

City of Taylorsville
 Planning Commission Meeting Minutes
 May 14, 2013
 Work Session – 6:00 p.m. and Regular Meeting – 7:00 p.m.
 2600 West Taylorsville Blvd – Council Chambers

Attendance:

Planning Commission

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

Excused: Ted Jensen

Community Development Staff

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

PUBLIC: Jason Wilcox, Elizabeth Martinez, Dorothy Freeman, Rock Schutjer, Thomas Naslo, Lee Nielsen, Heather Primus, Jerry Milne, Shirley Milne, Brent Overson, Rod Engar.

CONSENT AGENDA

Agenda/File #	Application	Applicants	Action
1. 17C13	Church (Templo Elohim)	Elizabeth Martinez 2572 W 4700 S	Approved with Staff Recommendations.
2. 18C13	Replace Antennas and Cabinets on Existing Monopole	Rock Schutjer 5937 S 1650 W	Approved with Staff Recommendations.
3. 19C13	Replace Antennas and Cabinets on Existing Lattice Tower	Rock Schutjer 2332 W 4805 S	Approved with Staff Recommendations.
4. 20C13	Replace Antennas and Cabinets on Existing Monopole	Rock Schutjer 5292 S 2700 W	Removed from Consent Agenda by Motion of the Commission and heard in the regular meeting.

MOTION: **Commissioner Kehl** - I move that Item #4 be moved from the Consent Agenda and heard in the regular meeting portion due to unanswered questions.

SECOND: **Commissioner Fink**

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

MOTION: **Commissioner Kehl** - I move for approval of the Consent Agenda consisting of Items #1 - 3.

SECOND: **Commissioner Cochran**

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

4. 20C13 - <u>Rock Schutjer – New Antennas and Cabinets for Existing Monopole</u> – 5292 South 2700 West - Dan Udall/City Planner.

4.1 **Mr. Udall** presented this item. This monopole site is located at 5292 South 2700 West. The applicant is proposing to replace seven existing 6’ high panel antennas with three new 6’ high panel antennas on an existing 81’ 6” high monopole. The proposed widths of all three new antennas are 12”. The existing and the proposed antennas are the same size. He displayed the site plan and aerial map on screen. This proposal is considered a legal non-conforming use in the OS Zone on this particular site.

4.2 **Findings of Fact**

4.2.1 The applicant is proposing to replace seven existing 6’ high x 1’ wide panel antennas with three new 6’ high x 1’ wide panel antennas.

4.2.2 That the monopole is not an allowed use in the OS zone.

4.2.3 The applicant is proposing to replace three existing cabinets with two new cabinets of the same size. Therefore, one cabinet will be removed from the site.

- 4.2.4 That the proposed antennas and cabinets are legal non-conforming uses or non-conforming structures and are proposed to be substituted.
- 4.3 **Staff Recommendations:** Staff recommends approval of File 20C13 with the following conditions:
- 4.3.1 Receive approval from and remain compliant with all applicable reviewing agencies.
- 4.3.2 That the color of the wireless antennas is the same color as the monopole.
- 4.3.3 If the telecommunication facility is non-maintained or abandoned, it may be removed when such telecommunications facility has not been repaired or put into use by the owner, person having control, or person receiving benefit of such structure within 30 calendar days after notice of non-maintenance or abandonment is given to the owner, person having control, or person receiving the benefit of such structure.
- 4.3.4 That the applicant receives a building permit to install the antennas and cabinets.
- 4.3.5 That the antennas are installed as shown on the elevation plan.
- 4.4 **DISCUSSION:** **Commissioner Fazzini** wanted to know if these poles are any higher than the substation. It seemed to him that the substation seemed to be more of an eyesore than the pole itself. **Mr. Udall** said that the monopole is 81' high.
- 4.5 **APPLICANT ADDRESS:** **Mr. Schutjer** was present to answer questions. **Commissioner Barbieri** asked the applicant to further explain the access road up to the monopole and wondered if it were gravel. **Mr. Schutjer** said he did not know for sure but thought that it was gravel. She then asked who had the responsibility for taking care of that gravel entrance. **Mr. Schutjer** replied that it was Rocky Mountain Power Company. **Commissioner Kehl** wanted to know then if Mr. Schutjer's company sub-lets the property from the power company and wanted to know why they would maintain the grass and the approach. That approach is in violation of the water acts in that the gravel migrates into the curb, the dirt also migrates in there and goes down to the storm system. **Commissioner Kehl** advised that he would like to make a recommendation that before this particular project on this site can be completed, that the gravel access be turned into a hard surface. **Mr. Schutjer** said that he understood that comment and would have to research to see who is responsible for that. He advised that he had a couple of problems with this meeting tonight period and that he had talked to Mr. Meldrum on Staff and he said that if they are non-conforming then the substation is also non-conforming as well. He felt that was an interesting paradox that there is a substation occupying a large acreage and then there are a couple of small monopoles. There are high voltage transmission lines and a substation right across the street from a residential area. The transmission poles are 110' high and the monopole is 81' and has been there for a long time. He added that all he wants to do is change out the antennas. **Commissioner Kehl** said there was no contention or discussion about that particular use there. What is being discussed is a violation relative to the storm drainage act and if Mr. Schutjer's company is not responsible for it, then the City needs to get with Rocky Mountain Power and ask them to close that access. **Mr. Schutjer** replied that the property belongs to Rocky Mountain Power and he did not know what the access really is. **Commissioner Kehl** said that is all he wanted to find out and felt that if they leased the property from the power company, they would also lease the easement for access from the public street onto the leased property. **Mr. Schutjer** said that may well be the case and would be standard language. There are a number of Rocky Mountain facilities and he would like to add that under Federal Legislation adopted in February 22, 2012, it is unlawful to condition any of these type modifications for wireless carriers. That their action in changing out antennas is already approved by the Federal Government and it is unlawful for the City to place conditions. **Commissioner Kehl** advised that the City's legal counsel was not present, therefore, that issue is not going to be discussed. **Mr. Schutjer** said that he has provided a summary to Staff and did ask him to share it with the City Attorney. There are a number of jurisdictions that are literally changing their Code to reflect the Federal legislation. He again stated that it is not appropriate to condition their application under Federal law. **Commissioner Barbieri** added that the only concern the Commission wanted to stress was keeping the water way clear and finding out who is responsible for that entryway and assuring the gravel does not fall into the gutters because it does become a hazard should there become loose debris that goes into the waterway. That the Commission is not looking at the monopole but mainly the entrance. **Mr. Schutjer** said that he did understand and was happy to lend his services to find out what he can about that access – his point tonight was that in this meeting, the Commission cannot condition approval under Federal law. **Commissioner Barbieri** then asked Staff to follow up on that particular issue of the entry and gravel driveway, to which they agreed

4.6 **SPEAKING:** None.

4.7 **MOTION:** **Commissioner Fink - Based on the Findings of Fact in the Staff Report, I move for approval of File #20C13 with recommendations of Staff.**
SECOND: **Commissioner Fazzini**
VOTE: **All Commissioners presented voted in favor.**

5. 7C13 – **Jason Wilcox – 4425 S. Jarrah Street** – Animal Hobby Permit for Five Dogs. (Dan Udall/City Planner)

5.1 **Mr. Udall** presented this item. The applicant has requested a conditional use permit for an animal hobby permit to allow five dogs on property located at 4425 South Jarrah Street. The applicant is requesting a German Shepherd mix, Collie-Labrador mix, Bassett Hound mix, American Staffordshire Terrier and a Boxer mix. The dogs are currently on the property. The dogs are indoors approximately 90 percent of the time. The applicant stated that a family member recently moved into the single-family home and brought three dogs with her. The family member is planning to live in the home for approximately two years. On March 1, 2013, West Valley Animal Services received a complaint in regards to dogs barking and too many dogs on the property. The applicant was informed by West Valley Animal Services to obtain an Animal Hobby Permit through the City of Taylorsville. The applicant has submitted an administrative conditional use animal hobby permit application to the Community Development Director to be able to have five dogs on the property. If the application is approved, West Valley City Animal Services will conduct an on-site inspection prior to approving a hobby permit application, and will conduct an annual on-site inspection following permit issuance. Staff received the following complaints in regards to the applicant having five dogs: Three complaints in regards to dog feces and odor, two complaints with too many dogs on the property and one complaint in regards to dogs barking. **Mr. Udall** advised there had been a fence in disrepair, which has subsequently been repaired by the home owner.

5.2 **Findings of Fact:** Staff finds the following findings of fact regarding File 7C13:

- That the applicant is proposing an animal hobby permit for five dogs.
- That the animal hobby permit is an administrative conditional use.
- That west Valley Animal Services received a complaint that dogs were barking and there were too many dogs on the subject property.
- City Staff has received three complaints in regards to dog feces and odor, two complaints with too many dogs on the property and one complaint in regards to dogs barking.

5.3 The Community Development Director has reviewed the application. Based on the number of dogs, the size of dogs, the breed of dogs, and the number of complaints, he felt a public hearing was needed. Staff is not making a recommendation concerning this application. However, if the Planning Commission approves the application of File #7C13, it should be based on the above stated findings of fact and contingent on input of the neighborhood residents in regards to the conditional use with the following conditions:

- 5.3.1 That the use is compliant with all requirements of applicable reviewing agencies.
- 5.3.2 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.
- 5.3.3 The applicant needs to comply with all requirements that are applicable under Chapter 8 (Animal Permit Regulations). All dogs need to be licensed and immunized.
- 5.3.4 That the perimeter fence is maintained and secured.
- 5.3.5 Unless supervised and on a leash, the dogs must be contained on the subject property.
- 5.3.6 If any dogs are found to be running at large, the Non-administrative Conditional Use Permit is subject to review and/or revocation.
- 5.3.7 To keep dog barking to a minimum. (7:21)

5.4 **APPLICANT ADDRESS:** **Jason Wilcox** was present. **Commissioner Cochran** asked what the square footage of the home was. **Mr. Wilcox** said he believed it was 2,200 square feet. **Commissioner Barbieri** asked if he was aware of some of the complaints. **Mr. Wilcox** advised he was aware of one complaint, which was barking and too many dogs, which was made by a neighbor north of his front yard. The way the yard is situated, the back of her house and another one face the front of his. **Mr. Wilcox** advised that one neighbor had complaints but none of the other neighbors expressed concern. That he had actually talked to all the neighbors surrounding him directly before he submitted this application. The only concern expressed by any of them was the one neighbor on the back north side of

his property where the dogs had actually broken through his fence chasing a stray cat. **Mr. Wilcox** talked to that particular neighbor weeks before about replacing that fence. The hole was repaired immediately, however. The replacement for the fence is still being discussed between him and his neighbor. He continued on to say that the dogs are indoors most of the time. The barking that most people would hear is being attributed to his dogs but the offending animals are actually in the house directly east of his home – that dog literally barks 24 hours a day. He said that his dogs don't bark that often and that usually only occurs when somebody comes to the door. As far as feces and odor are concerned, he volunteered that he would not say that it could not have been his yard but that it is picked up almost everyday and properly disposed of. Since receiving that report, he has hired a crew to come over twice a week to police his back yard, including picking up feces. **Commissioner Fink** commented that if the Commission does approve this, the approval only follows these five dogs, so if one should die, the approval for that goes away and applicant must reapply for the fifth dog again. **Commissioner Cochran** asked if any of the dogs have history of being rough with kids or biting, etc. due to the fact that they are good sized dogs. **Mr. Wilcox** said that the only one that has ever bitten anybody is Roxie, who is the Shepherd Collie mix wherein she bit Mr. Wilcox's daughter shortly after they picked her up from the Humane Society, which was six years ago. **Commissioner Barbieri** added that when she went by the Wilcox home, she noticed that there was an old couch and dish washer, and bags of garbage in the driveway and wanted to know when those would be properly removed from the site. **Mr. Wilcox** said that they actually should be gone by the upcoming Saturday. **Commissioner Cochran** said that Staff Condition #6 states that if any dogs are found to be running at large, the Non-administrative Conditional Use Permit is subject to review and/or revocation. He asked the applicant if the yard was secure enough that a dog of that size would not be able to get out and did he read that specific Staff condition? **Mr. Wilcox** said that he did read that and would say with only that one caveat that the fence on the north side, which is 30 years old, could possibly go down. That is the fence he and his neighbor are trying to get bids for doing the replacement. **Commissioner Kehl** said that he understood that Mr. Wilcox had two dogs that were his own and another family moved in which had three more dogs. **Mr. Wilcox** said that his sister-in-law moved in with them with one dog to get away from a very bad situation, being seven months pregnant. Subsequently she had the baby two months premature and found that her ex-husband was not taking care of the other dogs and it was necessary for the family of Mr. Wilcox to go rescue those two dogs.

- 5.5 **SPEAKING:** No one came forward.
- 5.6 **DISCUSSION:** **Commissioner Kehl** said he was opposed to having that many animals in that neighborhood considering the condition of the surrounding yard.
- 5.7 **MOTION:** **Commissioner Kehl** said he would make a motion in light of what he previously stated that the Commission denies the application. **Commissioner Faurshou** advised he felt the same way as Commissioner Kehl in that he did not have a problem with families having five dogs but they must demonstrate responsibility of taking care of them and cleaning up after them and keeping the surrounding area well maintained as well. With that he **SECONDED** the motion.
DISCUSSION: **Commissioner Fink** wanted to know if this could be tabled for like six months and have them come back? **Mr. Meldrum** said that would not be the proper way to do this. In that case, the Commission is tacitly giving approval by not taking any action. **Commissioner Fazzini** wanted to know if the Commission denies this then would the applicant have the right to appeal it to the City Council. **Mr. Meldrum** advised that was correct, they have ten days from the date of the decision to file an appeal.
VOTE: **Commissioner Barbieri** said there is a motion to deny this request and there was a second. All in favor signify by saying AYE. The motion passed unanimously.

6. 16C13 – **Dorothy Freeman** – 3820 West 5400 South – Dog and Cat Daycare, Grooming and Boarding. (Dan Udall/City Planner)

- 6.1 **Mr. Udall** presented this item. The applicant is proposing a dog and cat grooming, training, daycare and boarding facility on this site. According to the Development Code, the land use is called a “Commercial Animal Kennel.” The existing building or facility has a 2,088 square foot warehouse, 256 square foot reception area and a 792 square foot upstairs office.
- 6.2 **Findings of Fact:**
 - 6.2.1 That the applicant is requesting a non-administrative conditional use in the CC Zone.
 - 6.2.2 That the animal commercial kennel land use is 224 lineal feet from a single-family home residential district.

- 6.2.3 That the use should not adversely affect the surrounding area.
 - 6.2.4 That the use seems to be appropriate at the proposed location.
 - 6.2.5 That there are only three parking stalls on the subject site.
- 6.3 **Staff Recommendation:** Staff recommends approval of preliminary conditional use application 16C13 with the following conditions:
- 6.3.1 Receive approval from and remain compliant with all applicable reviewing agencies.
 - 6.3.2 That City Staff approves the final conditional review.
 - 6.3.3 That no outside storage is allowed except the pet swimming pools and the outdoor shaded kennels.
 - 6.3.4 That only two employees can work at the proposed animal commercial kennel at one time, unless an off-site parking agreement document is received by Staff stating that the property owner(s) adjacent to the subject property shares a minimum of three parking stalls with the applicant for the proposed land use. The document(s) will need to be recorded with Salt Lake County Recorder's office that stipulates the permanent reservation of use of the site for said parking. A maximum of five employees can work on site at one time if the applicant submits an appropriate off-site parking agreement recorded document(s).
 - 6.3.5 If only two employees work on site, no off-site parking agreement document will be needed.
 - 6.3.6 Conditional Use Permit is subject to review upon substantiated and unresolved complaints.
 - 6.3.7 That the applicant receives a building permit for any interior remodeling.
 - 6.3.8 That no cats are allowed to be let outside.
 - 6.3.9 That the dog feces are cleaned up from the concrete dog run everyday. That the applicant meets all regulations in regards to cleaning dog feces.
 - 6.3.10 That the dogs are only let outside on to the designated dog run from 7:00 a.m. to 7:00 p.m.
 - 6.3.11 An inspection by West Valley Animal Services is required.
 - 6.3.12 **[Added by Motion] That the applicants arrange for at least five parking stalls either on or off site, which need to be approved by the City Engineer.**
- 6.4 **DISCUSSION:** **Commissioner Kehl** wanted to know how many parking stalls were eliminated by this potential use and **Mr. Udall** advised that there is a concrete area on the east side of the warehouse that could possibly hold eight or nine additional vehicles. **Commissioner Fink** said that then there are three parking stalls to the south which belong to this use and the parking lot to the north, is not accessible to them, correct? **Mr. Udall** said that is not their property, however, they could possibly share it through agreement with that property owner. **Commissioner Cochran** wanted to know if there is any type of ordinance that says that for a business like this there must be so many employees per animal. **Mr. Udall** advised that there is no City ordinance that specifies that. **Commissioner Barbieri** asked Mr. Meldrum to answer that question and he advised that he was not aware of any such requirement.
- 6.5 **APPLICANT ADDRESS:** **Dorothy Freeman** and **Heather Primas** were present to answer questions. **Commissioner Cochran** asked them about the outdoor covers which were shown by image, and wanted to know if they were going to be over the entire area and they replied that the cover would just be over the kennels, which is only a portion of the area. **Commissioner Fazzini** asked about the cleaning up of the feces and wanted to know where it was going to drain to. The applicants advised that they were under the impression that there was a sewer drain there and apparently it is a storm drain instead. **Commissioner Fazzini** wondered if the City Engineer had had a chance to review this application and **Mr. Meldrum** said that they had not received any comments from either the City Engineer nor Taylorsville-Bennion Improvement District as of this to date. Also that West Valley Animal Services still needs to give a specific recommendation. The applicants advised that the actual dog feces would be picked up and not power washed into the drain. **Commissioner Cochran** said that along those lines, there apparently will not be a dumpster provided for that type of material, just a garbage for the waste. Applicants replied that in the beginning there will not be a dumpster and they will just use the regular garbage can service. **Commissioner Cochran** wanted to know how they would dispose of the material that they do pick up from the concrete area. Applicants replied that he would go into the regular garbage cans from the City. **Commissioner Barbieri** said that she noticed that the CPA Office is really close (building right north of this one). If a smell or barking becomes a problem to them, what leverage

do they have? **Mr. Meldrum** said that they would have a same rights as any citizen, the right to file a complaint and if that complaint cannot be addressed and resolved by the applicant and Staff and/or West Valley Animal Services, then the conditional use permit could be brought back for reconsideration. **Commissioner Faurschou** asked if there were County and State guidelines for these type of facilities, as to the number of animals that can be in a certain square footage. Applicant replied that Animal Control only has the provision that a certain amount of drain had to be installed per square feet for the animals.

6.6 **SPEAKING: Thomas Dinardo** – Property owner at 3840 West 5400 South. He expressed opposition to this use citing that there is already a significant traffic problem in the area along with a significant parking problem. He has already had problems with the Veterinarian next door when they had sick animals. These new applicants have the potential for 50 dogs inside an un-sound controlled warehouse which means it will be a barking echo chamber throughout the entire area. There previously was an upholstery shop next door and when they were running their machines, it was an echo chamber. Dogs would be significantly worse than the sound of sewing machines. The biggest problem is with lack of sufficient parking availability. Regularly there are people who are supposed to be with the day care area that is next to the CPA parking in handicapped zone, or wherever. He felt that three parking spots for this particular use which will have daily traffic in and out is not sufficient.

6.7 **DISCUSSION: Commissioner Fazzini** advised that International Fire Codes are very strict regarding ingress/egress and occupancy. He wanted to know if there were anything in that Code regarding pets. **Mr. Meldrum** said he had no knowledge of that. **Commissioner Fazzini** wanted to add that to the list of people to check with. **Mr. Meldrum** agreed to include that along with the Building Official. **Commissioner Fink** said that in the pre-meeting, Commissioners expressed concern about parking, which has been verified by this discussion. **Commissioner Barbieri** said that she had driven through this area and found it not be the most well-laid out center. She was concerned about the closeness together and the parking situation is hap-hazard and random and is extremely scarce. **Commissioner Kehl** wanted to know if the applicants own the property or lease. Applicants replied that they are in the process of purchasing the property. **Commissioner Kehl** advised that the ordinance states that if they can find parking within 300’ walking distance they can supplement the parking. There’s parking available at the bank which doesn’t fill up but doesn’t solve the problem either. **Commissioner Barbieri** said that with a day care on the north and then adding doggy day care, there would be hours when people are constantly coming and going. **Commissioner Fazzini** advised that they had not asked the applicants if they have made further parking arrangements. **Commissioner Barbieri** asked the applicants to come back to address that issue. The applicants advised that the only one they have spoken with the person who has the property to the north and he said that their use is similar in that people come in drop off clients and then leave. They went on to say that regarding the noise issue, there is a product on the market with acoustic tiles that can be used to help with the sound problem. **Commissioner Cochran** commented that he still was concerned about the parking situation. Any solution mentioned seems to be infringing on other businesses in the area. **Commissioner Fink** asked Staff if this area was included in the Redevelopment project on the old K-Mart site and was informed it did not include this side of the street. **Commissioner Kehl** commented that this is a difficult decision because there is already an animal veterinarian place there and the parking configuration has not changed but they have apparently taken away some parking places to use as part of the dog run. They might be able to add a couple of spaces there and still make the property work. **Commissioner Fink** advised that the Commission has several concerns about this use and parking being just one of those and noise being another. **Commissioner Kehl** suggested to Staff that because of what has developed here this evening he is not steeped on what the General Plan or Zoning actually is. He asked if this were a conditional use because it is different than what the zone says. **Mr. Meldrum** said the only reason it came before the Planning Commission is because it is a non-administrative conditional use in the community commercial zone due to being within 250 feet of residentially zoned property.

6.8 **MOTION: Commissioner Fink - (8:10) I will make a motion to deny File #16C13 based on Findings and Facts.**
SECOND: Commissioner Cochran

VOTE					
Commissioner	Vote	Commissioner	Vote	Commissioner	Vote
Faurschou	AYE	Jensen	Excused	Fink	AYE
Fazzini	NAY	Grossman	NAY	Barbieri	Chair
Kehl	NAY	Cochran	AYE	Tie Vote – Chair	NAY
Motion fails					

6.9 **Commissioner Kehl** advised that he felt the Commission should require an additional two parking spaces. **Commissioner Fazzini** said that they need to get written agreements or find two spaces somewhere. Either way the applicants are taking a big risk because they are in the process of purchasing this building because the problems may not be resolvable. **Commissioner Barbieri** mentioned that too was her concern. She continued on to say that the applicant can appeal to the City Council and in the meantime solve some of these concerns if they choose to do so. **Mr. Meldrum** advised that if the Commission makes no recommendation, this would be denied automatically after 45 days. **Commissioner Fazzini** said that means they would have to wait 45 days, then they have 10 days and they can appeal it to start that whole process. **Commissioner Kehl** asked if that if the applicants were to purchase or lease the building and it is approved here and if they have complaints that justify not having the business there, they are going to have an empty building there to pay a mortgage on. So they need to consider that location and if they go ahead, the parking is a major problem which must be dealt with. At this point, the applicants asked to address the Commission and were given permission to do so by the Chair, Commissioner Barbieri. The applicants said that the back area is very large and asked about the possibility of moving the fence to the side in order to make two more parking stalls there; close off the roll gate and make the third spot there. That would gain them two to three more parking spaces. (8:19:10) **Commissioner Kehl** said that he would consider adding a condition to say that it can be approved if the applicants can provide five on-site parking spaces instead of three. **Commissioner Cochran** advised that it should be noted that in creating these extra stalls, they should be made so that the drivers do not have to back out all the way to the street. **Commissioner Barbieri** commented that on the right hand side of that there is parallel parking and if someone was backing all the way out, they might not see someone trying to get in and out of their car in the parallel parking spaces. **Commissioner Kehl** asked Staff if the applicants could solve the parking problem to explain the options available to the applicants. **Mr. Meldrum** said that if the Commission denies the application, they could reapply after one year. If the Commission takes no action after 45 days, it would go to the City Council as if it had a negative recommendation. Tabling it would put it at the end of this agenda, postponing it would put it to another future meeting. **Commissioner Fazzini** said that it would effectively create the same 45 waiting period as previously discussed.

6.10 **MOTION: Commissioner Fazzini - I will make a motion. Based on the above stated Findings of Fact, Staff Recommendations and testimony heard this evening, I move that we approve Conditional Use Application #16C13 with the 11 Staff Conditions, adding #12 that the applicants arrange for at least five parking stalls either on or off site, which need to be approved by the City Engineer.**

SECOND: Commissioner Grossman

VOTE					
Commissioner	Vote	Commissioner	Vote	Commissioner	Vote
Faurschou	NAY	Jensen	Excused	Fink	NAY
Fazzini	AYE	Grossman	AYE	Barbieri	Chair
Kehl	AYE	Cochran	AYE		
Motion passes 4 to 2.					

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| 7. | 8C13 - Ivory Homes - 20-Lot Residential Preliminary Planned Unit Development. |
| 8. | 1S13 - Ivory Homes - 20-Lot Residential Preliminary Subdivision. (Dan Udall/City Planner) |

7.1 **Mr. Udall** presented these items together. The applicant is requesting a 20-lot residential planned unit development and subdivision located at 4702 South Sunstone Road. The single-family home lots range from 3,957 to 10,735 square feet. The applicant is proposing a 4,533 square foot open space tot lot. The applicant has submitted elevations of the single-family homes, the playground equipment being proposed on a tot lot park, the elevations of the precast masonry wall, the aluminum gate (similar to wrought iron style), entry gate and the light pole. The subject property measures 3.37 acres and is in an RM-4/zc zone. The zc or zoning condition is defined as only allowing single-family homes on the property. The applicant is proposing 5.93 residential units per acre.

7.2 **Findings of Fact:** Staff finds the following findings of fact regarding File #8C13 and 1S13:

7.2.1.1 That the applicant is requesting a planned unit development residential subdivision in the RM-4/zc zone. The zc or zoning condition is defined as only allowing single-family homes on the property. The planned unit development is a conditional use in the RM-4 zone. The applicant is only proposing single-family homes on the property.

- 7.2.1.2 That the density of the residential planned unit development is 5.93 units per gross acre. This density is allowed in the RM-4/zc zone and the “medium density residential” general plan designation.
- 7.2.1.3 That the use should not adversely affect the surrounding area.
- 7.2.1.4 That the proposed use is a good buffer between the manufactured home and apartments to the north and the single-family homes to the south.

7.3 **Staff Recommendation:** Staff recommends approval of File # 8C13 with the following conditions:

- 7.3.1.1 Receive approval from and remain compliant with all applicable reviewing agencies.
- 7.3.1.2 That City Staff approved the final conditional review.
- 7.3.1.3 That the Amur Maple deciduous trees be planted at least 15 feet from any driveway on all parkstrips. The caliper of tree should be 2” minimum. That the parkstrips along the cul-de-sac and Sunstone Road are planted with grass.
- 7.3.1.4 That the project receives storm drain approval from the City Engineering Dept and pays all applicable storm drain fees.
- 7.3.1.5 Unless single family home elevation modifications are approved by the Planning Commission, the home elevations are approved as submitted to the Planning Commission, except the “Revere” style elevation.
- 7.3.1.6 That the light pole standards are approved as per the Planning Commission.
- 7.3.1.7 That the tot lot play equipment is approved as submitted to the Planning Commission.
- 7.3.1.8 That all the common area including the private street, tot lot, parkstrips and other improvements are maintained by the homeowner association.
- 7.3.1.9 That the location and elevations of the masonry walls and aluminum (wrought iron style) fencing along the east sides of Lots 1 and 20 are approved as submitted to the Planning Commission.
- 7.3.1.10 That the applicant meets all clear view requirements on corner lots.
- 7.3.1.11 That a final landscaping plan be submitted to Staff for approval.
- 7.3.1.12 That the applicant pipes the ditch that is located on the applicant’s property and on property owner by the manufactured home community and the apartment community located to the north. That a letter of authorization is provided by Mark Twain Limited Partnership and Majestic Park LLC.
- ~~7.3.1.13 [Deleted by Motion] That the applicant provides slats to match the existing slats with the chain link fencing that is located on the perimeter of the subdivision.~~
- 7.3.1.14 That the minimum front building setback is 20’, the minimum side building setback is 5’ and the minimum rear building setback is 15’.
- 7.3.1.15 **[Changed by Motion]** The City Engineer and the Fire Authority are recommending denial of the community gate entrance that is proposed to be located across the private street for reasons that there will be undesired vehicle stacking along Sunstone Road and only one vehicle can extend from the gate and the west right-of-way along Sunstone Road. **[Added by Motion] If the City Engineer and Fire Authority can work out their differences there will be a gate and if it is denied the road will become a public road.**
- 7.3.1.16 **[Added by Motion] That all three sides of the property be fenced with vinyl.**

7.4 **Staff Recommendation:** Staff recommends approval of the preliminary subdivision application 1S13 with the following conditions:

- 7.4.1.1.1 Receive approval from and remain compliant with all applicable reviewing agencies.
- 7.4.1.1.2 That the subdivision receives final plat approval from City Staff.
- 7.4.1.1.3 That the subdivision is recorded by plat and that the plat complies with Chapter 21 Subdivision Design Standards and Chapter 30 Subdivision Review.
- 7.4.1.1.4 That any substantial subdivision amendments proposed after the initial recordation are reviewed and approved by the Planning Commission. The amendment must then be recorded.

7.5 **APPLICANT ADDRESS:** **Nick Mingo**, representing Ivory Development was available for any questions the Commissioners may have. He advised that they will work with the City Engineer and Fire Department to assure the driveway will work out. If that doesn’t happen, then they will eliminate the gate and make the entrance into a public road. **Commissioner Fazzini** advised that he questioned the width only to make sure that cars parking there safely allow a fire truck adequate access. **Mr. Mingo** said that the width meets City standards, therefore, should work well. He said

Mr. Mingo will be working with the Fire Department and City Engineer on this issue and if they have concerns, the gate will not be installed. Regarding the ditch along the north side, it will be piped entirely and this property will be fenced all along the property line. Commissioner Kehl had concerns about there being double fencing with the space in between not being maintained. Mr. Mingo said their intend was to install new fencing and with permission from the present property owners take down the old fence, so there is only one fence in place. Commissioner Kehl said he was interested in which properties Ivory Homes controls clear to the property line and that the easement is on there. Mr. Mingo replied that the ditch is on Ivory Homes' property about 15' from the property line (he showed on the site plan where it transitions to where it is not on Ivory Homes' property). That Ivory Homes will work with the neighbors to make sure their needs are met with regard to the fencing and offer to take down their old fencing. Commissioner Fink wanted to know what is on the other side of those two larger lots. Mr. Mingo said that there are trailers and the apartment complex has a maintenance building back in the same corner as well. Commissioner Fink asked if that meant if the fence were moved, the trailer park would gain that property for a couple of trailer pads. Mr. Mingo said that was correct in that about three trailer pads would gain another 20' to the rear. Commissioner Kehl wanted to know how wide the easement was. Mr. Mingo said that through their portion of the property they will give the irrigation company 20' for maintenance purposes of their ditch. He advised that it is their intent to install a 6' high vinyl fence around all three sides of the property for consistency. Commissioner Kehl wondered if there were any validity in leaving the gate open during the day and closed at a certain hour at night. Mr. Mingo said some of the residents would like it and some would hate it. That would be up to the home owner's association ultimately. Mr. Mingo said that by showing potential elevations of homes, he had tried to give an idea of what type of materials, colors and styles of homes. City Staff had asked that one particular home not be included because the garage extended out too far into the front. He said that if the Commission supports that contention, they won't build that type home there.

7.6 **SPEAKING:**

7.6.1 Jerry Milne. Mr. Milne said that he owns two properties on the south side of this development. His first concern was who would be peering into his back yard. He would like a condition for approval made that only rambler style homes be built on Sites 15 and 16 and possibly 17 and 18 also. Commissioner Cochran asked Mr. Milne which of the three lots he owned. Mr. Milne replied that 15 and 16 are directly behind his property and for his rental unit it would 17 and 18. Mr. Milne continued on to address fencing saying that he heard that Ivory Homes would fence all three sides with vinyl and take down the old fences depending upon the wishes of the owners. He was advised that was correct. He also wanted to make sure that they control their dust during construction. He also said that there is a serious problem with weeds overgrowing that property that needs to be addressed right away.

7.6.2 **PUBLIC HEARING CLOSED.**

7.7 **DISCUSSION:**

7.7.1 Commissioner Fazzini wanted to make sure the fencing issue was addressed in the motion.
7.7.2 Commissioner Kehl said he is sympathetic to having the rambler style home request by Mr. Milne but he did not see how the Commission could single out just his two lots. Commissioner Barbieri suggested that Mr. Milne might try working that out with the Ivory Homes representatives.
7.7.3 Mr. Mingo said this issue came up at the re-zone hearing and a couple of things they did to try and help Mr. Milne out were to move the open space to be behind his home and put larger, wider lots adjacent to both of his properties, which affords more possibilities for ramblers. The other thing they did was there was a bend in the road which actually pulled it away from the south property about 15'. The home will still be built 20' from the sidewalk but they had added 15' additional feet from Mr. Milne's properties. He had also talked to Mr. Milne about finding some columnar evergreen trees to plant along those lots. He also added that the weeds will be taken care of.

7.8 **MOTION #1: Commissioner Fink** – I will make a motion that the Commission approves File # 8C13 based on the above stated Findings and Facts by Staff and with Staff Conditions #1 through #15 adding that all three sides be fenced with vinyl. **Mr. Udall** suggested taking out Staff Condition #13 regarding providing slats in the chain link fencing presently in place. **Commissioner Fink** was agreeable to that change to remove #13. **Commissioner Grossman** – Does that affect #15, which recommends denial? **Commissioner Kehl** - #15 would say that if the Fire Dept and the City Engineer agree to it, then it will happen, if not, there will be no gate. **Commissioner Kehl** asked about including the third light in the motion. **Commissioner Fink** agreed and added #17 that there will be three lights installed. On #15, if it can be worked out with the City Engineer and Fire Authority to install a gate, the applicant can do so, if not, there will be no gate.
SECOND: Commissioner Fazzini
Point of clarification by Mr. Meldrum - If the gate is not approved, the applicant wants to know if they can make the road public instead of private. **Commissioner Fink** – Is that something that you can work with them on? **Mr. Meldrum** – You might consider wording that into #15 and say that if the gate is approved then it stays a private road and if denied then it becomes a public road. **Commissioner Fink** – So I will modify #15 to say if the City Engineer and Fire Authority can work out their differences there will be a gate and if it is denied the road will become public.
SECOND: Commissioner Fazzini agreed with the change.
VOTE: All Commissioners present voted in favor. Motion passes.

7.9 **Commissioner Kehl** – Can the motion previously made apply to both applications even though we are making a separate vote? **Mr. Meldrum** – No because the PUD has more stringent requirements than does the subdivision, which has only 4 conditions.

7.10 **MOTION #2: Commissioner Fazzini** - Based on the above stated Findings of Facts, and testimony heard, I recommend approval of the preliminary subdivision application #1S13 with the following four conditions: (1) Receive approval from and remain compliant with all applicable reviewing agencies; (2) That the subdivision receives final plat approval from City Staff; (3) That the subdivision is recorded by plat and that the plat complies with Chapter 21, Subdivision Design Standards and Chapter 30, Subdivision Review; (4) That any substantial subdivision amendments proposed after the initial recordation are reviewed and approved by the Planning Commission. The amendment must then be recorded.
SECOND: Commissioner Fink
VOTE: All Commissioners present voted in favor. Motion passes.

9. Text Change for Minimum Side Yard Setback Distances in the R-1-15, R-1-20, R-1-30 and R-1-40 Zones. (Michael Meldrum/Principal Planner)

9.1 **Mr. Meldrum** presented this item: This item came before the Planning Commission a couple of months ago, submitted on March 1st by the applicant and then subsequently heard a month later on April 9th. On July 11th of 2012, the City Council adopted the new Land Development Code which included the setbacks that are currently in City Ordinance. At the April 23rd work session, the Planning Commission considered this item again and had discussion regarding that. No decisions were made at that meeting, however, direction was given in that meeting, which will be discussed this evening. That being the zoning districts R-1-40 and R-1-30 - one acre and ¾ acre respectively. The side yard minimum would be 9' on one side only and then the combined sideyards between those two would be 20' total. Effectively that would be 9' on one side and 11' on the opposite. In the R-1-20 and R-1-15 zones, half acre and 1/3 acre zones the minimum sideyard recommendation is 7' with the combined sideyard total of 18'. Again that would result in 11' on one side. The R-1-10 zone district, which was not included originally with the application but is included tonight as a recommendation from Staff is that the minimum sideyard on one side would be 5' with the total combined sideyard being 16'. Staff is recommending approval of this request and to forward a positive recommendation to the City Council based on the information contained in this report and oral testimony that will be presented by the applicant for this request.

9.2 **APPLICANT ADDRESS: Brent Overson, 1063 West Stanley Glen Lane, Taylorsville. Mr. Overson** stated that he thought there might be a technical glitch on one element of this. He was aware that Commissioner Kehl was concerned that there be at least 11' on one side so a vehicle could be there. However, he did not think that would necessarily be accomplished with this because if there is a minimum of 5' on one side, that doesn't mean that they couldn't split it equally on both sides.

9.2.1 **Commissioner Kehl** advised that he understood that but he felt the purpose was for a developer to have the flexibility of an option and felt this proposal would be an improvement over what is presently in place and thanked Mr. Overson for bringing this application forward. **Commissioner Kehl** wanted to make sure it was understood that nothing about the proposal was meant to meet just Mr. Overson's specific needs.

9.2.2 **Mr. Meldrum** advised that what could happen is someone could come in and instead of saying they want to do 9' as a minimum on one side, they would instead do 11' and 11' or 10' and 10' **Commissioner Fink** wanted to know if they could do that or would they have to apply for a variance? **Mr. Overson** surmised that as Commissioner Kehl had pointed out, this indicates the value of having the flexibility for the builder. **Mr. Meldrum** advised that was exactly correct – the intent is to have the flexibility while still providing an opportunity for someone to put a vehicle in the back. **Mr. Overson** said that it was important that the property owners do have accessibility to their own back yards.

9.3 **SPEAKING: Rod Engar. Mr. Engar** said that he is not a resident of Taylorsville but is a builder in the valley and wanted to commend the Commission for considering this proposal as it makes good sense for developers who attempt to meet the needs, wants and desires of their respective clients. He was totally in favor of this proposal.

9.4 **MOTION: Commissioner Faurschou – I will make a motion to send a positive recommendation to the City Council to approve this change in the Land Development Code with all of the different zoning sideyard minimums.**
SECOND: Commissioner Fink
VOTE: All Commissioners present voted in favor.

OTHER BUSINESS: None.

CITY COUNCIL MEETING DISCUSSION: **Commissioner Fink** said that there were no planning matters discussed at the last meeting. It was all budget items.

ADJOURNMENT: By motion of **Commissioner Fazzini** and second by **Commissioner Cochran**, the meeting was adjourned at 9:17 p.m.

Respectfully submitted by

Jean Gallegos, Admin Asst/Recorder for the
Planning Commission

Approved in meeting held September 10, 2013