

**City of Taylorsville
 Planning Commission Meeting
 Minutes
 Tuesday – November 10, 2009 – 7:00 P.M.
 2600 West Taylorsville Blvd – Council Chambers**

Attendance:

Planning Commission

Scott Bolton, Chair
 Ted Jensen
 Garl Gink
 Kristie Overson
 Nathan Murray
 Steven Faurischou
 Dan Fazzini, Jr. (Alternate)

Community Development Staff

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

PUBLIC: Eleazar Lucas (with translator), Gerald Ulibarri, Greg Shriner, Marcus Cazares, Mitchell Jensen, Stephan Craine

[19:00:04](#)

WELCOME: **Commissioner Bolton** 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. There being none, he asked for a motion regarding the Consent Agenda.

CONSENT AGENDA

Agenda/File #	Application	Applicants	Action
1. Review/approval of Minutes for October 13, 2009			Approved as presented.
2. 26H09	Sewing Alterations	Regina Fee 5577 South Ralph Drive	Approved with staff's recommendations.
3. 42C09	Cellular Antenna Array	Clear Wireless, LLC 4351 S Redwood Road	Approved with staff's recommendations.
4. 7S09	Onidah Hills Subdivision Amendment	Sterling Tholen 4975 S 1250 W	Approved with staff's recommendations.

No one came forward to speak in opposition to any of the items on the Consent Agenda.

MOTION: **Commissioner Overson** - I move for approval of the Consent Agenda consisting of Item 1 through 4

SECOND: **Commissioner Jensen**

Commissioner Bolton restated the motion to approve the Consent Agenda as presented.

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

Motion passes unanimously.

CONDITIONAL USES

5. 43C09	<u>Eleazar Lucas – 4774 South Shakestone Drive (2935 West)</u> (Dan Udall/City Planner) 19:03:36
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5.1 **Mr. Udall** presented this item. The applicant has requested a conditional use permit for an animal hobby permit for a third dog. He is requesting authorization to have two Pomeranians and one Chihuahua. The dogs are mostly indoor dogs. A complaint was issued in October with the West Valley Animal Services that there are too many dogs on the property. The applicant was told by West Valley Animal Services that the property owner needed to receive an animal hobby permit from Taylorsville because of having the third dog.

Findings of Fact:

1. That the applicant is proposing an animal hobby permit for three dogs.
2. That the animal hobby permit is a conditional use.
3. That a complaint was received by West Valley Animal Services that there were too many animals on the property.

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 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.

5.2 **APPLICANT ADDRESS:** Eleazar Lucas was present with a translator (not identified by name). Commissioner Overson asked if the dogs were mostly indoors or outdoors and the translator replied the dogs are inside during the day except for bathroom breaks and then at night they are always inside. Commissioner Overson expressed concern about the dogs barking and wanted to know if the applicant had talked with the neighbors about this and was informed they had not. Commissioner Overson wondered if the dogs were kept indoors longer if that would help the barking situation. The translator said that the dogs usually only bark when someone comes near the home. Commissioner Overson advised that if the application is approved and then there are subsequent complaints from the neighbors, it would be reviewed for possible revocation. Commissioner Fazzini commented that one of the letters of complaint was that the dogs were barking during the evening and the translator said that the dogs are not outside after 10:00 p.m.

5.3 **SPEAKING:**

- a. Gerald Ulibarri. Mr. Ulibarri said that these dogs bark incessantly all the time and would like the total kept at two animals. [19:11:22](#)
- b. Greg Shriner. Mr. Shriner lives one street to the west and advised he has heard these dogs barking at odd hours, sometimes at 5 a.m. He gave a petition to staff with seven signatures saying these dogs are a real nuisance to the neighborhood.

5.4 **DISCUSSION:** Commissioner Jensen commented that he didn't believe that reducing the number of dogs from three to two would significantly reduce the amount of noise. [19:17:06](#) Commissioner Overson advised that animal hobby permits are always tough decisions to make. In this instance there was a previous complaint in October and two neighbors spoke in opposition. Therefore, this might not be a good idea in this particular neighborhood, [19:18:09](#) That she had heard nothing with regard to the property being out of compliance but that neighbors do hear the barking dogs. Commissioner Fink felt that if this is approved this evening, it would be an endorsement to allow barking dogs. Commissioner Fazzini felt that might be right if these were larger animals but they are very small and smaller dogs are not usually left to roam the neighborhood and that their barking noise impact would be minimal. Commissioner Bolton asked Mr. Udall when the application was filed if there were any problem explaining the expected conditions. Mr. Udall advised that he had furnished the applicant with the information forms regarding animal hobby permits and they had not asked him any questions regarding that. Commissioner Bolton commented that neighbors seemingly cannot enjoy the privacy of their own back yards because of the barking. [19:21:06](#)

- 5.5 **MOTION:** Commissioner Overson [19:21:22](#) – Based on the Findings of Fact in the Staff Report, by the testimony heard this evening from neighbors and the testimony demonstrated by the applicant and his translator, I am confident that they understand and did receive a copy of the Staff Report and have heard the neighbors concerns. It is my motion that we deny Application #43C09.
SECOND: Commissioner Fink
Commissioner Bolton restated the motion to deny Application #43C09 for an animal hobby permit located at 4774 South Shakestone Drive.

VOTE					
Commissioner	Vote	Commissioner	Vote	Commissioner	Vote
Murray	AYE	Bolton	AYE	Fink	AYE
Overson	AYE	Jensen	NAY	Fazzini	NAY
Faurschou	AYE	Motion passes 5 to 2			

Commissioner Jensen said the reason he voted NAY was because the animals are small.

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| 6. | 45C09 | <u>Mama's Plantation Restaurant – 4908 S Redwood Road</u> . Beer/Wine License (Michael Meldrum/Principal Planner). 19:23:56 |
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6.1 Mr. Meldrum presented this item. The applicant desires to obtain a conditional use permit for a Limited Beer and Wine license for Mama's Plantation restaurant. The property is subject to meeting Utah State Code and City of Taylorsville ordinances for proximity to public or private schools, churches, public libraries, public playgrounds or parks. This request also requires approval from the State's Department of Alcohol Beverage Control.

In order to obtain a Limited Beer and Wine license, the applicant must meet certain distance separation requirements between their building and schools, churches, libraries, and other public gathering places. There are two distance separation criteria established by the Utah Sate Code and City of Taylorsville ordinances. The first criterion is measured "as the crow flies" or in a direct line from Business A to Business B, regardless of any obstacles. This distance is a minimum of 200 feet. The measured distance in this case is 235 feet. The second criterion is measured following the safe walking path from door to door. This distance is a minimum of 600 feet. Cross walks must be used at intersections. The measured distance in this case is 1,108 feet. Thus the applicant meets the requirements of these criteria.

The applicant has an open and unresolved building permit. The Building Division has informed staff that the permit was for some remodeling work as well as installing a grease-trap or grease interceptor. No inspections have been performed for the grease-trap or grease interceptor. Staff has spoken with the applicant's husband and was informed that they had received a time

extension to install a grease interceptor. The grease interceptor will be installed in the parking lot and serve two purposes, the kitchen and parking lot. The extension was granted to the applicant due to the cost of purchasing and installing the system. Staff recommends that this request be granted with a condition requiring that the grease interceptor be installed within six months or in a timeframe otherwise deemed appropriate by the Planning Commission.

Findings of Fact:

1. The applicant has requested approval for a conditional use permit for a Limited Beer and Wine license.
2. The applicant complies with the separation distance requirements as provided in Section 5.24.300 of the Business License ordinance.
3. Approval from the State's Department of Alcohol Beverage Control is required.
4. The applicant has outstanding issues with a building permit that have not been resolved.
5. Section 5.08.110 does not permit the issuance for a license where the premises and building do not fully comply with City ordinances.

Staff Recommendation: Staff recommends approval with the following conditions and findings:

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. The applicant must receive approval from the State's Department of Alcohol Beverage Control.
4. This application will be reviewed by staff six months from the date of approval to ensure that compliance with Building Division requirements for the grease interceptor has been obtained, or if compliance is achieved earlier, a letter from the Building Official indicating completion shall suffice.
5. Section 5.08.110 does not permit the issuance for a license where the premises and buildings do not fully comply with City ordinances.

DISCUSSION: **Commissioner Jensen** asked how many businesses would be affected by this application and **Mr. Meldrum** informed him the only one impacted would be the Sikh Temple across Redwood Road to the east. **Commissioner Overson** advised that the applicant is still not in compliance with the City building code regarding the grease interceptor and must do so within six months.

- 6.2 **APPLICANT ADDRESS:** **Marcus Cazares**. **Mr. Cazares** advised that they have obtained a business license but the work which needs to be done to bring the building up to Code is extensive, however, the problem with the grease interceptor should be done shortly. [19:28:33](#)
- 6.3 **SPEAKING:** None.
- 6.4 **MOTION:** **Commissioner Jensen** - I would like to move for approval of File #45C09 based upon the testimony that has been given tonight and lack of any opposition and the applicant's agreement to take care of the grease interceptor trap, and in accordance with the five staff conditions in the Staff Report.
SECOND: **Commissioner Fink**
Commissioner Bolton restated the motion to approve Application #45C09 for a limited beer and wine license located at 4908 South Redwood Road with staff recommendations 1 through 5.

<u>VOTE</u>					
<u>Commissioner</u>	<u>Vote</u>	<u>Commissioner</u>	<u>Vote</u>	<u>Commissioner</u>	<u>Vote</u>
<u>Murray</u>	<u>AYE</u>	<u>Bolton</u>	<u>AYE</u>	<u>Fink</u>	<u>AYE</u>
<u>Overson</u>	<u>AYE</u>	<u>Jensen</u>	<u>AYE</u>	<u>Fazzini</u>	<u>AYE</u>
<u>Faurschou</u>	<u>AYE</u>	<u>Motion passes unanimously.</u>			

ZONING ORDINANCE TEXT CHANGE

7. 9Z09 – **Recommendation to the City Council Regarding a Change to the Zoning Ordinance for Front and Side Yard Setback Requirements in Residential and Agricultural Zones.**
 (Michael Meldrum/Principal Planner). [19:30:39](#)

7.1 **Mr. Meldrum** presented this item. This is a proposed zoning ordinance amendment for the following zones: R-1-5, R-1-6, R-1-7, R-1-8, R-1-10, R-1-15, R-1-21, and R-1-43. After considering input derived from the last meeting on this ordinance, staff is proposing the following language to be adopted as Section 13.10.045: **“In any residential district where lots comprising 50% or more of the frontage between two intersection streets are developed with buildings, the minimum front yard requirement may be determined by the average of the existing setbacks of buildings on the two abutting lots. However, in no case shall the setback be less than 15 feet. This regulation shall not be interpreted to require a front yard setback greater than that required in the underlying zoning district.”** **Mr. Meldrum** advised that Agricultural zones are more complex and that issue will be brought back later.

Findings of Fact:

1. The averaging of setbacks is a common practice in other municipalities in the Salt Lake Valley.
2. The proposed ordinance clarifies and simplifies the language of Section 13.10.050 regarding setbacks.
3. The proposed ordinance creates Section 13.10.045 regarding exceptions to front yard setback standards.
4. The proposed ordinance amendment would eliminate some existing legal non-conforming side and front setbacks.

Staff Recommendation: Staff recommends forwarding a positive recommendation to the City Council for File #9Z09 regarding setbacks in Chapter 13.10 of the Zoning Ordinance.

7.2 **SPEAKING:** **Mitchell Jensen – 3676 W Vixen Way** spoke in favor of the text change as presented.

7.3 **DISCUSSION:** **Commissioner Fazzini** said that when staff began their analysis, they talked about putting buildings on a vacant lot. He did not see that language included. **Mr. Meldrum** said that was for the average of the front yard setback that is not applicable with the chart being presented. There are two different parts of the ordinance being proposed tonight – the averaging of the front yard setback, which does contain language that addresses when the lots are developed. **Commissioner Fazzini** then asked if someone has a structure or home on a lot already, would this allow them the extra setback required to put in a garage or carport. **Mr. Meldrum** said that as it is written, the proposal doesn't specify that it is only for undeveloped property. [19:40:06](#)

7.4 **MOTION:** **Commissioner Overson - 19:41:24** This seems like an application that makes a lot of sense, so based on the Findings of Fact contained in the Staff Report, testimony from the public, it seems like something that will resolve some conflicts and issues with older homes or vacant lots. It is my opinion that we send a positive recommendation to the City Council for File #9Z09 regarding setbacks in Chapter 13.10 of the Zoning Ordinance.

SECOND: **Commissioner Jensen**

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

CITY COUNCIL MEETING DISCUSSION: Discussion of the previous City Council meeting was heard in the pre-meeting.

OTHER BUSINESS: None.

ADJOURNMENT: By motion of **Commissioner Fink** the meeting was adjourned at 7:44 p.m.

Respectfully submitted by:

Jean Gallegos, Admin Assistant/Recorder for the
Planning Commission

Approved in meeting held on December 8, 2009.