

**City of Taylorsville
Planning commission Meeting Minutes
October 24, 2023
Pre-meeting – 6:00 p.m. – Regular Session – 6:30 p.m.
2600 West Taylorsville Blvd – Council Chambers**

Attendance-

Planning Commission

Don Quigley – Chair
Cindy Wilkey – Vice Chair
David Wright
Lynette Wendel
Don Russell
Marc McElreath
Gordon Willardson
David Young (Alternate, Remote)

Staff

Karyn Kerdolff – GIS Planner
Mark McGrath – Long Range Planner
Stephanie Shelman – Dep. City Atty
(Remote)
Jim Spung – Senior Planner
Jamie Brooks – City Recorder

Citizens/Guests Present: Fernando Peralta

BRIEFING SESSION – 6:00 P.M.

Chair Quigley began the briefing session at 6:02 p.m. Senior Planner Jim Spung explained that Commissioner David Young (alternate) and Deputy City Attorney Stephanie Shelman were both attending the meeting remotely.

Chair Quigley mentioned that Commissioner Russell would be late and expected to arrive at approximately 7:30 p.m.

1. Senior Planner Jim Spung and GIS Planner Karyn Kerdolff reviewed the agenda.

Mr. Spung explained that Agenda Items #4 and #5 involved the review of a 6-unit development, CUP application, and site plan. The bottom level would serve as six commercial spaces, with the top two floors planned as residential. There would be an HOA to manage the property and the applicant would provide covenants, conditions, and restrictions (CC & Rs). Each of the six spaces would be individually owned.

Regarding Item #3, Ms. Kerdolff explained that a different applicant had previously sought approval for a reception center at this address, but the application was denied administratively. The current applicant was no longer associated with the previous applicant. He had been working with the Building Department after having received a red tag. There was a multi-family complex directly behind this location and several of those

residents had made complaints about the noise on site. She recommended that the back door facing the condos should remain closed during events to reduce the noise shared with those neighbors. Ms. Kerdolff conceded that there had been several calls to the police regarding this address as well, primarily involving noise complaints and alcohol use. The applicant was not requesting an alcohol license for the business, indicating he did not intend to serve alcohol.

Chair Quigley inquired if the applicant had already been running a business on site without having the appropriate permissions/permits in place. Ms. Kerdolff responded that she believed that was the case and explained that the city's goal was typically to help bring businesses into compliance.

Chair Quigley mentioned that Commissioner Willardson had been unable to attend the last City Council meeting. Therefore, Mr. Spung provided a brief update since he was in attendance.

The Chair expressed interest in making video of City Council meetings available for viewing for those unable to attend live. Although an audio recording was available, the Chair and Commissioner McElreath pointed out that listening to the meeting did not give one access to the PowerPoints and other information presented electronically.

GENERAL MEETING – 6:30 P.M.

Citizens/Guests Present: Yolanda Abrego, May Carlsen, Andrea Cortez, Jim Darling, Chris Gilson, Chris Lepkowski, Judy Lockwood, Ashley Lovato, Fernando Peralta, Lexi Petersen, Mark Stephenson, and Roberta Sweeney

Commissioner Quigley opened the public meeting at 6:30 p.m. and read the welcome statement.

CONSENT AGENDA

2. Review/Approval of the Minutes for the September 27, 2023 Planning commission meeting.

MOTION: **Commissioner Wilkey moved to approve the minutes of the September 27, 2023 meeting. The motion was seconded by Commissioner Wright. The motion passed with a unanimous vote.**

CONDITIONAL USE PERMITS

3. Public Hearing and Consideration of a Conditional Use Permit for a Reception Center at 4151 South Redwood Road (58C22 / Karyn Kerdolff / GIS Planner)
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GIS Planner Karyn Kerdolff asked that the commissioners keep in mind the goal of mitigating any reasonably anticipated impacts on the neighborhood, particularly for the residential complex behind the address in question.

The reception center wished to operate Monday through Saturday from 5pm to 12am, and any operations past 10pm required approval from the Commission. If the request to extend operating hours to midnight were to be granted, that would mean that **all** operations would need to cease by that time. It would not mean that events could take place until midnight, at which time clean-up would begin. *Everything* was to be done by midnight.

Ms. Kerdolff reiterated that the business was red tagged last year for building without a permit, but the applicant had been working with the Building Department since December and had just one inspection left. Still, remodeling continued even after the red tag was issued and events had continued to be held there despite the lack of either a business license or conditional use permit. There had been at least sixteen calls for service to the Taylorsville Police and five police reports made by responding officers. It was worth mentioning that some of the calls were traffic related.

Staff recommended approval of the application, although Ms. Kerdolff recommended several conditions which she outlined during the meeting.

Commissioner Wendel pointed out that although the applicant had indicated he did not intend to serve alcohol, there was nothing to stop event attendees from bringing their own alcohol to events. She pointed out that the onus was on the applicant to mitigate any increased problems that came from that, and wondered if there would be security present. She also wondered if the applicant sought to have the reception center open until midnight during the week, or just on Friday and Saturday nights. Ms. Kerdolff responded that the applicant would need to clarify his request when he addressed the Commission.

Regarding the police responses to the address in question, Commissioner Wendel pointed out that the calls did not necessarily mean that police activity was related to that specific address. She felt it would be valuable to see more detailed information about the police calls to the location – particularly the traffic matters, since it would be hard to hold a business responsible for nearby traffic problems. Ms. Kerdolff explained that the calls included two hit and run incidents, traffic accidents, a vehicle burglary, and two fire assists. She also indicated that one nearby resident had told her that he/she had to call the police every weekend that there was an event taking place.

Chair Quigley invited the applicant to address the Planning Commission.

Fernando Peralta explained that he wished to operate until midnight only on Friday and Saturday. On weeknights he only wished to operate until 10:00 p.m. They had considered serving alcohol but decided not to, explaining that those booking the facility could bring their own. Regarding security, he planned to have security at both the front and rear doors. Mr. Peralta explained that the business did not have a sound system but would regulate the level of sound brought in by their clients' sound equipment.

Chair Quigley asked if he had a long-term lease for the property. Mr. Peralta responded that he was about one year into a nine-year lease.

Commissioner Wendel asked what security measures Mr. Peralta had in place since he had already been operating the business. The applicant responded that as of 2-3 months ago, he required the rear door to remain closed due to the nearby apartments and had security on site during events.

Commissioner Wendel asked Mr. Peralta to address the police calls that had been reported. Mr. Peralta said he was only aware of one police call which was a noise complaint.

Chair Quigley asked the applicant if he had continued to hold events since he was informed that he needed to obtain a conditional use permit and a business license. Mr. Peralta admitted that he had.

Commissioner McElreath asked if the commission was tasked that evening with enforcement or with approval of a conditional use permit. Ms. Kerdolff reiterated that the city's goal was to bring the applicant into compliance. Because the business had already begun operating, it was easier to see some of the negative impacts that should be addressed in the approval conditions.

Chair Quigley opened the public hearing at 7:06 pm.

Christina (unknown last name) explained that she lived in the Oak Meadows Condominiums which were directly behind the event center. She stated she was opposed to granting a conditional use permit and to the business being at the current location. She indicated that the property owners continued to collect rent from the applicant, knowing that the business was not permitted. She stated the business had hosted events nearly every weekend and some weekdays with live music, unregulated alcohol and in violation of noise ordinances after 10:00 p.m. In fact, some events had gone as late as 2:00 a.m. to 4 a.m. with the back door frequently open, allowing noise to echo up to the condos, interfering with residents' ability to sleep or otherwise peacefully exist in their homes. She estimated that she had made approximately twelve calls to police regarding the noise after 11 p.m., underage drinking, bottles being smashed, fighting and public urination. She did not feel that an event center belonged in anyone's back yard, particularly when children had to go to school early the following morning.

Judy Lockwood also lived at the Oak Meadows condominiums. Other than a problem several years before with a separate business, Ms. Lockwood was surprised to hear that there had been recent complaints since she had not heard anything. She wanted an assurance that noise levels would not be extreme and that there wouldn't be any fighting. She was also disappointed that staff would not take past non-compliance as a predictor of future non-compliance.

Another Oak Meadows resident, Ashley Lovato, explained that it was difficult for her children and her to sleep when there was loud music until 3 or 4 o'clock in the morning. She indicated that she was not opposed to a business operating at the address, but said it was very difficult to deal with the loud noise. If the police were called, the music would quiet down briefly but would soon be back up at a high level.

Chair Quigley asked when Ms. Lovato last heard excessive noise coming from the business. She responded that it was on the previous Saturday night.

Chris (unknown last name) was also an Oak Meadows resident and had also heard the noise, including the sound of breaking bottles. He asked that the applicant be respectful of those that lived nearby.

Chair Quigley invited the applicant to address the concerns raised by those that offered public comments. However, due to technical difficulties with the podium microphone, much of his statement was unintelligible on the recording.

Lexi Peterson, Oak Meadows resident, expressed concern about rumors of underage drinking and strip tease activities at the business. She asked if the rumors were true and if such activities would be allowed to continue.

Chair Quigley explained that the city could only respond to substantiated facts, not to public clamor. He explained that if a conditional use permit were to be granted and problems took place which were substantiated, there was a process to consider revoking CUPs. It was important to contact authorities if problems arose so that facts could be established.

Christina asked that the applicant be required to post a sign on both sides of the back door stating that the door was to remain closed, and the sign be in both English and Spanish.

Chair Quigley closed the public hearing at 7:26 p.m.

Commissioner Wendel thanked the public for attending the hearing and sharing their concerns. She explained that state law put planning commissioners in an interesting position because by law they were meant to approve such applications, but to put conditions in place to mitigate any reasonably anticipated negative impacts. She wished to reassure the people in attendance that there were multiple reception centers in Taylorsville that were adjacent to residential areas with no reported problems. What she

heard from those in attendance was that the back door being propped open at night was where a lot of the noise problems existed, and that there shouldn't be any underage drinking. She explained to the applicant that since he indicated he is typically on site during these events, he was responsible to ensure that there was to be no underage drinking, and that the attendees did not cause unacceptable noise levels. Commissioner Wendel said she was inclined to approve the CUP with some conditions beyond those recommended by staff. She suggested that perhaps garbage should be retained inside the business until the following morning so that neighbors weren't being awoken at midnight with the sound of it being dumped into the dumpster located outside the rear door. She also pointed out that everything should be done by midnight, including clean-up.

Commissioner Wright asked if Commissioner Wendel felt having a sign on the back door would be appropriate. Commissioner Wendel wasn't sure the city could do any more than suggest it. She asked Deputy City Attorney Stephanie Shelman for her thoughts on the matter.

Ms. Shelman responded that the city could not regulate the content of signs.

Mr. Spung suggested that the city could require that the door remain closed during events and then it would be up to the business as to how they wanted to communicate that message to clients and staff.

Commissioner Wilkey pointed out that the Commission had in the past placed conditions on an application that a *licensed* security officer be on site in certain situations as opposed to just a regular employee or friend of the business owner being considered as "security." She also mentioned that live music after 10 p.m. could be prohibited since many residents expressed concern about the noise late at night.

Don Russell arrived at 7:36 p.m.

Chair Quigley called for a motion.

MOTION: **Commissioner Wilkey moved to approve a Conditional Use Permit at 4151 South Redwood Road with the recommended conditions listed in the staff report PLUS that a) any live music ends at 10:00 p.m. Monday through Saturday; b) that all operations cease at 10:00 p.m. Monday through Thursday; c) that all operations cease at 12:00 a.m. on Friday and Saturday; d) and that for events of up to 70 people, one licensed security officer be required, and for events of more than 70 people, a second licensed security officer be required. The motion was seconded by Commissioner Wright.**

Commissioner McElreath asked if security needed to be present for all events or just for those where alcohol was being consumed. Commissioner Wilkey responded that it would

be difficult to know in advance if attendees would bring alcohol. Chair Quigley called for a vote.

Commissioner Wendel: AYE
Chair Quigley: AYE
Commissioner Wilkey: AYE
Commissioner Wright: AYE
Commissioner Russell: AYE
Commissioner Willardson: AYE
Commissioner McElreath: NO

Motion passes 6-1

Chair Quigley suggested a 5-minute break. The meeting recessed at 7:47 p.m. and resumed at 7:56 p.m.

CONDITIONAL USE

4. Public Hearing and Consideration of a Non-Administrative Conditional Use Permit to Construct a Mixed-Use Structure at 2720 West 6200 South (30C23 – Jim Spung, AICP / Senior Planner)

SUBDIVISION

5. Public Hearing and Consideration for a Preliminary Subdivision Plat, "Taylorsville 6 Live/Work Townhomes," (Jim Spung, AICP / Senior Planner)

 Senior Planner Jim Spung explained that his presentation would include both items #4 and #5 at the same time since they involved the same address/project. He explained that the subject property was currently undeveloped and located at the northwest corner of 2700 West 6200 South. The applicant proposed 6 units on the site which was compliant with the General Plan. Up for consideration that evening were the mixed-use master plan, the preliminary subdivision, and the preliminary conditional use and site plan. The first one for the Planning Commission to address was the mixed-use master plan. Then that vote would inform the other matters. The project involved two identical structures, with garages and commercial space on the main floors of each and residential space on the 2nd and 3rd levels. There were 28 total parking spaces including those in the garages which was slightly more than what was required by city code. Staff recommended approval of the layout as provided on the site plan. The landscape plan incorporated the newly adopted water-efficiency standards. Staff recommended one blanket condition of approval which was that the applicant continue to work with staff through the remaining reviews to address any outstanding comments prior to final approvals.

Chair Quigley invited the applicant to address the Planning Commission.

Mark Stephenson stepped to the podium and explained that he was with Red Mountain Builders (not Rocky Mtn Builders as indicated by the agenda and staff report) and introduced Jim Darling, the project architect. Mr. Stephenson was excited about the live/work project.

Chair Quigley commented that one would expect three-bedroom homes to attract families, but with little outdoor green space, this project did not seem ideal for families with children. Mr. Darling responded that it was a very desirable product of only six units. Although families *could* live there, it might be better suited for adults with small business operations. Mr. Stephenson responded that there was some flexibility on the residential floor plans. It could have two master suites rather than three bedrooms.

Commissioner Wendal asked if cars would be able to turn both east and west onto 6200 South. Mr. Darling responded that would be up to UDOT but he said the important thing to note was that there would be two entrances to the development instead of just one.

Mr. Spung clarified that 6200 South in that area was actually a city street and the City Engineer had approved the current layout.

Commissioner McElreath wondered if there could be a possible conflict between a business that perhaps stayed open late at night while in such close proximity to residential units right upstairs. Mr. Spung believed that was addressed in city code which he did not have in front of him. He believed approval of the planning commission was necessary for anything operating past 10:00 p.m.

Commissioner Wendel asked that the dumpster be moved away from the north side of the building to avoid disturbing the neighbors on that side of the buildings.

Commissioner Wright inquired about signage. Mr. Spung responded that no monument signs were being requested although each commercial space could have a wall sign.

Chair Quigley opened the public hearing at 8:30 p.m.

Valerie (unknown last name) explained that she lived in the subdivision directly north of this property. She hoped that each business would be required to have a business license and also expressed concerns about traffic on both 6200 South and 2700 West.

Roberta Sweeney explained that her home was adjacent to the property in question. She also expressed concern about increasing traffic which was already a problem in the area. She wondered if the property would be fenced, and indicated she did not feel that the structures as proposed were a good fit at that location. Ms. Sweeney was concerned about the potential noise level at the new development and wondered how late the businesses would be open at night. She inquired about sewer access and felt that the print on the notice for the public hearing was too small to read.

There was no one else who expressed a desire to speak, so Chair Quigley closed the public hearing.

Commissioner Wright agreed that these units looked completely different from anything else in the neighborhood. He said it looked out of place.

Regarding the fence, Mr. Spung explained that the applicant was proposing a 6' masonry wall at his expense. As far as sewer access was concerned, it would be along the 2700 West corridor and tie into existing sewer lines. And again, any business interested in remaining open past 10:00 p.m. would need to seek approval from the planning commission.

Chair Quigley called for a motion and it was mentioned that there would need to be three separate motions: one for the master plan which was an element of the subdivision, one for the subdivision itself, and one for the preliminary plat.

MOTION: Commissioner McElreath moved to approve File 7S23/SUB-000359-2023, a mixed-use master plan for the property at 2720 West 6200 South, as identified in Exhibits E, F, G and H, subject to the findings and conditions outlined in the staff report. The motion was seconded by Commissioner Willardson.

Commissioner Willardson: AYE
Commissioner Russell: AYE
Chair Quigley: AYE
Commissioner McElreath: AYE
Commissioner Wright: NO
Commissioner Wilkey: NO
Commissioner Wendel: AYE

Motion passed 5-2

MOTION: Commissioner Russell moved to approve File 30C23/CUP-000360-2023, a preliminary subdivision plat for the "Taylorsville 6 Live/Work Townhomes" located at 2720 West 6200 South, as identified in Exhibit I, subject to the findings and conditions outlined in the staff report. The motion was seconded by Commissioner Wendel.

Chair Quigley: AYE
Commissioner Wendel: AYE
Commissioner McElreath: AYE
Commissioner Wilkey: NO
Commissioner Willardson: AYE
Commissioner Wright: NO
Commissioner Russell: AYE

Motion passed 5-2

MOTION: Commissioner McElreath moved to approve File #30C23/CUP-000360-2023, a preliminary conditional use permit and site plan to construct two (2) mixed-use structures at 2720 West 6200 South, as illustrated in Exhibits E, F, G and H, subject to the findings and conditions outlined in the staff report. The motion was seconded by Commissioner Wendel.

Commissioner Russell: AYE
Commissioner Wright: NO
Commissioner Wilkey: NO
Chair Quigley: AYE
Commissioner Wenda: AYE
Commissioner McElreath: AYE
Commissioner Willardson: AYE

Motion passed 5-2

Chair Quigley asked Mr. Spung to be sure to pass along the suggestion regarding the dumpster location to the proper staff member.

Other Matters

6. Review and Discussion of the Taylorsville General Plan Update – Chapter 1: *Introduction* (Mark McGrath, AICP / Long-Range Planner)



Long-range Planner Mark McGrath explained the process that would be followed as he updated the *Introduction* of the General Plan. He felt that Taylorsville was in its third phase of development which was higher density and a more diverse urban community than it had been in the past. The city was almost completely built out, and since change was coming, he felt it was important for the city to drive that change. The chapter laid out the contents of the General Plan, identifying the coming 9 chapters. Mr. McGrath asked the commissioners to make note of the following five guiding principles:

- Balance, Diversity, and Social Equity
- Stewardship
- Resilience
- Civil Beauty and Identify
- Health and Mental Well-being

Additionally, this chapter highlighted four fundamental strategies which were 1) to strengthen community identify and character; 2) to create vibrant economic centers and mixed-use neighborhoods; 3) to create and maintain distinguishable, stable, and desirable neighborhood; and 4) to create a multi-modal community. Mr. McGrath intended to add housing issues to #3, because the Provo/Ogden/Salt Lake area would have four-

million people by the early 2060s. He also planned to add a 4th fundamental strategy involving public safety.

Next in the *Introduction* would be a brief discussion about the transportation planning that was taking place throughout the region by the Wasatch Front Regional Council. The chapter wrapped up with an explanation of the how the approval process of the updated General Plan would go, with presentations to both the Planning Commission and the City Council before hopefully being adopted as an official city document.

Commissioners Wright and Wendel shared suggestions regarding the order in which the five guiding principles might appear in the final draft.

7. Review and Discussion of the Taylorsville Land Development Code Update Project – Chapter 13.04: *Development Standards* (Jim Spung, AICP – Senior Planner)

 Mr. Spung reviewed the *Reed v. Town of Gilbert* case that went before the United States Supreme Court in 2015. Like most cities, Gilbert had an ordinance which required a permit to be obtained before an outdoor sign could be posted. However, there were 23 categories of signs that were exempt from the ordinance. The city cited a church for violating the ordinance pertaining to temporary directional signs and the church sued, claiming that their first amendment free speech rights had been violated. The court found in favor of the church which was why it was important for municipalities not to attempt to regulate the content of signage. Mr. Spung went on to reference the updated organization of the section of city code which addressed signage in the city, and also listed the types of signs that would not require a permit.

CITY COUNCIL MEETING DISCUSSION

Mr. Spung had summarized the October 24th City Council meeting for the commissioners during the briefing session earlier in the evening.

ADJOURNMENT:

MOTION: Commissioner Wendel moved to adjourn. The motion was seconded by Commissioner Wright and passed unanimously.

Chair Quigley declared the meeting adjourned at 9:34 p.m.

Jamie Brooks, City Recorder