

**City of Taylorsville
 Planning Commission Meeting
 Minutes
 Tuesday – August 24, 2010 – 6:00 P.M.
 2600 West Taylorsville Blvd – Council Chambers**

Attendance:

Planning Commission

Garl Fink, Acting Chair
 Kristie Overson
 Dale Kehl
 Anna Barbieri
 Steve Fauschou
 Ernest Burgess
 Dan Fazzini, Jr.

Excused: Ted Jensen

Community Development Staff

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

PUBLIC: None. (6:03:50)

WELCOME: **Commissioner Fink** opened the meeting at 6:00 p.m.

CONSENT AGENDA

1. Review/approval of Minutes for July 27 and August 10, 2010.

MOTION: **Commissioner Overson** - I move for approval of the Consent Agenda consisting of the minutes for July 27th and August 10th, 2010.

SECOND: **Commissioner Burgess**

<u>VOTE</u>					
<u>Commissioner</u>	<u>Vote</u>	<u>Commissioner</u>	<u>Vote</u>	<u>Commissioner</u>	<u>Vote</u>
<u>Fauschou</u>	<u>AYE</u>	<u>Overson</u>	<u>AYE</u>	<u>Barbieri</u>	<u>AYE</u>
<u>Kehl</u>	<u>AYE</u>	<u>Fazzini</u>	<u>AYE</u>	<u>Burgess</u>	<u>AYE</u>
<u>Fink</u>	<u>CHAIR</u>	<u>Jensen</u>	<u>EXCUSED</u>		
<u>Motion passes 6 to 0</u>					

WORK SESSION

Mr. McGrath advised that Agenda Item #4 (Update on current road projects City-wide) will not be presented this evening and will be continued to the next work session due to unavailability of the speaker, John Taylor, City Engineer.

2. **Brief update on the Unified Development Code Re-write.** (Mark McGrath/Director of Community Development)

2.1 **Mr. McGrath** presented this item. (6:04:40) The committee tasked with rewriting the Taylorsville Ordinance officially finished reviewing the Code last Monday and are now in the process of editing the draft. **Mr. McGrath** would like for his Staff to work through the 300 page draft and felt they need about two months before it would ready to present to the Planning Commission. He reviewed the key changes between the new ordinance and the old one as follows:

- The new ordinance has basically been patterned after Sandy City's and as a result, the zoning classifications are different from those presently used in Taylorsville. Once the code is adopted, there will be hundreds of re-zonings that will have to be done. So, even though the ordinance is close to being finished, the work itself is just beginning. **Commissioner Overson** wondered why Taylorsville opted to use Sandy City's zoning designations instead of just merging ours into the new code. **Commissioner Fink** commented that he also felt it might have been easier to insert Taylorsville's codes into the Sandy ordinance. **Mr. McGrath** said that he was given no say so with regard to that during the re-write process. (6:06:14) He

continued on to say that Staff will look at what types of legal non-conforming uses will be created and will try to minimize that as much as is possible. One problem will be with banks, which are very cautious when lending money to finance a legal non-conforming piece of property, so financing may become much more complicated in the future. **Commissioner Overson** added that the City had done much the same thing upon incorporation wherein the City more or less adopted the Salt Lake County's Code to be used in Taylorsville. **Mr. Meldrum** said that the main difference was that the County's code coincided with the existing properties.

- **Commissioner Faurschou** wanted to know if changing the zoning would impact the City's tax base and **Mr. McGrath** said that he did not think so but that Staff will have to go through and look at every property in the City and determine the closest match.
- **Mr. McGrath** commented that Sandy was felt to have the best code in Utah and that is the main reason why the decision was made to base the City's code on that particular one. Overall this will be a positive change for the City.
- **Mr. McGrath** continued on to say that there will be substantial changes with regard to Conditional Use Permits, which will affect the Planning Commission. Any conditional use application involving real substance will come before the Planning Commission. More simple, uncontested items will be handled by Staff as administrative permits. This process will make the City more developer friendly and will significantly speed up the process. The Code will articulate which types of applications fall within which category (Staff or Planning Commission).
- **Mr. McGrath** said that the appeal process will change wherein all appeals will be heard by the same body. To be determined is which body, possibly either the Board of Adjustment or through an Administrative Law Judge (ALJ). The concern with having the Board of Adjustment do this is that they have met together very little, maybe once a year and this process needs to involve a highly trained individual or group that can deal with this at least monthly. This process will need further discussion before anything is implemented. **Commissioner Kehl** wanted to know why the City Council was not involved in this process and **Mr. McGrath** said that may still be a possibility but the function of the City Council is mainly legislative and that would place them in a judiciary realm.
- **Mr. McGrath** continued on to say that another positive outcome is that there will be design guidelines and controls over landscaping and architectural ambience included. **Commissioner Kehl** felt that would encourage good developers to come to Staff for productive critiquing.
- **Mr. McGrath** advised that one big weakness in the present code is the sign ordinance, which needs a lot of work. This, along with the subdivision ordinance will be integrated into the new version of the code and be completely rewritten. Also included will be chapters on grading and drainage. This way, everyone will know what the rules are from the beginning.
- **Mr. Meldrum** added that the committee is going through the land uses that are listed in the Code and will now have a chart instead of just a list. In the chart it will have the use listed and will have all the commercial and office zones together, all the residential zones together and it will either have a "P" for permitted, a "C" for a traditional conditional use and "AC" for administrative conditional use and an "N" if it is not allowed. There will be some letter addressing every single potential use in a particular zone. Sometimes it may be "N's" all the way across simply because it is not appropriate in that zoning district.
- **Mr. McGrath** said that the Planning Commission would probably be seeing the document for the first time in a couple of months. Staff will give the Commission another update next month.

3. **Planning Department Project Update.** (Michael Meldrum/Principal Planner)

- 3.1 **Mr. Meldrum** presented this item as depicted in the following table, including pertinent comments regarding each project:

MAJOR PROJECT UPDATE – August 2010				
Project	Planner	Address	Applicant	Status
Metro Redwood Properties, LLC	Mike	6235 S Redwood Road	Dan Floyd	CUP approved – no changes yet.
Randall Henderson	Mike	4482 S Heatherglen Circle	Randall Henderson	Subdivision approved – not yet recorded.
Plaza 5400 LC	Dan	5400 S 3200 W	Plaza 5400 LC	2-Lot Subdivision
Smart Kids Daycare	Mike	2271 W 6200 S	Katia Lopez	Final inspection pending.
Bennion Care Center	Mike	6246 S Redwood Road	Bill Terburg	Building permit granted.
Club DJ's	Mike	3849 W 5400 S	Murray Moffat	Adding smoking patio – pending meeting with Health Department.
Project	Planner	Address	Applicant	Status
Alta Meadows Healthcare	Dan	3587 W 4700 S	Jim Wilkinson	Construction nearly completed.
Iglesia de JesuCristo	Mike	4731 S 3600 W	Ignacio Cambray	Building permit is pending.
Unified Development Code Re-write	Mark, Mike, Dan	N/A	City	In progress.

DISCUSSION:

- **Commissioner Fink** wanted to know the status of the senior housing development to be built on 4700 South and 2200 West. **Mr. Meldrum** advised that development is called Silvercrest and is being built by Perry Homes. He continued on to say that the development has received the peer review and has a substantial list of corrections now to work on before proceeding further. Their biggest problem was getting the release of funds from HUD, which has now been taken care of.
- **Commissioner Barbieri** had a question about the issue with Club D.J.'s and how long it would be before the City tells Mr. Murray that the existing patio does not meet code and it has been long enough. **Mr. Meldrum** said that Staff has debated in trying to decide how much time is enough time. That Mr. Murray and his manager had met with the Mayor last week to discuss their issues and he was not privy to the outcome of that meeting.
- **Commissioner Overson** said that she has found that when neighbors get a notice from the City they do come in and voice their opinion, otherwise nothing happens. She noted there are open ended questions regarding Club D.J.'s and Metro Redwood Road as well. She felt that the Commission needs to become more specific on motions and denoting time certain for events to happen. To give the applicants a time line to move the process along and some type of progress report demonstrating some type of effort on their part.
- **Mr. Meldrum** expressed complete agreement with that statement and added that the Assistant Chief of Police, Wayne Dial, has subsequently informed him that the noise complaints have increased for Club D.J.'s, and police are responding more often to that establishment. **Commissioner Faursschou** wanted to know if the noise complaints were coming from the parking lot or from inside the club. **Mr. Meldrum** advised it was from the Club itself.
- **Mr. McGrath** advised that when the public comes to these meetings it is not necessarily a vote, they are not saying to approve or not approve. They are just saying it is noisy well up until 1:00 o'clock in the morning. Then the Commission can take that information and decide if that is a violation of the standard in the Code. They are producing noise that is disturbing the adjacent neighborhood. That is violating a standard of City code. That way the Commission has justification to turn it down. Otherwise, if they are meeting every standard of the Code, the Commission must approve it, there is no choice. **Mr. Meldrum** said that the general rule of thumb denotes three things – the life, safety or welfare as reasons for denial of a permit. The other ones are the violations of particular codes or ordinances.
- **Commissioner Fazzini** commented that whether Mr. Murray builds the shed or not or just gives up on the smoking idea altogether, there are very few clubs that allow smoking anymore.

Commissioner Kehl said then one option might be to rather than go through what Club D.J.'s is trying to do; they could just not allow smoking anymore. **Commissioner Fazzini** said he didn't think there is another club like this one within five miles, which means there seems to be no competitive reason for doing this. He did not feel that Club D.J.'s would lose that many customers. If they don't put the shed in, the Club is under a conditional use for an existing grandfathered type use. If the Club should start having live, really loud bands, the neighbors could still complain and have a review of the existing conditional permit and possibly have some censures or something happen as a result of that. He asked Staff if they had ever actually revoked a conditional use permit because of substantiated complaints. **Mr. Meldrum** related that had not occurred since he has worked for Taylorsville. **Mr. McGrath** said he could not remember anything specific either. **Commissioner Kehl** mentioned one he had heard about, an alleged internet café over by Reams, which was shut down by the City. **Mr. McGrath** said that was just a business license issue and not a conditional use permit. Those particular clients came in and said on their business license that they were an internet café when it actually turned out to be a casino. **Commissioner Faurschou** asked if the first step in something like that would be a code violation. **Mr. McGrath** indicated that for something like that it probably would not be handled through the Planning Commission under their conditional use permit. It would be handled more through the Police Department and Code Enforcement in regard to their business license. Staff would look into violating a conditional use permit if somebody was in violation for something on their site plan for example.

- **Commissioner Kehl** commented that the Planning Commission doesn't initiate the action to close a business down then. **Mr. McGrath** added that in this instance, Mr. Murray has expanded his conditional use permit by adding the caged in area for people to go into to smoke, therefore, he must come before the Commission for permission to do so. It was at that time that Staff identified all the issues with the clean air act and building department codes.
- **Commissioner Kehl** had another question regarding the lack of landscaping on the site projected to be a church in the building previously occupied by the Carpet Guy on Redwood Road. He wanted to know what type of process was in place to keep track of issues pertinent to conditional use approvals. **Mr. Meldrum** advised that the City now has software in place that will help but he did know if the occupancy permit for this structure had been issued yet.

NOTE: Item #4 was cancelled.

5. Review of Current Administrative Report. (Mark McGrath/Director of Community Development)

5.1 **Mr. McGrath** explained that he has decided to include a copy of the monthly Administrative Report for every work shop meeting. This is an ongoing report given to the City Council once a month regarding activity in the Community Development Department for the previous month. This is for information purposes only for the Commission. Commissioners asked several questions regarding the good landlord program and the need for a business license to rent out homes. **Mr. McGrath** explained the process for doing so in detail. (7:17:17)

CITY COUNCIL MEETING DISCUSSION: **Commissioner Barbieri**

OTHER BUSINESS: None

ADJOURNMENT: By motion of **Commissioner Kehl** the meeting was adjourned at 7:01 p.m.

Respectfully submitted by:

Jean Gallegos, Admin Assistant/Recorder for the
Planning Commission

Minutes were approved in meeting held on September 14, 2010.