)</u> – Conditional Use Permit for an Oversized Detached Garage. (Dan Udall/City Planner)
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3.1 **Mr. Udall** presented this item. The applicant has requested a 513 square foot accessory building on a property measuring 13,068 square feet. The lot is located in a single-family home residential neighborhood. The accessory building is proposed to be 13'6" high, measured to the mid-point of the pitched roof between the peak and the lowest part of the eaves from the lowest original ground surface. The accessory building is proposed to be located in the rear yard on the southwest side of the lot. Subject property is located in the R-1-8 zone on a corner lot. The proposed accessory building is a conditional use because it is over 13' high. The applicant is removing a small existing accessory building on the property. The proposed accessory building covers 10.8 percent of the rear yard, is 6' from the home, 3' from the south property line and 7' from the west property line. The applicant is proposing a cream vinyl siding with white trim and white doors. The architectural shingles are proposed to be Brownwood. The accessory building colors are proposed to match the color of the single-family home. However, except for the proposed roof, the materials are not the same as the home. The exterior material on the existing home is mostly a cream brick. The home is a one story house. The proposed 13'6" high accessory building is approximately the same roof pitch and height of the home. The applicant is not proposing a business to be operated in the garage and has stated that it will be a wood shop for home use.

Findings of Fact for File #25C09:

1. That the accessory building is a conditional use in the R-1-8 zone.
2. That the applicant is requesting a 13'6" high accessory building.
3. That the square footage of the accessory building complies with being a permitted use.

Staff Recommendation: Staff recommends approval with the following conditions:

1. That the use is reviewed upon by substantiated and unresolved complaint.
2. Receive approval from and remain compliant with all applicable reviewing agencies.
3. That the colors of the detached garage match the colors of the existing single-family home.
4. That Staff approves the final conditional use.
5. **[Added by Motion] The pitch of the roof is to be changed to 4/12.**

3.2 **APPLICANT ADDRESS:** **Charles Felice**. [19:07:25](#) **Mr. Felice** advised that he had discussed his proposal with Commissioner Murray, who is also his neighbor. That Commissioner Murray had expressed concern about removal of a very nice tree to accommodate this garage and wanted to know if Mr. Felice was amenable to replacing it elsewhere with a suitable species, to which **Mr. Felice** said he was willing to do so in the corner of his lot. **Commissioner Murray** also was concerned with the size of the structure.

3.3 **SPEAKING:** None

3.4 **DISCUSSION:** **Commissioner Overson** said that she did not object to the size but was concerned over the height of the building and wondered if Mr. Felice would be amenable to lowering the height or pitch of the roof. **Mr. Felice** said it depends on how much lower because he needs at least a 10' ceiling because he is quite tall and would like to retain storage capabilities in that space. **Commissioner Overson** wanted to make sure Mr. Felice understood that if the structure is built 3' from the property line as proposed, it would require a fire wall, to which Mr. Felice advised he was aware. **Commissioner Murray** asked Mr. Felice if he would be willing to lower the roof pitch to 4/12 and **Mr. Felice** said that as long as he can keep the ceiling height at 10' he would be willing to do so in order to accommodate concerns expressed by neighbors. **Commissioner Murray** said that the colors of the shed are compatible with the home architecturally but that the materiality is not, however, he added that this is a decent looking shed. There was an appeal made by some of the neighbors about the tree that exists there and they were appreciative at his willingness to replace it with another. **Mr. Felice** added that he really did not want to plant another tree because of the mess to keep it cleaned up under it but would do so to make everyone happy. The reason the shed is 7' away from the west wall is because he had a tree there last year that his neighbor to the west asked to be removed so that his garden could get more sun, which Mr. Felice subsequently did and he could not build the shed closer to the west because it too would block the sun from the garden. Now his other neighbor (Commissioner Murray) is upset because he must remove an existing tree in order to build the garage where presently proposed. **Commissioner Murray** thanked Mr. Felice for agreeing to lower his roof pitch and asked if he would be willing to shift that to within 5' of the property line. **Mr. Felice** said he looked at that possibility and could not do it because he would have to remove his crab apple tree. **Commissioner Murray** said that it is a difficult issue to try to do a project like this and have everybody be happy with it. He commended Mr. Felice for being willing to work so well with the neighbors. [19:12:50](#) **Commissioner Overson** added that she also appreciated Mr. Felice for coming in and seeking approval rather than just doing it.

5.5 **MOTION:** [19:13:35](#) **Commissioner Murray** - I will make a motion that we approve File #25C09 for an accessory building with the condition that the roof be changed to a 4/12 pitch.
SECOND: **Commissioner Jensen**

Commissioner Overson restated the motion to approve File #25C09 for an accessory building at 5752 South Blake Drive, based on Findings of Fact in the staff report and testimony by applicant. To approve with four conditions, adding a #5 that the pitch of the roof be changed to a 4/12 pitch.

VOTE					
Commissioner	Vote	Commissioner	Vote	Commissioner	Vote
Murray	AYE	Bolton	AYE	Fazzini	AYE
Overson	AYE	Jensen	AYE		
Motion passes unanimously.					

HOME OCCUPATION

5. 14H09 Erin Mendenhall – 5984 S Hazelhurst Drive – Beauty Salon (Dan Udall/City Planner) [19:14:55](#)

5.1 Mr. Udall presented this item. The applicant is proposing a beauty salon home occupation for up to eight clients to the home per day. There would be times when a total of two clients would be coming to the home at one time. Proposed hours and days of operation are from 8:00 a.m. to 5:00 p.m., Tuesday through Saturday. There is a two-car driveway on the site and the applicant is proposing to utilize the basement for the beauty salon use.

Findings of Fact:

1. That the applicant is proposing a beauty salon home occupation.
2. That a maximum of eight clients are coming to the home each day.

Staff Recommendation: Based on the above findings of fact, staff recommends approval with the following conditions:

1. Receive approval from and remain compliant with all applicable reviewing agencies.
2. That the use is reviewed upon substantiated and unresolved complaint.
3. That no more than eight clients can come to the home per day.
4. A maximum of one nameplate sign is allowed to be attached to the single-family home. The sign is allowed to be 3 square feet.
5. That adequate parking be provided on site to accommodate the homeowner's vehicles and customer vehicles coming to the home.
6. Hours of operation can be allowed from 6:00 a.m. to 8:00 p.m., Monday through Saturday.
7. That the home occupation is clearly incidental and secondary to the use of the dwelling and does not change the character of the neighborhood.
8. Provide adequate outdoor lighting.
9. Business must be conducted on an appointment only basis.

5.2 **APPLICANT ADDRESS:** The Applicant, Erin Mendenhall, was present. Commissioner Jensen asked if there were an outdoor access to the building and Ms. Mendenhall advised that there was, through the garage area. Commissioner Overson asked her if she had read the conditions outlined in the staff report and she advised that she had. [19:17:14](#)

5.3 **SPEAKING/DISCUSSION:** None

5.4 **MOTION:** Commissioner Bolton - I move for approval of File #14H09, home occupation for a beauty salon at 5984 South Hazelhurst Drive with nine staff recommendations.
SECOND: Commissioner Fazzini
Commissioner Overson restated the motion to approve File #14H09 with staff recommendations 1 through 9. [19:18:33](#)

VOTE					
Commissioner	Vote	Commissioner	Vote	Commissioner	Vote
Murray	AYE	Bolton	AYE	Fazzini	AYE
Overson	AYE	Jensen	AYE		
Motion passes unanimously.					

CONDITIONAL USES

6. 26C09 James Bernard – 5576 S Redwood Road – Haunted House (Dan Udall/City Planner) [19:18:53](#)

6.1 **Mr. Udall** presented this item. The applicant is requesting a temporary haunted house use in the building previously occupied by Petsmart. The applicant has submitted a conditional use amendment to the Planning Commission and desires to occupy the building from September 11, 2009 to October 31, 2009. The use is proposed to be in operation from 7:00 p.m. to 10:00 p.m. on weekdays and 7:00 p.m. to 12:00 p.m. on weekends. Days of operation are Monday through Saturday. The Community Development Director has determined this is a conditional use. The signage needs approval from the Planning Commission. Staff supports this temporary use.

Findings of Fact for File #26C09:

1. That the applicant is proposing a temporary conditional use in the C-2 zone.
2. That the proposed temporary use should not adversely affect the surrounding area.
3. That the applicant is proposing two temporary signs, a beacon light and a temporary banner sign.

Based on the above Findings of Fact, Staff recommends approval with the following conditions:

1. Receive approval from and remain compliant with all applicable reviewing agencies.
2. That city staff approves the final conditional review.
3. That the use is reviewed upon by substantiated and unresolved complaint.
4. **[Changed by Motion]** That the applicant receives permits for the temporary signs **and works with staff on the appropriate type signage.**

6.2 **APPLICANT ADDRESS:** **James Bernard** was present. [19:21:30](#) **Mr. Bernard** gave a copy of the signage change to the Commissioners for review. He had originally wanted to decorate the building like a castle but found out that the City of Taylorsville only allows coverage of 20% of one face of the building with a mural/signage. He would like to use the other 5% on the east and west sides for murals which include the name of the business. He is asking for a temporary sign permit and will renew it each year throughout his 10 year lease with the property owners. [19:22:57](#) **Commissioner Bolton** wanted to know if this would include beacon or spot lights. **Mr. Bernard** said they would use a rented search light. **Commissioner Fazzini** asked how late at night the search light would be on and **Mr. Bernard** said that on week days it would be on until 9:45 p.m. and on weekends it would be on until 11:45 p.m. **Commissioner Overson** asked Mr. Bernard to explain the entrance/exit pattern for this building. **Mr. Bernard** said that guests would be exiting out to the east and **Commissioner Overson** expressed her concern for the safety of individuals exiting out the east doors onto a very narrow road. **Mr. Bernard** said that they did not have another option and that there would be temporary fencing in place to channel them safely. He also commented that there would be a slight overlap in the permit for temporary signage and wondered what he could do about that. **Mr. McGrath** advised him that there is enough flexibility to allow them to have the signage up during the times the facility is open. **Commissioner Overson** reiterated that her main concern was safety of the people exiting the facility and asked that Mr. Bernard clearly mark the exit path and work with staff on the signage. Also asked if the building would be left as it is now when the haunted house permit expires. **Mr. Bernard** said that they have a 10 year lease and would like to leave the building decorated as such during the entire 10 years. [19:34:23](#)

6.3 **SPEAKING OR DISCUSSION:** None

6.4 **MOTION:** **Commissioner Jensen** [19:35:00](#) - **Based on the discussion heard this evening I move for preliminary approval with the staff recommendations, changing #4 to read that the applicant works with staff on the appropriate signage.** [19:35:31](#)
SECOND: **Commissioner Fazzini**
Commissioner Overson restated the motion for approval. **Modifying #4 so that the applicant works with staff on the signage for the haunted house.** [19:36:22](#)

VOTE					
Commissioner	Vote	Commissioner	Vote	Commissioner	Vote
Murray	AYE	Bolton	AYE	Fazzini	AYE
Overson	AYE	Jensen	AYE		
Unanimous					

7. 28C09 **Troy Ricks – 2030 W 5400 S** – Conditional Use Permit for an Office Building. (Michael Meldrum/Principal Planner) [19:37:13](#)

7.1 **Mr. Meldrum** presented this item. The applicant wants to obtain approval for a Preliminary Conditional Use Permit for an insurance office building proposed at 2030 West 5400 South. The building contains one floor and is currently shown at 4,000 square feet. The exterior building materials are proposed to be

brick, stone and hardiplank siding. The applicant proposes to retain the garage that is currently located on the northwest corner of the property.

Findings of Fact for File #28C09:

1. The applicant has requested approval for a Conditional Use Permit.
2. The property is zoned MD_1.
3. The proposed building meets all setback requirements.
4. The landscaping on the east property line does not comply with Ordinance requirements.
5. Two parking stalls located on the south side of the building must either be eliminated or relocated to another area of the site.

Staff Recommendation:

1. Receive approval from and remain compliant with all applicable reviewing agencies.
2. The Conditional Use Permit may be reviewed based upon substantiated and unresolved complaint.
3. Remove or relocate the two parking stalls located on the south side of the building.
4. Comply with landscaping requirements as required in Section 13.24.120 of the Zoning Ordinance.
5. Staff is authorized to conduct the Final Conditional Use Permit review.

7.2 **APPLICANT ADDRESS:** **Sandra McMahon** said that she was representing the applicant, Troy Hicks, and that the reason he is not putting the driveway on the other side is because when he purchased the property there was an easement with the home to the east side of the property so that they can move their trailer in and out. That they have a right to use that property for that purpose. **Commissioner Fazzini** asked why then was the applicant proposing to put in a fence there. **Ms. McMahon** said she believes he is putting a vinyl fence in the back and only part of the way towards the street so the neighbor retains his easement rights. **Commissioner Overson** asked Mr. Meldrum to review that easement and advise the Commission on his findings, to which he agreed. She continued on to express concern that the parkstrip needs to be reclaimed, i.e., remove the concrete and replace it with living material. There also needs to be an 8' wide landscape buffer to the residential home on the east side. She asked Ms. McMahon if the applicant planned to take out the trees, saying that it would be a shame to lose such beautiful trees and **Ms. McMahon** advised that the applicant did not plan to take out those trees. **Commissioner Overson** asked if it would be possible to switch the parking drive to the west side and take out the garage in order to allow a larger size building, because in order to comply with the 8' wide buffer on the east side, the footprint of the building will need to be reduced. 19:50:39 **Commissioner Fazzini** 19:50:37 said that it would seem as long as there is no fence or landscape element in the way of the easement, whether it is landscaped or grass, etc., that would still allow him to get his vehicles in and out to satisfy the intent of the easement. If they could move the driveway to the other side and he could access over the grass once in a while and it would satisfy the 8' requirement by the City. **Commissioner Murray** agreed, adding that he did not think the easement calls for a curb cut there. **Commissioner Fazzini** advised that the curb cut is probably already there, to which **Mr. Meldrum** added that the curb cut is there already and he assumed that the neighbor is driving through that to get his trailer in and out of the property. **Commissioner Bolton** commented that both of those drive accesses are subject to UDOT approval, so it depends on where the driveway ends up. With the change in use of the property, those drive accesses may also be changed by UDOT. **Commissioner Fazzini** felt that UDOT would probably favor the west access due to its' location being further away from the intersection of the side road. **Commissioner Overson** opened the public hearing for comment at this point and no one came forward, so she closed the public hearing and opened it up for discussion by the Commission.

7.3 **SPEAKING:** None.

7.4 **DISCUSSION:**

- **Commissioner Murray's** position on this is that to fall in line with City ordinances regarding landscaping, etc., and to accommodate a larger building size, it may be appropriate to give the applicant some time to rework things rather than adding an excessive list of conditions for approval.
- **Commissioner Overson** added that because this is a business now, the fencing needs to be appropriate for that use. **Mr. Meldrum** said that would be appropriate where it abuts residential zoned property.

7.5 **MOTION:** **Commissioner Fazzini - 19:55:17 I would like to make a motion to table this and give the applicant more time to present a new site plan, elevations, etc. They need to work with staff and come back before the Commission at another meeting.**
SECOND: **Commissioner Murray.**

Commissioner Overson restated the motion by Commissioner Fazzini to table this application until such time as the applicant can explore other possibilities and find out some answers to questions. The Commission talked about the location of the building, reclaiming the park strip, landscaping buffer to the east, UDOT approval of ingress/egress, the number of parking stalls, fencing, façade of the building. The applicant needs to explore some possibilities and come back with something a little more definitive. This application will be continued to whenever the applicant has some answers to the questions. [19:56:35](#)

DISCUSSION: Commissioner Jensen - Should it be continued to a time certain, i.e., a month from now? Mr. Meldrum - It can be continued to a time certain and thereby negate the need for another public notice. Commissioner Overson addressed the applicant - We can continue to whenever or put a date certain on this, whatever is easiest for the applicant. Mr. Meldrum - I know that Mr. Ricks is out of town for this week and being the owner I am sure he would want to be heavily involved in this process, so I don't know that continuing it to a certain date is going to be beneficial. Basically when he gets back, he would have about a week to get everything done in order to meet the deadline for applying. Commissioner Fazzini - Or we could also continue it to the September meeting and he could always cancel that later. Mr. McGrath - I think that given the fact that we have held a public hearing this evening, we have satisfied the conditions of the ordinance by doing so. I think that we can just leave it open and don't see any necessity for another public notice given the fact that there were no members of the public present for this item. We can certainly have it a public hearing but there is no reason to re-notice it. That would give the applicant the needed flexibility. [19:58:32](#) Commissioner Overson - So the motion stands and we will continue this not date certain.

VOTE					
Commissioner	Vote	Commissioner	Vote	Commissioner	Vote
Murray	AYE	Bolton	AYE	Fazzini	AYE
Overson	AYE	Jensen	AYE		
Motion passes unanimously.					

CITY COUNCIL MEETING DISCUSSION: Commissioner Fazzini [19:59:30](#) advised that there was nothing specific from this body discussed and that they talked mostly about the 6200 South intersection. The neighbors were concerned about egress/ingress. Commissioner Overson added that the presentation by the City Engineer was well done and it was a very interesting meeting. Mr. McGrath explained one of the key issues being addressed as part of the public information process is that it has been funded for about 6.5 million dollars, which is the cost of the continuous flow intersection at 6200 South and Redwood Road, however using stimulus money the City has been able to add some betterments to the project, including a pedestrian overpass for the schools up the street and a few other things. One concern is that if the environmental document is challenged by anybody that could delay the project by anywhere from one year to an unknown date and if that happens the City will lose the stimulus money because it must be spent by a certain period of time, which means that all of the money would flow back into the project itself and the City would lose those betterments. The continuous flow intersection, in all likelihood is going to happen. Commissioner Overson commented that it was a very interesting meeting and it was great to see interested people there. Commissioner Fazzini said that reminded him that other positive comments were made about what has been done with the rest of Redwood Road so far. That he had talked to UDOT extensively about this intersection and they are doing the best they can do within the constraints that they have to provide as safe as possible pedestrian/bicycle access through this corridor. Hopefully that way something good will come out of this. [20:04:19](#) Mr. McGrath added that during this meeting, reappointments were approved for Commissioner Overson and Commissioner Fink.

OTHER BUSINESS: None.

ADJOURNMENT: By motion of Commissioner Bolton the meeting was adjourned at 8:05 p.m. [20:05:40](#)

Respectfully submitted by:

Jean Gallegos, Admin Asst/Recorder for the
Planning Commission

Minutes were approved in meeting held on August 11, 2009.