City of Taylorsville
Planning Commission Meeting
Minutes
March 20, 2012
Pre-meeting – 6:00 p.m. - Regular Session – 7:00 p.m.
2600 West Taylorsville Blvd – Council Chambers

Attendance:

Planning Commission
Garl Fink, Chair
Anna Barbieri
Dale Kehl
Ted Jensen
Steven Faurschou
Israel Grossman
Dan Fazzini, Jr.
Curt Cochran (Alternate)

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

PUBLIC: Scott Warren, Richard Lyon, Gilbert Blake, Ernest Burgess, Saqiba Mahmood, Jim Fenton, Willis Hoffman

WELCOME: 19:03:08 **Commissioner Fink** 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.

CONSENT AGENDA

Agenda/File #	Application	Applicants	Action
1. Review/approval of Minutes for February 14, 2012.			Approved as presented.
2. File 3H12	Home Occupation – Selling Printed Programs	Joseph Lyon 1244 W Morning Sun Dr. (5155 S)	Approved with Staff Recommendations.

MOTION: Commissioner Barbieri - I move for approval of the consent agenda as presented.
SECOND: Commissioner Faurschou
VOTE: All Commissioners voted in favor.

CONDITIONAL USES

3. 5C12 – **Saqiba Mahmood – 5313 South 2700 West** – Amendment to Conditional Use Permit – Addition to Automobile Service Station Dan Udall/City Planner) 19:05:08

3.1 **Mr. Meldrum** presented this item for Mr. Udall. The applicant is requesting a 17 square foot drive through addition to an existing automobile service station on property located at 5313 South 2700 West. The addition has been constructed; however, the exterior has not been completed. The addition is located on the west side of the building and was built without City approval. Taylorsville Code enforcement has sent letters to the applicant explaining that the property needs to be in compliance with City Code and be approved by the City. After Code Enforcement letters were sent, the applicant submitted a Conditional Use Amendment application to the Planning Commission for the existing addition. The applicant is proposing to remove two parking stalls on the west side of the automobile service station and provide a handicapped parking stall on the north side of the building. When completed, the existing drive through building addition should meet zoning codes. The applicant will need to obtain a building permit and all necessary inspections for the addition. Staff is recommending that the applicant provide rock veneer and paint and paint the addition black and red to match the existing building. Because the applicant desires to remove the parking stalls along the west side of the building, vehicles have access to the proposed drive through The applicant proposes to remove the existing striped drive aisle that extends to the car wash. The striped drive aisle is located on the north side of the property. In the future, the applicant also eventually desires to remove the car wash on the west side of the property. There will be a 34' wide aisle on the north side of the property to allow two-way vehicle traffic. There are enough parking stalls on the site to meet the off-street parking requirements for the existing land use. The applicant is required to have at least one handicapped parking stall on the site.

Findings of Fact: Staff finds the following findings of facts or reasons regarding **File #5C12**

1. The applicant is requesting a drive through addition to an existing automobile service station. The applicant has constructed the addition but currently it is not completed.
2. That the addition is a conditional use in the C-1 zone.
3. That the use should not adversely affect the surrounding area.
4. The addition was constructed without a building permit or City approvals.

Staff recommends approval of File #5C12with 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 drive aisle extending to the car wash is removed from the property.
4. That all improvements associated with this project are completed by April 30, 2012.

5. That the proposed handicapped parking stall meets all ADA requirements.
6. **[Changed by Motion] That Staff works with the applicant to assure the final finishing of the building is appropriate.** ~~That the applicant paints and provides rock veneer on the addition to match the existing building.~~
7. That the applicant obtains a building permit for all necessary remodeling in regards to the addition.
8. That the applicant conforms to the Taylorsville Sign Ordinance. That all illegal signs be removed on the site.
9. **[Added by Motion] That a rail to protect exiting customers be installed at the door to the west. That Staff will oversee and assure that being accomplished.**

3.2 **DISCUSSION**:

3.3 **APPLICANT ADDRESS:** 19:08:02 The applicant was present to answer questions. She advised that she has heard no negative comments from the neighbors about this proposed use. **Commissioner Kehl** asked her if the addition to the convenience store had been added before she became the present owner and she replied that was correct. She continued on to say that they will comply with all of Staff's recommendations. She was interested in what type of signage she would be allowed and **Mr. Meldrum** informed her that it can be electronic but not blinking. **Commissioner Kehl** asked what their plans were for the car wash structure and she said perhaps it would be turned into an Emission Center later on. 19:15:11

3.4 **DISCUSSION**: None.

3.5 **SPEAKING**: 19:16:11 **Gilbert Blake – 5350 S Jordan Canal Road**. **Mr. Blake** said that there is still a problem with the level of maintenance given to the lawn and the site in general. **Commissioner Fink** advised Mr. Blake to report it to the City Code Enforcement. **Commissioner Fink** commented for the benefit of the applicant that the better a business looks, the more people will come and **Commissioner Barbieri** added that the best customers are drawn from within a 3 to 5 mile radius, so it is incumbent upon the applicant to take care of their neighbor's concerns. 19:19:40

3.6 **DISCUSSION**: **Commissioner Fazzini** said that he assumes that Staff plans on working with the applicant about the striping and making sure there is adequate parking provided. He felt the striping should be removed right now. 19:20:02 . **Commissioner Kehl** felt that under Staff Recommendation #6, that area could be left as is as long as it is properly painted to look good. **Commissioner Fazzini** agreed with that and added that the door being so close to the drive up window is a safety hazard and some sort of barrier should be placed there to protect the pedestrians. The applicant voiced concern about that due to deliveries being made through those doors. 19:25:02

3.7 **MOTION**: **Commissioner Faurschou** 19:25:28 **- Based on the Findings of Fact, I recommend approval of File #5C12 with the eight recommendations listed by Staff. I would amend #6 to add that Staff works with the applicant to assure the final finishing of the building is appropriate.**
SECOND: Commissioner Fazzini 19:26:50

VOTE (File 5C12)					
Commissioner	**Vote**	**Commissioner**	**Vote**	**Commissioner**	**Vote**
Faurschou	**AYE**	**Grossman**	**AYE**	**Fink**	**CHAIR**
Kehl	**AYE**	**Barbieri**	**AYE**	**Cochran**	**ALT**
Jensen	**AYE**	**Fazzini**	**AYE**		
Motion to					

3.8 **DISCUSSION**: **Commissioner Kehl** asked Commissioner Faurschou if he would be willing to entertain an amendment to his motion to add #9, that a rail to protect exiting customers be installed at the door to the west. That Staff will oversee and assure that being accomplished. 19:27:43 **Commissioner Faurschou** was agreeable to that change, as was **Commissioner Fazzini** as Second. **Commissioner Fink** asked for a vote on that amendment.

VOTE (File 5C12)					
Commissioner	**Vote**	**Commissioner**	**Vote**	**Commissioner**	**Vote**
Faurschou	**AYE**	**Grossman**	**AYE**	**Fink**	**CHAIR**
Kehl	**AYE**	**Barbieri**	**AYE**	**Cochran**	**ALT**
Jensen	**AYE**	**Fazzini**	**AYE**		
Motion to					

4. 7C12 – **Scott Warren – 4792 South Mocha Drive** – Backyard Chicken Permit (Dan Udall/City Planner)

4.1 **Mr. Meldrum** presented this item for **Mr. Udall**. The applicant has requested a conditional use permit for a backyard chicken permit to allow four chickens on his property. The applicant is proposing a 4' x 4' square chicken coop to be located in the rear yard of the single-family home along with an enclosed chicken run that measures 4' x 8' attached to the coop. The applicant lives on an 8,712 square foot lot in a single-family home. According to Section 8.12.140 14 iii and iv, it states, "all chicken coops shall be placed at least 15 feet from an entrance to any habitable structure and at least 25 feet from any habitable portion of a structure on a neighboring property." According to Section 8.12.140 16, I and ii, "the minimum rear and side yard setback for any coop is 3 feet." The applicant is proposing to meet the aforementioned setbacks. Staff has received two complaints (regarding noise and/or smell) as a result of the public notice regarding this application. No roosters will be allowed and because of the size of the lot, only five chickens can be allowed. 19:29:15

Findings of Fact: Staff finds the following findings of facts or reasons regarding **File #7C12**
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 five chickens can be on an 8,712 square foot lot.

Staff recommends approval of File #7C12with 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 five chickens can be on the 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 **DISCUSSION**: **Commissioner Fink** said when the City first started allowing chickens, a search on the internet showed there to be hundreds of different diseases associated with poultry. He wanted to know if the Health Department is still part of the loop for approval of these permits. **Mr. Meldrum** advised that the Health Department must recommend approval before these permits are granted and in this particular case, the Health Department has recommended approval. **Commissioner Fazzini** said that a couple of neighbors expressed concern about smell and noise and wanted to know if the chickens are on the site now and **Mr. Meldrum** said as far as he knew they were not. **Commissioner Faurschou** asked Mr. Meldrum where they are asking for four chickens and the Commission approves this that way and they are eligible to have five by Code, if they wanted another one would they have to come back for another permit. **Mr. Meldrum** said that was correct. That the allowable distances are measured from the habitable portion of the home. **Commissioner Fazzini** commented that the Commission is apparently approving this for four chickens. Does that mean it applies to each specific chicken like it does for dogs? **Mr. Meldrum** said that it does not, it just relates to there being four chickens.

4.3 **APPLICANT ADDRESS**: **Scott Warren** was present. He said that the distance line in question for his property is measured to the habitable portion of the home. **Commissioner Fink** wanted clarification as to the exact length. **Mr. Warren** said the line is 55 feet. **Commissioner Fink** asked Mr. Warren if he had received a copy of the Staff Report and **Mr. Warren** said that he had and had no problems or issues with any of the conditions. **Commissioner Cochran** wondered what the reason was for having the chickens and was informed by **Mr. Warren** that it was for the fresh eggs.

4.4 **SPEAKING:** **Mr. Willis Hoffman, 4791 South Rockface Drive**. He lives directly behind Mr. Warren's property. He advised that basically he is just opposed to having chickens in his back yard. They are noisy and he has dogs which are not far from the chicken coops. There are dogs in three different areas in the immediate vicinity and chickens have a tendency to have ticks and other types of diseases that could transfer to the dogs. He wanted to go on record as being opposed. **Commissioner Barbieri** asked him what type of fencing separates these two homes. **Mr. Hoffman** replied that last year he put up a vinyl fence.

4.5 **DISCUSSION**: **Commissioner Fink** said that the Health Department will be reviewing this site and will be making sure that health-wise it is safe. **Commissioner Kehl** mentioned that it did not make a lot of sense to him to allow five chickens and have this applicant limit himself to four. **Mr. Meldrum** said that there was no particular reason for that other than it is what the applicant requested. Also, he felt it was not for the Commission to choose whether chickens are allowed or not, but rather if they are correctly following the ordinances of the City. If it becomes unsanitary or unbearable situation, then a complaint should be made to the City or Health Department and if not rectified, the Conditional Use approval can be revoked. **Commissioner Fazzini** commented that the chicken ordinance itself was approved by the City Council and not the Planning Commission, so if anyone has a problem with the content therein, they need to address the City Council. **Commissioner Cochran** asked if the area around the chicken coop was mandated to be built of any type of specific material. **Mr. Meldrum** said that it was and is specified in Code. They are not "free range" chickens and are required to be retained within the coop. There is a coop area and a house area. There is a fenced area that would allow them a yard space and then an area for at night. 19:41:58

4.5 **MOTION: Commissioner Barbieri 19:42:36 - Based on the Findings of Fact and the findings articulated in the public hearing, I recommend the approval of File #7C12 with seven staff conditions listed.**
SECOND: Commissioner Jensen 19:42:57

VOTE (File 7C12)					
Commissioner	**Vote**	**Commissioner**	**Vote**	**Commissioner**	**Vote**
Faurschou	**AYE**	**Grossman**	**AYE**	**Fink**	**CHAIR**
Kehl	**AYE**	**Barbieri**	**AYE**	**Cochran**	**ALT**
Jensen	**AYE**	**Fazzini**	**AYE**		
Motion to					

5. 8C12 – **Jim Fenton – 4425 S. Ebony Avenue** - Backyard Chicken Permit (Michael Meldrum/Principal Planner) 19:44:20

5.1 **Mr. Meldrum** presented this item. The applicant has requested a conditional use permit for a backyard chicken permit to allow between four and six chickens on his 0.22 acre property. The maximum number of chickens allowed by ordinance is six. The applicant is proposing a standard coop that will have both a covered and uncovered area for the hens. The coop is in compliance with size and location requirements as proposed. The yard is fenced with a 6 foot high chain link fence that is in good condition. Roosters are not allowed as specified in Section 8.12.140 of the Taylorsville Code of Ordinances. Staff has received no phone calls either in favor or against this application. 19:45:49

Findings of Fact: Staff finds the following findings of facts or reasons regarding **File #8C12**

1. The use is a conditional use in the R-1-8 zoning district.
2. The yard has chain link fencing at six feet in height.
3. The applicant's lot is 0.22 acres and allows up to six chickens.
4. The applicant complies with all provisions of Section 8.12.140 of the Taylorsville Code of Ordinances regarding the keeping of backyard chickens.
5. No complaints are on file with West Valley Animal Services.

Staff recommends approval of File #8C12with the following conditions:

1. Comply with the requirements of all reviewing agencies.
2. The coop and enclosure must meet the requirements of Section 8.12.140.
3. No roosters are allowed.
4. Compliance with all requirements of Section 8.12.140 of the Taylorsville Code of Ordinances regarding backyard chickens is mandatory.
5. The Animal Hobby Permit is subject to review upon substantiated and unresolved complaint.

5.2 **APPLICANT ADDRESS**: The applicant was present and had no comments or concerns. 19:47:28

5.4 **SPEAKING:** No one came forward to speak either for or against this application. **Commissioner Fink** then closed the public hearing.

5.5 **MOTION: Commissioner Fazzini - 19:48:50 Based on the Findings of Fact, I move for approval of File # 8C12 with Staff Conditions 1 through 5.**
SECOND: Commissioner Barbieri

VOTE (File 8C12)					
Commissioner	**Vote**	**Commissioner**	**Vote**	**Commissioner**	**Vote**
Faurschou	**AYE**	**Grossman**	**AYE**	**Fink**	**CHAIR**
Kehl	**AYE**	**Barbieri**	**AYE**	**Cochran**	**ALT**
Jensen	**AYE**	**Fazzini**	**AYE**		
Motion to approve passes unanimously.					

DISCUSSION ITEM

Discussion regarding the definition for reception/events center. (Michael Meldrum/Principal Planner) 19:49:35

Mr. Meldrum advised that a request for approval of a reception center/event center was recently reviewed. In order to better address the concerns of the Planning Commission regarding this land use, Staff has undertaken research on this topic. Staff seeks input from the Planning Commission regarding the reception center land use so that a formal public hearing may be held to adopt a definition and subsequent regulations and/or ordinances regarding this use. Staff is of the opinion that the best approach to this issue is to amend the Business License ordinance in the Taylorsville Code of Ordinances. Title 5 of the Taylorsville Code of Ordinances governs business licensing. The amendment that Staff proposes is to fully address the land use of reception center and/or event center. **Mr. Meldrum** provided a draft of the proposed ordinance change to the Commission for review and discussion.

COMMENTS:

- **Commissioner Kehl** suggested close coordination between the Planning Commission and the Business Licensing Department to make sure who is responsible for what and to avoid conflict. He also suggested rearranging the format order so that the ordinary person would more easily be able to follow. Mr. Meldrum said that could be easily done. **Commissioner Kehl** said he was specifically making reference to those items going before outside agencies and also to make it clear that the City is going to make the request to agencies, such as the Alcohol and Health Departments. Maybe even putting in there that their recommendations would be considered before the Staff makes recommendation to the Planning Commission. 19:51:46

- **Commissioner Jensen** added that his biggest concern about this ordinance is that this kind of a business is "open ended" and whenever you have an open ended or new kind of business, it is always good to cover the City's interest. 19:53:25 Because if that doesn't happen, it is left wide open and that is dangerous. The first section he would like to add is to make a distinction that this type of business is not a temporary use. There is a separate Code that rules temporary businesses. Therefore, it cannot be a temporary business but can still host one. **Mr. Meldrum** asked if that meant that the land use is a permanent use but an event is the temporary part of it. **Commissioner Jensen** said that was correct. That they cannot use it as an excuse to have several temporary businesses but could host a temporary function approved by the City. He continued on to say he would like to also add what is specifically prohibited but not specifically limited to, i.e., swap meet, fight clubs of any kind, specific types of marshal arts events, pawn shops, second hand stores, etc. **Mr. Meldrum** asked if specifically wanted to include "taverns" in that list or was the wording in the Alcohol Ordinance sufficient to cover that. **Commissioner Jensen** said that when they were rewriting the Business License Code, he learned that it is always good to have a section titled "Intent" so that there is guidance in place when they come in and say they want to have an event/reception center and want to know what they can or cannot do. Then the Staff has a reference to show them the City's intent. **Commissioner Jensen** also would like a list of allowed activities such as Boy or Girl Scout events, graduation parties, birthday parties, wedding reception parties, etc. **Commissioner Kehl** asked about the reference to "swap meets" and wanted to know if that also disallowed other types of sale events such as spot type sales like tee shirt sales, etc. **Commissioner Jensen** did not want to address specific types of businesses but did not think it would hurt to list as many as possible so the applicant's know exactly where the City stands. **Commissioner Cochran** wanted to know if that also

included liquidation type sales on a temporary basis. **Commissioner Jensen** said that could be accommodated as hosting a temporary business. **Commissioner Fazzini** suggested the rug/blanket business on 5400 South would be a good example of something that would normally be a temporary type business. **Mr. Meldrum** said that example was, however, a permanent business. **Commissioner Kehl** asked that Staff prepare these lists for Commission review and include the language of "including but not limited to".

- **Commissioner Kehl** asked what the purpose of the following language in the first paragraph was: "Reception Center and/or Event Center" means a building, together with its accessory buildings and uses . . . " He felt it was appropriate to add "and land or property", so that the same activities cannot take place outside of the building. **Mr. Meldrum** said that can be done and would use the word "premises" there instead. **Commissioner Kehl** agreed and wanted "and uses" included. He then wanted clarification on what the following meant, "which is a place of assembly with a predominate purpose of hosting single event not to exceed a period of twenty-four (24) hours, either occurring alone or as part of another activity or business ..." **Mr. Meldrum** said that means that an event cannot be started in one location and continue it by relocating. For example, if there were three of these event centers in Carriage Square, a patron would not be able to move from one to the other. **Commissioner Kehl** asked what events could be held that are not held within the period of 1:00 a.m. to 8:00 a.m. The ordinance says events cannot exceed 24 hours but then there are the hours of 1:00 a.m. to 8:00 a.m. where events cannot be held. **Mr. Meldrum** said that was added to mitigate the problem of noise during those particular hours. **Commissioner Kehl** then wanted to know if there were any activities that would be allowed to go on for the entire 24 hour period. **Mr. Meldrum** said that is a good topic for discussion. If the Commission wants to allow something that is not going to be noisy or even if they want something restricted, it can be added. **Commissioner Fazzini** advised that taking out the time period 1:00 a.m. to 8:00 a.m. limits the total hours to 19. **Mr. Meldrum** said that would be changed. Staff will prepare another draft and bring it back for review. 20:00:05

OTHER BUSINESS:

Mr. Meldrum asked that consideration be given to canceling the regularly scheduled work meeting of the Planning Commission to be held on March 27, 2012. The request is based upon the March 13th meeting having to be rescheduled to March 20th due to political Caucasus being held that evening

MOTION: Commissioner Fazzini – I move that the Planning Commission meeting scheduled for March 27, 2012 be cancelled.
SECOND: Commissioner Faurschou.

VOTE					
Commissioner	Vote	Commissioner	Vote	Commissioner	Vote
Faurschou	AYE	Grossman	AYE	Fink	CHAIR
Kehl	AYE	Barbieri	AYE	Cochran	ALT
Jensen	AYE	Fazzini	AYE		
Motion to approve passes unanimously.					

Commissioner Jensen suggested the zoning designations for the new Nelson's Laboratory building match the first building located directly north. He also was concerned about the ducks and geese located on a property at 1300 West getting out onto the roadway because the fence is not adequate to control them. **Mr. Meldrum** said he would pass that along to the Code Enforcement Department for action. **Commissioner Jensen** asked if it would be possible to update the electronic billboard code at this time because the State Legislature is looking at the issue in this session and **Mr. Meldrum** said he would look into it and go through the City Attorney to make sure if it is possible. **Commissioner Jensen's** concern is that outdoor sign companies are replacing billboards with electronic billboards, which he felt was hazardous. **Commissioner Jensen** wanted to know if the Salt Lake Community College power station project was still being pursued. **Mr. Meldrum** replied that it is on schedule and should be coming before the Commission shortly. **Commissioner Jensen** said that based on the last dog permit the Commission heard where it was brought to light that the applicant is actually raising three litters and selling them, he wanted to know if there could be something done to prevent these types of "puppy mills". **Mr. Meldrum** said that Staff will look into that possibility. There is a restriction for one litter per year per household but he assumed Commissioner Jensen's request was specifically to prevent "puppy mills", which **Commissioner Jensen** said was true. 20:14:53

ADJOURNMENT: By motion of **Commissioner Faurschou**, the meeting was adjourned at 8:20 p.m.

Jean Gallegos

Respectfully submitted by Jean Gallegos, Administrative Assistant/Recorder for the Planning Commission

Approved in meeting held on April 10, 2012