

City of Taylorsville
Planning Commission Meeting Minutes
April 26, 2022
Pre-meeting – 6:30 p.m. – Regular Session – 7:00 p.m.
2600 West Taylorsville Blvd – Council Chambers

Attendance:

Planning Commission

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

Community Development Staff

Wayne Harper - Director (Excused)
Jim Spung – Senior Planner
Karyn Kerdolff- GIS Planner
Stephanie Shelman – Deputy City Attorney
Jean Gallegos – Admin Assistant/Recorder

CITIZEN'S/GUESTS PRESENT: Colleen Norris, Miriam Grando, Emmio Strauss, Lee Stevens, Ken Stevens.

BRIEFING SESSION – 6:30 P.M.



1. The Briefing Session was conducted by Mr. Jim Spung, Senior Planner. He gave an overview of each item on the Agenda and he and Ms. Kerdolff answered Commissioner's questions concerning each. **Mr. Spung** then gave an update prepared by Mr. Mark McGrath showing business licenses issued in March. From that report he also briefed on the status of several on-going projects in Taylorsville. 

At 7:00 p.m. **Commissioner Wright** welcomed those present and opened the regular meeting.  He asked for a motion regarding the Consent Agenda if there was no discussion.

Consent Agenda

2. **MOTION: Commissioner Russell** – I move for approval of the Consent Agenda consisting of the Minutes for March 23, 2022.
SECOND: Commissioner Wendel.
VOTE: All Commissioners present voted in favor. Motion passes unanimously.

Conditional Use

3. 8C22 – Dream Venue (Miriam Grando) - Consideration of a Final Non-Administrative Conditional Use Permit to Operate a "Reception Center" on the Property Located at 3193 West 4700 South, as well as consideration of Extended Hours of Operation. (Karyn Kerdolff/GIS Planner)

- 3.1  **Ms. Karyn Kerdolff** presented this item. She stated this was previously presented and tabled due to applicant not being present to answer questions. **Ms. Kerdolff** advised a reception center in a Professional office Zone requires a non-administrative conditional use permit hearing before the Planning Commission. There are no particular land use concerns regarding this proposal.

3.2 **FINDINGS:** (Ms. Kerdolff review the following Findings with the Commissioners)

- 3.2.1 This application was initiated by Miriam Grando.
- 3.2.2 Per 13.08.020, a Reception Center in the PO Zone requires a Non-administrative Conditional Use Permit granted by the Planning Commission.
- 3.2.2 The applicant is requesting to stay open until 1:00 A.M. on Thursday, Friday, and Saturday nights.
- 3.2.3 The property is located within 250' of a residential zone which requires an hours of operation extension granted by the Planning Commission.
- 3.2.4 The applicant will not be serving alcohol and is not requesting an alcohol permit at this time.
- 3.2.5 Conditional Use Permits are governed by Utah State Code and must meet the provisions outlined in 10-9a-507.
- 3.2.6 A similar request for a Reception Center was approved at this location by the Planning Commission on November 13, 2018.

3.3 **STAFF RECOMMENDATION:** Staff recommends approval of the Reception Center and hours of operation extension request based on the information presented at the time of the Staff Report.

3.4 **CONDITIONS OF APPROVAL:**

- 3.4.1 The applicant complies with all requirements of all applicable reviewing agencies.
- 3.4.2 The Conditional Use Permit is subject to review and revocation upon substantiated complaint or citations.
- 3.4.3 Any changes to the structure will require a building permit.
- 3.4.4 The applicant shall remain compliant with all business licensing requirements.
- 3.4.5 The business may only extend hours of operation to 1:00 A.M. on Thursday, Friday, and Saturday nights. Otherwise, the business hours are limited to 10:00 P.M.
- 3.4.6 **[Changed during meeting]** ~~Alcohol is not allowed on the premise without an alcohol license issued by the City of Taylorsville and the DABC.~~ If alcohol is found on the premise, the CUP will be revoked. No use of alcohol is allowed on this site due to it being within 250' of a school.
- 3.4.7 All parking must be on site unless a shared parking agreement is documented with the City.
- 3.4.8 The business must conform to Salt Lake County's Noise Ordinance.

3.5 **DISCUSSION:** Commissioner Quigley said the applicant has said there will be no alcohol, but he wanted to know if once approved, they be able to come back later with a request to serve alcohol? Ms. Kerdolff said that would not be an issue because the use of alcohol is not allowed by Code within 250' of a school. Commissioner Quigley expressed concern because the Commission has learned in working with 7-11's that that distance requirement can be circumvented. He just wanted to make that point.

3.6 **APPLICANT ADDRESS:** The applicant, Miriam Grando advised that they will work on making cosmetic changes to the parking and landscaping on this site. That they will comply with all required conditions. That the reason for the request to extend the hours of operation was to allow for time to do proper clean-up after an event Commissioner Willardson expressed concern for the neighbors and did not see why a party or wedding should go until 1:00 a.m. Ms. Grando said they would mostly go until midnight, with the extra hour needed for cleaning up. Commissioner Quigley asked if she had talked to the physician with the office next door about possibly sharing his parking during the evening hours when he and his staff are not there, and she said she had not. Commissioner Quigley felt there should be some type of agreement in place to assure his property is protected and security maintained. Commissioner Wendel want to make sure the applicant knows the fire codes which limit the number of people to occupy a space. Ms. Grando advised there are 26 parking spaces, and the occupancy limit is 112 people. Commissioner McElreath wanted to know if there would be someone from her staff on site during the events or would they just open it up to the people renting it. Ms. Grando said no that they would give the keys to the ones renting it. Commissioner Russell commented that the neighbors are used to this building be in use a lot and

suggested writing into the contract with the people wanting to rent that they must terminate at a certain time in order to get their people out by 1:00 A.M. 

3.7 **Commissioner Wright** opened the public hearing and asked if there was anyone wishing to speak either in favor or opposition to please come forward at this time.

3.8 **SPEAKING:**

Colleen Norris advised the biggest challenge is that the parking lot is not large enough to host such large parties. That with each previous use, parking has been consistently a problem.

3.9 Since no one else came forward to speak, **Commissioner Wright** closed the public hearing and opened the meeting for Planning Commission discussion or a motion.

3.10 **DISCUSSION:**

3.10.1 **Commissioner Quigley** said he only counted 20 parking stalls and not 26. That there had been a similar business operation in Carriage Square a few years ago which opened with good intentions but ended up losing their conditional use based on numerous police response and neighborhood complaints. He could see potentially what occurred at the previous site after hours subsequently happening at this one. His main concern was the lateness of the hour and potentially having the activities spilling over into the adjoining neighborhood. 

3.10.2 **Commissioner Wilkey** was also concerned that there was not enough parking for this type of use.

3.10.3 **Commissioner Willardson** agreed that there was not enough parking as proposed and he was not in favor of extending the hours to 1:00 A.M. as being too late. He felt the only way to control the spread of parking is for the doctor next door to put some type of chain across his driveway.

3.10.4 **Commissioner Wendel** said that historically this location has been approved as a reception center. She felt that if that previous use had created problems for the neighbors more of them would have turned out tonight to comment.  The Planning Commission has been trying not to overpark in the City and felt it was the obligation of the owner to only book events they could accommodate. She felt there was a need to be more trusting of business owners. She was in favor of honoring the applicant's request and was hopeful that they make a great success of their business. Worst case scenario is if someone doesn't do what they are supposed to then the owner must take ways to mitigate the situation in order to prevent their conditional use permit from being revoked. She suggested possibly negotiating not having such late hours on Thursdays and possibly reevaluate the hours of operation again in six months. 

3.10.5 **Commissioner McElreath** said he agreed with Commissioner Wendel's comments. That this was previously approved for this same type of use, and it is the responsibility of the present business owner to deal with any subsequent issues. He was in favor of approving this application, adding that he was not in favor of allowing alcohol use.

3.10.6 **Commissioner Russell** was apprehensive of this use but did support approval.

3.10.7 **Commissioner Quigley** added that Commissioner Wendel made an excellent point in trusting business owners more. He thought her suggestion to lessen the hours on Thursdays was a good one. He also supported letting people do what they want with their property as long as it meets Code.

- 3.10.8 **Commissioner Wright** suggested that the reason why the Commission is trying to prognosticate is because there have been examples in the past where there have been problems.
- 3.8 **MOTION:**  **Commissioner McElreath** – I move that we approve File #8C22 for a request for a Conditional Use Permit to operate a Reception Center and Hours of Operation Extension for the property located at 3193 West 4700 South as presented in the Staff Report.
- SECOND:** **Commissioner Wendel**
- VOTE:**  **Roll Call. Commissioner Quigley – NAY, Commissioner Wilkey – YES, Commissioner Russell – AYE, Commissioner McElreath – AYE, Commissioner Wendel, Commissioner Willardson – AYE, Commissioner Wright – YES. Motion passes 6 in favor, 1 in opposition.**

Subdivision

4. 9S21 – Taylor Smith/Brandon Snarr - Consideration of an Amendment to a Planning Commission Condition of Approval Related to Requested Fencing Adjacent to a Canal for a preliminary Subdivision Plat at Approximately 4924 South 3200 West. (Jim Spung/AICP/Senior Planner)
- 4.1 This item was presented by Jim Spung. Brandon Snarr, property owner, is requesting the Planning Commission reconsider a condition of approval related to required fencing adjacent to the South Jordan Canal for a preliminary subdivision plat at approximately 4924 South 3200 West, Taylorsville, Utah. The preliminary subdivision for File 9S21 was reviewed and approved (subject to conditions) by the Planning Commission on February 22, 2022. The motion for that item follows:
- 4.1.1 “I move that we approve File #9S21 a Preliminary Subdivision Plat “GT Estates” for approximately 1,972 acres of real property, as identified in Exhibit E, to include 20 percent for flag lots subject to the Findings and Conditions outlined in the Staff Report and to include that the plat indicate that the lots next to the private drive are responsible for maintenance of that private drive and what is on current Lot #9, the storm drain is the responsibility of the owner of Lot #9.” The motion passed 5-2. Following is Condition of Approval #1: “A 6-foot-tall wrought iron fence or a masonry wall satisfying the standards in Section 13.23.070, shall be constructed along the northern edge of the subdivision adjacent to the irrigation canal.”
- 4.1.2 The applicant is requesting the Planning Commission remove/modify Condition #1 requiring the developer to construct a 6’foot tall wrought iron fence or masonry wall along the north property line, adjacent to the South Jordan Canal.
- 4.1.3 The reason for the request is that the applicant has received a significant financial loss with having to remove one lot due to the flag lot percentage being too high on the original plan per Code and the significant difference in the price of the wrought iron/masonry wall fencing versus vinyl.
- 4.1.4 The Land Development Code designates the “Director” as the approval authority for fencing adjacent to canals; however, the Planning Commission is the decision-making body for preliminary plats. Since this request is associated with a Planning Commission condition of approval, the Planning Commission is the authority to modify or amend a condition of approval associated with a prior action.

4.2 **FINDINGS:**

- 4.2.1 On February 22, 2022, the Planning Commission approved a preliminary subdivision plat for File #9S21, as outlined in the meeting minutes.
- 4.2.2 Condition of Approval #1 for File #9S21 requires that a 6-foot-tall wrought iron fence or a masonry wall satisfying the standards in Section 1323.070 of the Land Development Code be constructed along the northern edge of the subdivision adjacent to the irrigation canal.
- 4.2.3 The applicant/developer is requesting the Planning Commission modify Condition of Approval #1 to allow a 6-foot-tall non-climbable vinyl fence in lieu of the 6-foot-tall wrought iron fence or masonry wall.
- 4.2.4 Exhibit C in the Staff Report includes statements from the applicant/developer and the South Jordan Canal Company supporting the request to modify Condition #1
- 4.2.5 Based on the evidence and information presented by the applicant, city staff supports the applicant's request to modify Condition #1.
- 4.2.6 The Planning Commission is the decision-making authority for preliminary subdivision review.

4.3 **CONDITIONS OF APPROVAL:** Staff does not recommend any conditions of approval be associated with this request.

4.4 **STAFF RECOMMENDATION:** Based on the information provided to City Staff and the Planning Commission, Staff recommends the Planning Commission approve the applicant's request to modify Condition of Approval #1 for File #9S21, as stated in the February 22, 2022, Planning Commission meeting minutes, to allow a 6-foot-tall non-climbable vinyl fence in lieu of a 6-foot-tall wrought iron fence or a masonry wall.

4.5 **APPLICANT ADDRESS:** **Brandon Snarr** said they are asking to be able to have a different fence type than was approved originally by the Planning Commission. The reason for this request is during the approval process they were forced to lose one lot due to the requirement that flag lots can only comprise 20 percent of the subdivision and they would have had 22 percent. That was a significant financial loss and having to install wrought iron or masonry would again increase the costs as the difference between those and vinyl is considerable. That inclusion of the vinyl fence meets all requirements levied by the Canal Company.



4.6 **Commissioner Wright** opened the public hearing and asked if there was anyone wishing to speak in favor or opposition to this proposal to please come forward to speak.

4.7 **SPEAKING:** One neighbor spoke (not identified), saying she was fine with the vinyl fence but would like something done with the Skunk problem. **Commissioner Wendel** suggested that she contact Salt Lake County Animal Services about the Skunk problem but thanked her for coming to the meeting and expressing her concerns tonight.

4.8 **Commissioner Wright** closed the public hearing and opened the meeting for discussion or a motion by the Planning Commission.

4.9 **DISCUSSION:** **Commissioner Quigley** advised he had no problem with the vinyl fence and that it made more sense for the developer financially. He thanked them for their efforts to make this development work. **Commissioner Willardson** expressed his concern about the vinyl being more of an attraction for graffiti and was informed that probably be easier to clean should there be graffiti and would be the responsibility of the homeowners like it is everywhere else.

- 4.10 **MOTION:** Commissioner Quigley – I move that we approve the applicant's request to modify Condition of Approval #1 for File #9S21, as stated in the February 22, 2022, Planning Commission meeting minutes, to allow a 6-foot-tall non-climbable vinyl fence in lieu of a 6-foot-tall wrought iron fence or masonry wall, adjacent to the canal on the northern subdivision boundary, subject to the Findings outlined in the Staff Report.

SECOND: Commissioner Willardson

VOTE: All Commissioners present voted in favor. Motion passes unanimously.

ADJOURNMENT: Per motion by Commissioner Wendel, the meeting adjourned at 8:02 p.m.

These Minutes were prepared and presented by:



Jean Gallegos, Admin Assist/Recorder for the
City of Taylorsville Planning Commission

Approved in meeting held on: May 24, 2022