

**City of Taylorsville  
 Planning Commission Meeting  
 Minutes  
 September 14, 2010  
 Pre-meeting – 6:00 p.m. - Regular Session – 7:00 p.m.  
 2600 West Taylorsville Blvd – Council Chambers**

**Attendance:**

**Planning Commission**

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

**Community Development Staff**

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

**PUBLIC:** Joey Clegg, Adela Brasso, Neoma Barnett, Stephanie Wyler, Joseph Cabibi, Patricia Cabibi, Sam Pace, LeAnn Pace

**WELCOME:** **Commissioner Jensen** 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 Jensen asked for a motion regarding the Consent Agenda. [19:02:05](#)

**CONSENT AGENDA**

<b>Agenda/File #</b>	<b>Application</b>	<b>Applicants</b>	<b>Action</b>
1.	Review/approval of Minutes for August 24, 2010		Approved as presented.

**MOTION:** [Commissioner Fink](#) - I move for approval of the Consent Agenda consisting of the Minutes for August 24, 2010.

**SECOND:** [Commissioner Burgess](#)

[Commissioner Jensen](#) restated the motion to approve the Consent Agenda consisting of the Minutes for August 24, 2010.

<b><u>VOTE</u></b>					
<b>Commissioner</b>	<b>Vote</b>	<b>Commissioner</b>	<b>Vote</b>	<b>Commissioner</b>	<b>Vote</b>
<a href="#">Faurischou</a>	<a href="#">AYE</a>	<a href="#">Fink</a>	<a href="#">AYE</a>	<a href="#">Burgess</a>	<a href="#">AYE</a>
<a href="#">Kehl</a>	<a href="#">AYE</a>	<a href="#">Barbieri</a>	<a href="#">AYE</a>	<a href="#">Jensen</a>	<a href="#">Chair</a>
<a href="#">Overson</a>	<a href="#">AYE</a>			<a href="#">Fazzini</a>	<a href="#">ALT</a>
<b>Motion passes 6 to 0.</b>					

**HOME OCCUPATIONS**

2. 5H10 - <b>Stephanie Wyler – 2100 West 4700 South</b> – Child Day Care (Michael Meldrum/Principal Planner) <a href="#">19:04:08</a>
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2.1 **Mr. Meldrum** presented this item. The applicant is requesting approval for a child day care within her home for up to twelve children. City Ordinance 13.57.057 allows hours of operation to be between 6:00 a.m. and 8:00 p.m. A horseshoe shaped driveway is located along 4700 South and should provide adequate access to and from the property. The yard is fenced with a 6-foot high vinyl fence that is in good condition. Staff did not observe any code violations that would prohibit the applicant from obtaining a business license.

2.2 **Findings of Fact: (File #4H10)**

1. The home occupation is allowed as a conditional use in the R-1-8 zone.
2. The home occupation does comply with the hours of operation as identified in Section 13.57.057.
3. The home occupation meets all other applicable codes.

2.3 **Staff Recommendation:** Staff recommends approval of File #4H10 with the following conditions:

1. Receive approval from and remain compliant with all applicable reviewing agencies.
2. The Conditional Use Home Occupation is subject to review upon substantiated and unresolved complaint(s)
3. That a maximum 3-square foot sign attached to the single-family home is allowed.
4. That adequate parking is provided on site to accommodate the homeowner's vehicles, an employee vehicle, and customer vehicles coming to the home.
5. That the home occupation is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character of the dwelling or property for residential purposes.
6. That the applicant lives in the existing homes.
7. Adequate outdoor lighting must be provided.
8. No additional Class D home occupation business licenses are allowed at this address while this business is in operation.

9. Hours of operation are limited from 6:00 a.m. to 6:00 p.m., Monday through Friday.
10. **[Added by Motion] – That a maximum number of 12 children be allowed.**

2.4 **DISCUSSION:** Kristie Overson asked if a disability access had been provided and Mr. Meldrum advised that it will be included.

2.5 **APPLICANT ADDRESS:** Stephanie Wyler. 19:07:30 Ms. Wyler was present and advised that she will provide a quality day care. Commissioner Fink suggested that there may be a chance of accessing her property through the cul-de-sac behind her. Ms. Wyler said that there is a small gate back there but that she did not know exactly where her property line was at that point and felt that the access off of 4700 South would be better. Commissioner Fink felt that the access off of 4700 South may become very difficult during high volume traffic times of the day and create a safety hazard. Commissioner Overson asked Ms. Wyler if she planned on using the home in the back for the day care and if it was currently occupied, to which Ms. Wyler replied that she would be living in the presently empty home. Commissioner Overson wanted to make sure that there was safe access back to that home for the children and Ms. Wyler replied that the driveway is of sufficient width to accommodate that. 19:09:51 Commissioner Overson expressed concern about the large walking stones within that driveway not being safe enough for the children to walk upon and suggested there may be a need to install an appropriate sidewalk. Mr. Meldrum added that in order to meet ADA requirements, a sidewalk would need to be installed. 19:10:52 Commissioner Overson said that while access off of 4700 South might be appropriate for right turns, the concern is with left turns. During some times of the day access would be extremely difficult. She asked if all vehicles could safely stack on the property to discharge children. Ms. Wyler said that she believed so because the driveway is large. That the parents may have to circle around the block for safest entry. Commissioner Overson wanted to know how many children were being planned for. Ms. Wyler said that it would ultimately be around 12; however, right now she is planning to only watch her three grandchildren. Commissioner Fauschou wondered how she would handle the ADA requirements, commenting that the gravel in front did not seem adequate and may require a hard surface. Mr. Meldrum said that there is a partial hard surface there presently which he felt would satisfy ADA requirements. Ms. Wyler said that she has subsequently talked with her neighbor to the rear and he does not want to allow access from his property. Commissioner Jensen asked if she was tending children now and she replied that she was not. She planned to start out with just her grandchildren and then add additional children later. She has talked with the State and knows that having any number of children over eight requires an employee.

2.6 **SPEAKING:** Joseph Cabibi (The owner of the property to the rear). 19:17:25 Mr. Cabibi said he had no objection to the day care but did not want the access thereto from the cul-de-sac to the rear. That he owns property directly in front of the gate previously mentioned. 19:18:28 Commissioner Kehl asked him where the gate was located and Mr. Cabibi replied that it was on the west side. (At this point, Mrs. Cabibi joined her husband at the microphone). She continued on to say that the gate actually belongs to Ms. Wyler, however, that she and her husband (the Cabibi's) own the property that runs alongside that. Commissioner Fink suggested that the Wyler's could possibly move their gate so that it does not impact on Mr. Cabibi's property. Mr. Meldrum said that would not be an option because there is only 4' where the Wyler's property actually touches on the cul-de-sac. Commissioner Overson commented that the only other option would be for the Wyler's to purchase some property to allow that access. 19:28:34

2.7 **APPLICANT READDRESS:** 19:29:26 Ms. Wyler said that she was hoping for approval of the 4700 South access. She did not want to upset any of her neighbors by suggesting the access be through the rear portion of her property. Commissioner Overson felt strongly that if that is the case, Ms. Wyler should suggest to her patrons to access the property only right-in and right-out.

2.8 Commissioner Fink commented that the Commission needs to approve this based on the premise that access will only be off of 4700 South. Mr. Meldrum asserted that was correct, otherwise it would be double frontage, which is not allowed. 19:31:06

2.9 Commissioner Overson asked if requirements pertaining to ADA had been met. Mr. Meldrum advised that would come under the review made by the Building Department for the business license.

- 2.10 **MOTION:** Commissioner Overson 19:32:20 - Based on the Findings of Fact and testimony heard this evening, I move for approval of File #4H10 with Staff conditions 1 through 9, adding #10 that the maximum number of children would be 12. The applicant has been straight-forward in saying that she would start out small, anticipating the business to grow in the future. Commissioner Overson suggested that the applicant inform her patrons to use right in and right out for access/exit to the property. SECOND: Commissioner Fauschou DISCUSSION: Commissioner Kehl expressed concern with the right turn issue and felt that in order to make this safer, the approach may need to be widened. Commissioner Jensen restated the motion to approve File #5H10 with nine Staff conditions, adding #10 that the maximum number of children is 12.

VOTE					
Commissioner	Vote	Commissioner	Vote	Commissioner	Vote
Fauschou	AYE	Fink	AYE	Burgess	AYE
Kehl	AYE	Barbieri	AYE	Jensen	CHAIR
Overson	AYE			Fazzini	ALT
Motion passes unanimously					

3. 4H10 – Adela Brasso – 2173 West 6200 South – Preschool. (Dan Udall/City Planner) 19:35:01

3.1 Mr. Udall presented this application. The applicant is proposing a preschool home occupation with two sessions: 7:00 a.m. to 11:00 a.m. and from 2:00 p.m. to 5:00 p.m., Monday through Friday. The applicant is proposing to have up to 11 children coming to the home per session. The applicant stated that she is moving into the single family home at the end of September. There is a 5' high wooden and chain link fence surrounding the rear yard. No children who live in the home will be attending the preschool. Children ages 2 to 5 will be attending the preschool. The Utah and Salt Lake Canal is located south of the subject property and a chain link fence is on the rear property line. The property to the west was previously a commercial day care, recently bought by the City to create a pedestrian

bridge to the elementary school to the north. This home was part of the original day care. [19:37:33](#) Applicant will be utilizing the driveway along 6200 South. [19:38:06](#) Recently a family has been living in the home. Part of the parking lot is still located on the property; however, Staff is unsure in reviewing the site plan how much parking they do have currently. The applicant will be utilizing the driveway that is along 6200 South to access the property. Most of the driveway approach is actually on the City's property where the pedestrian bridge is located; therefore, Staff is requesting an access easement agreement be provided between the City and the applicant to use this access approach. Staff is actually recommending the Commission continues this item because of the uncertainty of where the parking lot is located on the property and would like a site plan which shows that. Also, the property is not being maintained very well (i.e. weeds). For those reasons, Staff would like to continue this item until next month in order to receive more information regarding the application.

**Findings of Fact:**

1. That the applicant is proposing a preschool home occupation and it is a conditional use in the A-1 zone.
2. That a maximum of 11 children are coming to each preschool session.
3. That the applicant is proposing to utilize a parking lot to access the home occupation.
4. That the driveway allowing vehicle access to the subject property is shared with the property to the west.

**Staff is recommending continuation of this application until next month in order for Staff to obtain more information.**  
[19:38:40](#) **Should the Planning Commission decide to make a decision this evening, Staff recommends 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 11 children can attend the home per day for each home occupation preschool session.
4. A maximum of one nameplate sign is allowed to be attached to the single-family home. The sign is allowed to be three square feet.
5. That adequate parking be provided on site to accommodate the homeowner's vehicles and customer vehicles coming to the home.
6. Days and hours of operation can be allowed from 7:00 a.m. to 11:00 a.m. and from 2:00 p.m. to 5:00 p.m., Monday through Friday.
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. That no other class "D" home occupation is allowed while the preschool home occupation is under operation.
10. That the property is well maintained; any violations must be resolved prior to issuance of a home occupation permit.
11. That the applicant receives a vehicle access easement agreement with the City of Taylorsville to access the home occupation. That the agreement is recorded with the Salt Lake County Recorder's Office.
12. That the preschool cannot operate until the applicant moves into the single-family home.

3.3 **APPLICANT ADDRESS:** **Ms. Brasso** [19:39:37](#) advised she had read the staff report and had no problems with any of the proposed conditions. **Commissioner Jensen** asked about the condition of the fence, especially since it borders along a canal and she advised that she intends to install a wooden fence for safety of the children. **Commissioner Fink** asked if she would live in the home and **Ms. Brasso** said that she would be, however, presently had renters in the home. **Commissioner Fink** wanted to know how many children she contemplated teaching and was informed that it would be eleven per session. **Commissioner Fauschou** informed her that the biggest concern is access to the property. He asked her if the amount of cars would be spread out or all come at once. **Ms. Brasso** advised that the timing for the arrival of the children overlaps. **Commissioner Fauschou** asked her if she had contacted the City about the access easement Staff alluded to and she said that she has not yet done so. **Mr. Meldrum** informed her to contact John Inch Morgan (City Administrator) to make that happen. **Commissioner Barbieri** asked if she had owned the property for some time and **Ms. Brasso** said she had. **Commissioner Kehl** asked if she previously owned the whole corner lot and **Ms. Brasso** said that was true. That she had sold part of it to Katia Lopez for her day care on the corner and Ms. Lopez subsequently sold it to the City in order for them to build the pedestrian overpass and moved her business to another location. [19:48:04](#) **Commissioner Fazzini** clarified the issue by saying that Ms. Brasso originally owned the property and sometime ago sold it to the previous full day care operation that was on the corner, who in turn sold it to the City in order to install the overpass. That Ms. Brasso continues to own this particular sliver of land and that is where the confusion was as to whom presently owns the property. Her plan is just to move back into the home, which belongs to her, in order to have this home occupation day care business. **Commissioner Fauschou** commented on the poor condition of the yard and **Ms. Brasso** advised that she plans to work on weekends to get it cleaned up.

3.4 **SPEAKING: None.**

3.5 **DISCUSSION:** **Commissioner Fink** asked Staff if their recommendation was now to table this application until there is a site plan and more information. **Mr. Udall** replied that was correct. **Commissioner Jensen** said that would allow the applicant to see about possibly purchasing property from the City. [19:50:13](#) **Commissioner Burgess** suggested that the owner may want to raise the maximum number of children from 11 to 12 so that she would not have to do that at a later time. **Commissioner Fazzini** asked Staff if possibly the number of children being at 11 was because of square footage requirements of the Health Department? **Mr. Meldrum** replied that the indoor square footage requirement is 35 square feet per child and he was not aware what the square footage of the building was. It will be limited by the square footage of the home to determine what the actual number of children that will be allowed is. The State does regulate that at 35 square feet inside and 45 square feet outside. **Commissioner Burgess** said that she could at least ask the question when they do their inspection. **Commissioner Barbieri** asked Staff, with the changes on 6200 South, if there would be a chance that zoning would change for both sides of that particular street. **Mr. Udall** asked if she was talking about the subject property and that to the west and she replied that was correct. **Mr. Udall** said that he did not see that happening right now because a pre-school is allowed as a conditional use in the A-1 zone. **Commissioner Barbieri** wanted to know if that were based upon people who own the property requesting that action. **Mr. Udall** replied that was correct. **Commissioner Barbieri** commented that it was not just a blanket change then. **Mr. Meldrum** said that it could be both. Both options could happen. For example if the City adopted a new zoning ordinance with new zoning classifications, some properties may be classified into different zoning designations other than what they are presently. Most of the time it is generated by an applicant saying that they want to do something on their property and the current zoning does not allow that, then they would request another type of zoning.

- 3.6 **MOTION:** [Commissioner Fauschou](#) - I move that we continue File #4H10 until the next regular meeting on Oct 12<sup>th</sup> in order for staff to obtain more information as discussed previously. [19:52:07](#)  
**SECOND:** [Commissioner Barbieri](#)  
**DISCUSSION:** [Commissioner Overson](#) – The ingress/egress issue is unclear. [Commissioner Kehl](#) - I would like to see a site plan which includes proposed parking, including whether or not one of the large trees there needs to be taken out and if there is room to turn around, and showing ingress/egress off 6200 South. That the application can probably be worked out but at this point there is insufficient information to determine that. [19:54:26](#)  
[Commissioner Jensen](#) restated the motion to continue File #4H10 until the Oct 12, 2010 meeting.

VOTE					
Commissioner	Vote	Commissioner	Vote	Commissioner	Vote
<a href="#">Fauschou</a>	AYE	<a href="#">Fink</a>	AYE	<a href="#">Burgess</a>	AYE
<a href="#">Kehl</a>	AYE	<a href="#">Barbieri</a>	AYE	<a href="#">Jensen</a>	CHAIR
<a href="#">Overson</a>	AYE			<a href="#">Fazzini</a>	ALT
<b>Motion passes 6 to 0.</b>					

**CONDITIONAL USE PERMITS**

4. 37C10 – [Neoma Barnett – 6431 South Eastbrook Drive](#) – Backyard Chicken Permit. (Dan Udall/City Planner) [19:55:50](#)

4.1 **Mr. Udall** presented this item. The applicant has requested a conditional use permit for a backyard chicken permit to allow three chickens on her property. The applicant is proposing an 8' x 4' square foot chicken coop to be located in the rear of an existing single family home. Currently there are no chickens on the subject property. The coop is of sufficient size to admit free movement for each chicken. An existing shed and the proposed chicken coop covers 1.6 percent of the rear yard. The coverage of the accessory buildings in the rear yard meets requirements of the City code. The applicant will need to submit a signed consent to an on-site inspection of all enclosures, coops and surroundings. The consent has not yet been received by Staff.

**Findings of Fact:**

1. That the applicant is proposing a backyard chicken permit.
2. That the backyard chicken permit is a conditional use.
3. That a maximum of three chickens can be on a 6,000 square foot lot.

**Staff Recommendation:** Staff recommends approval with the following conditions:

1. That the use is compliant with all requirements of applicable reviewing agencies.
2. Conditional Use Permit is subject to review upon substantiated and unresolved complaints. Complaints which cannot be resolved by Staff or West Valley Animal Services personnel may be grounds for permit revocation.
3. Property violations (if any) must be resolved prior to issuance of a backyard chicken permit.
4. The applicant needs to apply to all requirements that are applicable under Chapter 8 (animal permit regulations and Title 13.
5. That only a maximum of three chickens can be on the subject property and all of the chickens should be contained in the required enclosure at all times.
6. That a signed consent to an on-site inspection of all enclosures, coops and surroundings be submitted to Staff.
7. That chickens cannot be slaughtered on the premises.

4.2 **APPLICANT ADDRESS:** Applicant was present but did not speak.

4.3 **SPEAKING:** None

4.4 **MOTION:** [Commissioner Kehl](#) - I move for approval of File #37C10 with staff recommendations 1 through 7.  
**SECOND:** [Commissioner Burgess](#)  
[Commissioner Jensen](#) restated the motion for approval based on Findings of Fact and including seven Staff recommendations.

VOTE					
Commissioner	Vote	Commissioner	Vote	Commissioner	Vote
<a href="#">Fauschou</a>	AYE	<a href="#">Fink</a>	AYE	<a href="#">Burgess</a>	AYE
<a href="#">Kehl</a>	AYE	<a href="#">Barbieri</a>	AYE	<a href="#">Jensen</a>	CHAIR
<a href="#">Overson</a>	AYE			<a href="#">Fazzini</a>	ALT
<b>Motion passes 6 to 0.</b>					

5. 38C10 – [CD Architects PC](#) – 3340 West 5680 South – Pavilion. (Dan Udall/City Planner) [20:01:35](#)

5.1 **Mr. Udall** presented this item. The applicant is requesting a 30' x 60' or 1,800 square foot pavilion on property located at 3340 West 5680 South behind an existing an LDS church in an existing landscaped area. The applicant is proposing to install a concrete pad under the pavilion and a walking path to the parking lot. Installation of the pavilion will remove some of the landscaping on the property. A main use in the R-1-6 zone or any R-1 zone does not require a certain percentage of landscaping on the property. Because the pavilion is an accessory structure, no additional parking is required on site. The applicant has stated that he will be saving the trees that are located on the site. All lighting for the proposed pavilion is located within the parking lot. Because the pavilion is an accessory structure or incidental to a conditional use (the existing church), the structure is a conditional use. The pavilion is regulated under Chapter 13.45, "Accessory Structures for Residential and Agricultural Zones". The accessory structure is proposed to be 20' from the posts to the south property line (nearest property line). The structure is 10' 6" high measured from grade to the mid point of the pitched roof between the peak and lowest part of the eaves. Since the lot is more than 15,000 square feet, under a conditional use permit review the accessory

structure can be a maximum of 19' high measured to the mid point of the pitched roof between the peak and the lowest part of the eaves. The pavilion meets all code regulations. The walking path that extends to the parking lot will need to be handicapped accessible. The parking stalls should be striped so vehicles will not hang over the sidewalk. Staff recommends that the applicant adds a handicap ramp to access the pavilion and that the parking stall north of it be striped to allow access. Staff feels that the site plan is appropriate and is recommending approval. [20:04:34](#) **Commissioner Overson** asked Mr. Udall if he said the structure is 10' 6" high to the mid point? **Mr. Udall** said that was correct. **Commissioner Overson** added that it could be 19' high if they wanted it to be but they are choosing the lower height. **Mr. Udall** advised that the roof would be a 4/12 pitch. **Commissioner Overson** said that what she meant was that they are not going the maximum height that it could be. **Mr. Udall** said that was correct. **Commissioner Kehl** asked Staff if they had just recommended that the setback is 20' from the back property line rather than 18' as indicated on the site plan. **Mr. Udall** advised that the applicant had verbally told him it would be 20'. It says 18' to the edge of the pad, however, from the post to the property line it is 20'. **Commissioner Kehl** asked if that meant Staff is requesting a change in the site plan then or the site plan would be acceptable. **Mr. Udall** said that the site plan was acceptable as is.

**Findings of Fact:**

1. That the applicant is requesting to build a pavilion at an existing church.
2. That the pavilion is a conditional use because it is an accessory structure or incidental to an existing church. A church is a conditional use in the R-1-6 zone.
3. That the structure should not adversely affect the surrounding area.

**Staff Recommendation:** 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 existing trees are not removed from the site.
4. That the applicant receives a building permit to construct the pavilion.
5. That the pavilion is constructed as proposed and it is architecturally compatible to the existing church.
6. That the sidewalk extending to the parking lot should be handicap accessible. That the parking stall adjacent to this sidewalk be striped to not allow vehicles to park on the parking stall.

5.2 **APPLICANT ADDRESS:** **Joey Clegg (CD Architects PC)** [20:07:06](#).

- **Mr. Clegg** advised that he had discussed the setback issue with Mr. Udall and the measurement will now be from the posts rather than the pad. He asked if the Commissioners had any questions.
- **Commissioner Fink** said that a couple of things that were discussed in the pre-meeting were that there needed to be a designated walking area to the pavilion involving an existing parking stall. **Mr. Clegg** advised that he had made a note to that effect; however, that type of issue will probably come up during the building official review. Originally they felt there was plenty of room to do that and that was the reason they did not show the handicap symbol outside the ramp that will be installed. He will pass that information on to the contractor. That may be a change order but the applicant has no objection at all in doing that.
- **Commissioner Overson** added that the Commissioners talked a little bit in the pre-meeting about pedestrians and where they go and where they walk and that there might not be a sidewalk. She felt that painting the striping through one of the parking stalls would be helpful. **Mr. Clegg** advised that basically they would be turning three spaces into two with a handicap symbol installed. **Commissioner Overson** said that she was thinking that if that were striped and it continued all the way down, to eliminate four parking stalls, the people may see the striped line and may walk within that striped line, which would be much safer. **Mr. Clegg** said that typically he had seen the use of the pavilions as being separate from the main structure most of the time, so he did not see it to be a problem with pedestrians crossing back and forth through the parking lot. **Commissioner Overson** offered that while he was probably right in that assumption, there is always the chance of an accident occurring through inattentive driving where they might not see there is a walkway. **Mr. Clegg** advised that if it is made a requirement, he would ask the applicants about doing that. **Commissioner Overson** said that she did not think it needed to become a requirement - it is just a suggestion.
- **Commissioner Burgess** added that he had been in similar situations before and had noted that people are going from the pavilion to the building and back for bathroom use, food, different supplies, etc., and it would be safer to put something there to at least slow traffic down. **Mr. Clegg** advised that he would relay this suggestion to the project manager and if he gives permission, it will be done.
- **Commissioner Fink** wondered why there was nothing being proposed reference lighting and wanted to know if that meant the pavilion would only be used during daylight hours. **Mr. Clegg** responded that he had not seen very many times when these pavilions are used at night; however, there is lighting under the pavilion itself.
- **Commissioner Fazzini** added that if the church parking is at capacity, they are going to be using most of the stalls in the parking lot. Also that State legislative body during the last couple of years when they discussed cell phone use, a couple of the proposals were also to ban cell phones while driving within a parking lot because it is one of the most dangerous areas for a pedestrian to be. It would take out an additional three spots in order to put cross hatching into the building and whether they are using the building or using the sidewalk that surrounds the building to access the pavilion, it is beneficial for all to get more and more of these pedestrian traffic control devices in order to create traffic calming and safer conditions for the pedestrians. [20:12:46](#)

5.3 **SPEAKING:** None.

5.4 **DISCUSSION:** **Commissioner Overson** asked if this application would be brought back before the Commission for final approval and **Mr. Meldrum** advised that Staff will be reviewing the final Conditional Use Permit unless the Commission decides that it should be brought back before them.

- 5.5 **MOTION:** [Commissioner Barbieri 20:14:04](#) - Based on the Findings of Fact, I recommend preliminary approval of File #38C10, with six recommendations made by Staff, including that Staff does the final review.  
**SECOND:** [Commissioner Fink](#)  
[Commissioner Jensen](#) restated the motion to approve File #38C10 based on the Findings of Fact and including six staff recommendations.

VOTE					
Commissioner	Vote	Commissioner	Vote	Commissioner	Vote
Faurschou	AYE	Fink	AYE	Burgess	AYE
Kehl	AYE	Barbieri	AYE	Jensen	CHAIR
Overson	AYE			Fazzini	ALT
Motion passes Unanimously					

40C10 – **Sam Pace – 1455 West Fernwood Drive** – Animal Hobby Permit . (Michael Meldrum/Principal Planner) [20:15:04](#)

6.1 **Mr. Meldrum** presented the application. The applicant is requesting approval for an Animal Hobby Permit for a third dog. The property is adequately fenced with a six-foot high vinyl fence which is in good condition. The applicant has indicated that the dogs are small and have a good home with him. No complaints had been received by staff from the neighbors. [20:16:11](#)

**Findings of Fact:**

1. The use is a conditional use in the R-1-8 zoning district
2. The yard is enclosed with a six-foot high vinyl fence.
3. There are no complaints on file with West Valley Animal Services.

**Staff Recommendation:** Staff recommends approval of File #40C10 with the following conditions:

1. Comply with the requirements of all reviewing agencies.
2. Maintain current vaccinations for the three dogs.
3. This permit is valid only for the dogs included in this application.
4. The unlicensed dogs must be licensed within 30 days of approval or as determined by West Valley Animal Services.
5. West Valley Animal Services will conduct an onsite inspection.
6. The Animal Hobby Permit is subject to review upon substantiated and unresolved complaint.

6.2 **APPLICANT ADDRESS:** **Mr. Pace** was present to answer questions. **Commissioner Fink** asked him if a doggy door was provided and **Mr. Pace** advised that there was one in the back door. He added that the yard is fully fenced all the way around with chain link and wood and that the dogs never get out. [20:19:01](#)

6.3 **SPEAKING:** **None**

- 6.4 **MOTION:** [Commissioner Burgess](#) - Based on Findings of Fact and staff recommendations, I move for approval of File #40C10. [20:20:26](#)  
**SECOND:** [Commissioner Faurschou](#)  
[Commissioner Jensen](#) restated the motion to approve File #40C10

VOTE					
Commissioner	Vote	Commissioner	Vote	Commissioner	Vote
Faurschou	AYE	Fink	AYE	Burgess	AYE
Kehl	AYE	Barbieri	AYE	Jensen	CHAIR
Overson	AYE			Fazzini	ALT
Motion passes unanimously.					

**CITY COUNCIL MEETING DISCUSSION:** Discussion of the previous City Council meeting was presented by **Commissioner Fink** in the pre-meeting.

**OTHER BUSINESS:** None.

**ADJOURNMENT:** By motion of **Commissioner Fink**, the meeting was adjourned at 8:20 p.m. [20:21:29](#)

Respectfully submitted by:

\_\_\_\_\_  
 Jean Gallegos, Admin Assistant/Recorder for the  
 Planning Commission

Approved in meeting held on October 12, 2010.