

**City of Taylorsville**  
**Planning Commission Meeting Minutes**  
**July 9, 2013**  
**Pre-meeting – 6:00 p.m. – Regular Session – 7:00 p.m.**  
**2600 West Taylorsville Blvd – Council Chambers**

**Attendance:**

**Planning Commission**

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

**Community Development Staff**

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

**PUBLIC:** Jason Wilcox, Fred C. Cox, Jim McGowan, Ruth McGowan, Vince Park, G. Angiolini, T. Angiolini, Lynn Eatchel, Elaine Eatchel, Todd Riches, Adrian Boogaard, Steve Turner, Adene Taylor, Kelly Dietrick, Debra Grommer, Bob Perry, Marlin Bigler, Brenda Xa, George Halliday, Carry Nearing, Carol Healy, Julli Robinson, Kim G. Passey, Rod Tye, Ann Tye, Athalee Nielsen, Lynn Larsen, Dave Adolphson, Raquel Adolphson, Nichole Rich, Jerry Milne, Shirley Milne, Sterling Tholen, Boyd Simper, Joe Peck, Esther Halliday.

7:04:49

**WELCOME:** **Commissioner Barbieri** assumed duties as Chair, 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 5/14 and 5/28, 2013		Continued to next meeting.

**MOTION:** **Commissioner Fink** – I will make a motion to continue Item #1 (consisting of the Minutes for 5/14 and 5/28, 2013) on the Consent Agenda to be heard during the regular meeting in August, 2013.

7:06:25

**SECOND:** **Commissioner Fauruschou** All in favor.

VOTE					
Commissioner	Vote	Commissioner	Vote	Commissioner	Vote
Fauruschou	AYE	Barbieri	Chair	Kehl	AYE
Jensen	AYE	Fazzini	AYE	Fink	AYE
Grossman	AYE	Cochran	AYE		
<b>Motion passes 7 to 0.</b>					

**HOME OCCUPATION**

2. 4H13	<b>Julli Robinson</b> – Child Day Care – 4271 South 2200 West. (Dan Udall/City Planner)
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2.1 **Mr. Udall** presented this item. The applicant is proposing a family child day care home occupation for 12 children. A total of 10 children will be coming from outside of the home to attend the home occupation. The applicant is caring for two of her own children who are under the age of six. The applicant stated that she is currently taking care of her own children and her sister's children. **Mr. Udall** read aloud the types of complaints made against this use and a list from the neighbors who are in favor of the application. The applicant is required to be able to contain four cars in the driveway. Staff recommends that the Planning Commission reviews the Facts and Findings. If the decision is made to approve this application, then staff conditions would apply.

2.2 **Findings of Fact:**

- That the applicant is proposing a family child day care home occupation.
- That a maximum of ten children are coming to the home occupation from outside the home each day the child day care is operational.
- That two children under the age of six are the applicant's own children and will be attending the day care.

- That the Community Development Director did forward the child day care home occupation to the Planning Commission. Therefore, the proposed home occupation is a non-administrative conditional use in the R-1-8 zone.
- That Staff received 17 complaints in regards to the home occupation, including that the applicant is not capable of supervising, yard is not well maintained and the rear yard currently contains dirt and weeds, barking dogs are present and the children are noisy.

2.3 **Staff recommends that the Planning Commission reviews the Findings of Fact and public testimony prior to making a decision. If the Commission approves this application, staff recommends the following conditions:**

- Receive approval from and remain compliant with all applicable reviewing agencies.
- That the use is reviewed upon substantiated and unresolved complaint.
- That no more than 12 children can attend the child day care including all children who live in the home and are under six years of age.
- A maximum of one name plate sign is allowed to be attached to the single-family home. The sign is allowed to be three square feet.
- That adequate parking be provided on site to accommodate the homeowner's vehicles and customer vehicles. That the applicant provides an additional parking area on the property for one vehicle north or south of the existing concrete driveway. If the applicant chooses to provide a parking area on the partial asphalt surface north of the existing concrete driveway, the remainder of the partial asphalt surface should be landscaped. The applicant has the option to pave the entire partial asphalt surface (north of the existing concrete driveway).
- Hours and days of operation can be allowed from 6:00 a.m. to 8:00 p.m. Monday – Sunday.
- Provide adequate outdoor lighting.
- That no other Class "D" home occupation is allowed while the child day care home occupation is under operation.
- That adequate fencing be provided on site.
- That one additional caregiver is provided within the home occupation to allow the applicant up to 12 children in the home child day care.
- That the applicant and the caregiver supervise the children that attend the child day care.

2.4 **APPLICANT ADDRESS: Julli Robinson** was present to answer questions. **Commissioner Kehl** asked if she had read Staff's conditions and she replied that she had. (7:12) **Commissioner Jensen** asked if she understood that the yard and fence must be maintained in good condition in order to gain approval for this use, which she stated she was aware of. **Commissioner Fink** commented that there had been a complaint about dogs barking and wanted to know if that had been resolved. **Ms. Robinson** advised that when the person from Animal Control came to her property, they said that her dogs were not barking excessively but that he was required to give her a ticket to go talk to the judge about this. That she is still in the process of being able to work that out. **Commissioner Barbieri** wanted to know what was involved in doing that and **Ms. Robinson** said that she went in and entered a plea of not guilty and now must go back to court on that. That she had documented how many dogs were in the neighborhood and how many dogs were next to her and documented when other dogs were barking besides hers. **Commissioner Fink** wondered then if it was her position that the dogs being complained about were not hers, which she said was correct.

2.5 **SPEAKING:**

- 2.5.1 **Elaine Eatchel - Mrs. Eatchel** advised she had resided in her home for 50 years. She was not in favor of granting this day care because there is no grass in the applicant's back yard, there is no bathroom on the main floor, and the noise from the dogs is terrible. She was also concerned that the children were allowed to climb on a huge tree in the back yard and that they were usually outside all day in the hot sun.
- 2.5.2 **Hilda Hildagard – Mrs. Hildagard** mentioned that she has asked the applicant to quiet her dogs and that the children are allowed to climb the fence and she had seen the children outside in bad weather. She was against allowing this use.
- 2.5.3 **Steve Hildagard – Mr. Hildagard** expressed his concern about the safety of the children.
- 2.5.4 **Dave** (not further identified) – He advised that he lives south of this home but noted that the dog doesn't stop barking ever. He too had asked her to quiet the animal. He did not feel that the square footage on the site was sufficient for that many children.
- 2.5.5 **Kelly** (not further identified) - She expressed concern that the City is thinking of allowing this use, considering the unkempt condition of the home and property.

2.6 **DISCUSSION:** Commissioners expressed concern over the number of complaints against this application and the apparent lack of proper maintenance of the site and home. They also questioned if proper supervision is being applied to assure the safety of the children.

2.7 **MOTION:** [Commissioner Fink - I propose that we deny approval of this day care at this time.](#)  
**SECOND:** [Commissioner Jensen](#)  
**VOTE:** All Commissioners present voted in favor. Motion to deny passes 6 to 0.

### **CONDITIONAL USES**

3. 25C13	Brenda Xa – Four Commercial/Office Buildings – 2961 West 4700 South. (Dan Udall/City Planner) (7:40)
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3.1 **Mr. Udall** presented this item. The applicant is requesting a preliminary non-administrative conditional use application for a retail/office development consisting of four one story buildings. At this time, the applicant does not know the mix of office and commercial square footage space. A total of 14 suites are proposed. The land use seems to be appropriate where it is proposed with proper buffering.

3.2 **Staff Recommendation:** Staff recommends approval with the following conditions:

- 3.2.1 Receive approval from and remain compliant with all applicable reviewing agencies.
- 3.2.2 That City Staff approves the final conditional review.
- 3.2.3 That no outside storage is allowed.
- 3.2.4 That the project receives storm drain approval from the City Engineering Department and pays all applicable storm drain fees as required.
- 3.2.5 That the applicant provides four handicapped parking stalls and an 8' wide van handicapped accessible landing. That handicapped stalls and any other handicapped improvements meet all ADA requirements.
- 3.2.6 That the building elevations are approved as submitted to the Planning Commission, with the exception that the front or north elevations of Building #3 and Building #4 can only have 25% maximum of split face block.
- 3.2.7 That the applicant receives a building permit for each building. That the applicant receives a demolition permit to remove each accessory building and single-family home on the subject site.
- 3.2.8 That the applicant provides a final landscape plan, which includes specifying the location of all landscape species.
- 3.2.9 Provide 60% medium size trees and 40% small size trees on the subject site.
- 3.2.10 That the Eastern Redbud trees are planted in the park strip. That the Eastern Redbud tree in the park strip on the northeast side of the project is moved at least 15' from the driveway.
- 3.2.11 That a combination of evergreen and deciduous trees should be provided along the east, west and south perimeter landscape setbacks.
- 3.2.12 That eight shrubs are provided in the court yard. This requirement should be reflected in the final landscape plan.
- 3.2.13 That 40% of all the trees on site are evergreen. That the Dwarf Mugo Pine is planted at 4' high.
- 3.2.14 That the deciduous trees in the front yard should be planted in mulch. The remainder of the deciduous trees should be planted in mulch, decorative rock or fabric as stated on the landscape plan. That the applicant delineates what type of ground cover is planted within the landscaping.
- 3.2.15 That any utility structures or mechanical equipment on the ground is screened by landscaping.
- 3.2.16 That any mechanical equipment on the roof of the building is screened or positioned so that it is not visible from ground level.
- 3.2.17 The lighting, fencing, colors, building materials, etc., match or compliment the overall design of the project.
- 3.2.18 That the dumpster is enclosed and meets City Ordinance.
- 3.2.19 That all signage will require necessary permits and must comply with City Sign Ordinances.
- 3.2.20 That the lighting plan as proposed with wall fixture packs is approved by the Planning Commission. That if the applicant desires any lighting bollards that their locations are provided on the final site plan. That the site lighting is addressed and is designed to be oriented from shining upon any adjacent residences.
- 3.2.21 That all amenities or features as designed and proposed are installed as approved by the Planning Commission.
- 3.2.22 That the use is reviewed upon substantiated and unresolved complaint.
- 3.2.23 That the perimeter wall on the east and west property lines steps down to 3' high 20' from the property line along 4700 South to meet the clear view ordinance.

- 3.2.24 That any new power lines are placed under ground.
- 3.2.25 That the applicant's traffic engineer proposes improvements that will work to obtain a vehicle right in and right out for the western driveway. The applicant's traffic engineer should work with the City Engineer to determine this solution. That a permit is obtained for each driveway access.
- 3.3 **APPLICANT ADDRESS:** Fred Cox – Architect representing Brenda Xa. Mr. Cox advised he had gone over all of Staff's conditions with the applicant. That they had no problems with any of the Staff conditions, including the right in/right out access. (7:52) Commissioner Jensen commented that he felt the project was well done. He was, however, concerned about the sidewalk and what was going to happen in the park strip. Mr. Cox advised that they would comply with Staff's conditions. Commissioner Kehl asked about the wall pack lighting and Mr. Cox advised that they will be directional to shine down and not out.
- 3.4 **SPEAKING:** Toni Angelini and Gaylen Angelini 8:02 They were worried about the large pine tree and Mr. Cox responded that they saw no reason to remove any of the trees at this point. That they had contacted the City Traffic Engineer and he was agreeable with that premise. Commissioner Barbieri asked Staff to meet with the appropriate people and reach a definite resolution regarding the trees.
- 3.5 **MOTION:** Commissioner Jensen - Based on the discussion heard this evening, I move to approve File 25C13 with 25 Staff conditions, including a positive recommendation from the City Engineer. (8:12)  
**SECOND:** Commissioner Fink  
**VOTE:** All Commissioners present voted in favor.

4. 25C13 – Bob Perry – 2099 West 4700 South – Amendment to the Senior Apartment Complex Site Plan for Silvercrest. (Dan Udall/City Planner)

- 4.1 Mr. Udall presented this item. 8:13. On February 24, 2009, the applicant received approval from the Planning Commission for a 186 unit senior apartment project known as Silvercrest Senior Apartments. The applicant is currently requesting a non-administrative conditional use amendment in regards to that project for the following reasons: To remove a sidewalk connection between the subject property and the property to the east, eliminate the sidewalk along the east side of Building "C" (east property line), eliminate the planter island which is located within the south driveway aisle between Building "A" and Building "B" and install a 6' high tan vinyl fence along the east property line. The property owner to the east is the Golden Living Center and they submitted a letter to the City stating that the approved sidewalk connection is not necessary and would support installation of a 6' high vinyl fence.
- 4.2 **Findings of Fact:** Staff finds the following Findings of Fact regarding File #27C13:
- 4.2.1 That the applicant is requesting to not extend the sidewalk to connect with existing sidewalk on the property located directly to the east.
- 4.2.2 The applicant desires to install a 6' high tan vinyl fence along the east property line between the subject property and the Golden Living Center.
- 4.2.3 That the applicant desires to remove the meandering sidewalk along the east side of the subject property and the round planting island on the south driveway between Building "A" and Building "B". The applicant desires to replace the meandering sidewalk with grass.
- 4.3 **Staff Recommendations:** Staff recommends approval with the following conditions:
- 4.3.1 That the sidewalk required along the eastern side of the subject property does not extend to the east property line to connect to the Golden Living Center property.
- 4.3.2 That the planter island on the south driveway between Buildings "A" and "B" is not necessary and should be removed because it may become a safety hazard for moving vehicles.
- 4.3.3 On the east property line, the 6' high tan vinyl fence should be extended 180' to the north from the existing 6' high vinyl fence.
- 4.4 **DISCUSSION:** Commissioner Fink wanted to make sure the tree located within this area is retained and Mr. Udall advised that it would be left in place.
- 4.5 **APPLICANT ADDRESS:** Bob Perry - Perry Construction Representative. (8:20) Mr. Perry advised that the original reason for connecting the sidewalk between the Golden Living Center and Silvercrest was due to wanting to establish a business relationship between the two entities. However, that never materialized and Mr. Perry would now like to put in a fence between the two uses. Some of the Commissioners expressed a preference to keep the meandering sidewalk while others declared it was an invasion of privacy in a way and did not support keeping it.

4.6 **SPEAKING:** The meeting was opened for public discussion and no one came forward. Therefore, the public hearing portion was closed and opened for Planning Commission discussion.

4.7 **MOTION #1: Commissioner Fazzini - (8:38) – Based on the Findings of Fact, for File 27C13, and the comments heard this evening, I will make a motion that we recommend partial approval of the application, with all items except in regards to the meandering sidewalk, which needs to be left intact. The connection to the Golden Living Center, the island and the fence be approved to be amended. Basically this means to keep the meandering sidewalk and allowing the fence to be erected and removing the island and removing the connection to the Golden Living Center. Commissioner Barbieri - Can we add an option to attach the fence to the building? Commissioner Fazzini - Yes, and moving on to the staff recommendations, that the solid fence shall not exceed 3’ within 20’ of the property line to the north. I would make a recommendation from a security and safety standpoint that they bring the fence to the building or other fencing that is on the property. (8:39) Commissioner Fink - I disagree and feel it needs to go with the way it was already stated – the meandering sidewalk is not necessary.**

**Motion dies for lack of a second.**

**MOTION #2: Commissioner Jensen (8:41) – Seeing that there is no second, I will make a motion that we approve File 27C13, allowing them to remove the planter islands, meandering sidewalk and allow construction of a fence, along with the conditions in the Staff Report and adding a suggestion that they extend the fence to the building on the north edge to enclose the area.**

**SECOND: Commissioner Fink.**

VOTE					
Commissioner	Vote	Commissioner	Vote	Commissioner	Vote
Faurschou	AYE	Barbieri	Chair	Kehl	AYE
Jensen	AYE	Fazzini	NAY	Fink	AYE
Grossman	AYE	Cochran	AYE		
<b>Motion passes 6 to 1</b>					

5. 30C13 – Salt Lake County Parks and Recreation – 677 West Murray-Taylorsville Road (4800 South) (Michael Meldrum/Principal Planner) (8:42)

5.1 **Mr. Meldrum** presented this item. The applicant has submitted a request to construct a new park to be named Little Confluence Trailhead Park on property owned by Salt Lake County at 677 W. Murray-Taylorsville Road. The property contains 9.06 acres and is currently undeveloped. Salt Lake County purchased this parcel of land as open space approximately four years ago and this proposal would develop approximately 1/3 of the property. The developed portion is proposed to include limited parking, sidewalk and three picnic tables/shelters. Salt Lake County Parks and Recreation also proposes to provide a trailer parking area and turn-around (120’) as well as a boat launch and take out area.

- 5.2 **Findings of Fact:** Application #30C13:
- 5.2.1 The applicant is proposing the Little Confluence Trailhead Park on 9.06 acres of property.
  - 5.2.2 The parking area shows 13 spaces.
  - 5.2.3 An area for boat trailer parking is provided.
  - 5.2.4 A boat launch and take out area is provided.
  - 5.2.5 A 120” crushed rock turnaround is provided.
  - 5.2.6 Native grasses will be planted in the area identified as upland meadow.
  - 5.2.7 Three picnic shelters/tables are shown on the plans.
  - 5.2.8 A 10’ wide crushed rock trail is shown on the plans.
  - 5.2.9 Approximately 2/3 of the property will remain in a riparian state.

- 5.3 **Staff Recommendation:** Staff recommends approval of File #30C13 with the following conditions:
- 5.3.1 Comply with the requirements of all reviewing agencies.
  - 5.3.2 Obtain a grading permit prior to any moving of dirt.
  - 5.3.3 The landscaping must be native species (or otherwise approved), drought tolerant, and low water usage.
  - 5.3.4 Staff is authorized to conduct the final conditional use permit review.

5.4 **APPLICANT ADDRESS:** **Lynn Larsen**, Salt Lake County Parks and Recreation was present to answer questions. (8:47) Commissioner **Cochran** wondered how many boaters would actually be utilizing this site. **Mr. Larsen** replied that interest has been expressed but it will not be known for sure until the park is completed. He added that the trees the neighbors had placed in the park strip will be retained. **Commissioner Jensen** suggested that the perimeter trail should be all hard surface.

Commissioner Fazzini discussed the general layout of the park, especially concerning the levee. Commissioner Faurchou asked about the restroom facilities and/or fountains. Mr. Larsen said no decision has been made regarding those amenities yet.

5.5 Commissioner Barbieri opened the public hearing.

5.6 **SPEAKING:**

5.6.1 Adrian Bogaard (9:11). Mr. Bogaard gave a very informative presentation which included several pictures he had taken of the site.

5.6.2 Joe Peck was concerned what impact this would have on his property values. (9:34)

5.6.3 Jerry Milne wanted to encourage Salt Lake County to provide better maintenance to open space projects.

5.6.4 Mrs. Ford (not further identified) said that her property borders this site and she did not want the Cottonwood trees removed and wondered if horses would be allowed in the park. Mr. Larsen said that the Cottonwood trees would not be removed if they were healthy trees, that only the Russian Olive trees were scheduled to be removed. He added that he was not in a position to address the issue of allowing or not allowing horses. Also that there would be no motorized boats on the river. (9:46) That their intent was to look at low water usage and to plant easy care plants.

5.7 **DISCUSSION:** Commissioner Barbieri closed the public hearing. There being no further comments, she asked for a motion.

5.8 **MOTION:** Commissioner Jensen - (9:52) - In view of the discussion heard tonight and the Findings of Facts, I move to continue this hearing regarding File #30C13 until August 13, 2013 so that the applicant and all others involved can discuss unresolved issues such as the levee, storm drain on the west, a formal portion along 4800 South, possible access for horses and what to do about parking along 4800 South. The remainder of the project seems to be very nicely done but there a few additional things the Commission wants to still talk about. Commissioner Kehl asked who would be involved in that discussion. Mr. Meldrum advised that Staff would be glad to facilitate that discussion. Commissioner Fazzini asked about that same thing from a statutory standpoint and wondered if the Commission can even interact in such a discussion with neighbors. Mr. Meldrum said that it is possible to do that but it must be publicly noticed, unless the Commissioners are in groups of two or less. Mr. McGrath suggested Staff could facilitate a field trip out to the site prior to the August 13<sup>th</sup> meeting, say at 3:00 o'clock. Commissioner Kehl felt that the City Engineer should be involved in such a site visit. Commissioner Fazzini was concerned about this being perceived as ex parte communications in any way. Commissioner Jensen summarized his motion again: I am proposing that File 30C13 be postponed so the applicant can have time to discuss with Staff problems such as the levee, the storm drain, a formal portion along 4800 South, a possible circular pathway, possible access for horses and parking along 4800 South among other things. Then the Commission will be able to talk about it on August 13<sup>th</sup>. Commissioner Barbieri asked that planting species also be added and Commissioner Jensen agreed.

**SECOND: Commissioner Kehl**

VOTE					
Commissioner	Vote	Commissioner	Vote	Commissioner	Vote
Faurchou	AYE	Barbieri	Chair	Kehl	AYE
Jensen	AYE	Fazzini	AYE	Fink	AYE
Grossman	AYE	Cochran	AYE		
<b>Motion passes 7 to 0</b>					

**ZONE CHANGE**

6. 3Z13 – Todd Riches – 1257 West 4800 South – Zone Change from R-1-20 to R-2-10 (Michael Meldrum/Principal Planner)

6.1 Mr. Meldrum presented this item. (9:59) The applicant desires to obtain a zone change on six parcels of land from R-1-20 to R-2-10. The current zoning requires a minimum 20,000 square foot lot. The proposal would allow a duplex or twin home on a 10,000 square foot lot. The total acreage on the subject properties is 3.48 acres. The existing duplexes were built under Salt Lake County jurisdiction

when the property was zoned A-1. Under Salt Lake County zoning, the A-1 designation allowed for duplexes. Shortly after incorporation the City of Taylorsville eliminated the duplex use in the A-1 zoning district. Those duplexes that were built under the previous jurisdiction and in the property zoning district will be considered as legal non-conforming uses. Staff has some concern with allowing additional duplexes to be allowed in an otherwise well-established and predominantly single-family area. The south side of Marinwood Avenue is all single-family homes in this area. While some of this area (along 1250 West) might be appropriate for the R-2-10 zoning, the undeveloped property along Marinwood Avenue might be better developed as single-family homes rather than as duplexes or twin homes. The most likely development scenario for the large undeveloped portion of the lot on Marinwood Avenue would include a cul-de-sac. While the ordinance does not prohibit duplexes or twin homes on cul-de-sacs, a single-family development would generate less additional traffic.

6.2 **Findings of Fact:**

1. A Development Review Committee meeting was held with the applicant regarding the property at 4840 S 1250 West on June 6, 2013.
2. The applicant amended the original single lot application to include several existing duplexes and additional vacant land in the vicinity.
3. Only the property at 4840 S 1250 West has a concept plan.
4. The predominance of the property in the area is single-family detached residences.
5. The largest of the parcels included with this application is largely undeveloped.

6.3 **Staff Recommendation:** Staff supports the original application on the property at 4840 S 1250 West. The remaining additional properties need additional consideration. If the Planning Commission determines that additional information is needed, Staff recommends that the Planning Commission provides some direction to the property owners.

6.4 **APPLICANT ADDRESS:** **Todd Riches** was present. 10:05 He agreed with staff recommendations. **Commissioner Kehl** asked how many units would be involved and **Mr. Riches** replied that there would be two duplexes or four units. 10:09

6.5 **SPEAKING:**

1. **Ruth McGowan** - 10:11. **Mrs. McGowan** expressed her desire to find an equitable solution which would make everyone happy. She had circulated a petition which ended up with 40 signatures of people against this zone change.
2. **George Halliday** commented he would like to see the zoning revert back to R-1-10. Commissioner Cochran asked Mr. Halliday if he and Mr. Riches were doing a joint venture for this proposal or independent projects. Mr. Halliday replied that they are to be separate projects. He went on to say that he was not aware that the zoning had already changed and he was sure that a majority of his neighbors did not know that either.
3. **Brent Overson** 10:25 said he would like to clarify some things. First of all, the property was formerly A-1 but there was no duplex allowed. Duplexes were allowed under the A-1 Zone when it was under Salt Lake County's jurisdiction and when the City incorporated in 1996 that was the first thing that was removed from the table by the City Council. That was the reason for the proliferation of duplexes in single family neighborhoods. That in his neighborhood off of 1130 West there were duplexes that were changed to four-plexes illegally. The City has not been aggressive in curbing that type of activity, which is unfortunate. Also, that the notice requirement was in error, which he felt was a procedural problem because the notice requirement was for this property (indicated which one on the image) at 1257 West 4800 South. The other thing is that for an R-2-10 zone, it would require a General Plan amendment. The reason for that is under the R-2-10, it lists 8 units per acre and under the General Plan, this particular property is master planned for low density, which is 6 units or less. Another thing is the inclusion of a property (indicated on the image), which is a single family dwelling which he thought was being utilized as an illegal duplex. So rather than making it legal by rezoning it, it should be moved off the table and enforce the applicable zoning ordinance presently in place. He was opposed to this property tonight be rezoned as R-2-10. He agreed with Mr. Halliday that the A-1 zone change that took place a year ago changed a significant element of the zoning ordinance and zoning map, which was under the A-1 zone, it was legal, as long as there was access to a public street, to be eligible for a 10,000 square foot lot. When the change went into effect that was removed from the table, so people like the Halliday's and other people in the vicinity of 1130 West were suddenly denied an opportunity to utilize their property to the maximum potential. Making it essentially a "taking" by zoning ordinance change. **Commissioner Fazzini** said that he had the same concern when he tried to pull this up on the County web site and was equally confused by

the address, however, when he pulled it up it became apparent that the shape of the lot was probably part of the address which was sited. In other words, the second house from the corner was probably one lot and subdivided at some point in time.

4. **Kelly Dietrich** felt that duplexes would be a negative factor and would prefer the R-1-10 zoning.
  5. **Esther Halliday** (10:29) She was concerned over there being bad feelings amongst the neighbors over this and would like the zoning changed back to R-1-20.
  6. **Vince Bark** commented that the Hallidays seemingly do not want duplexes but that is all they build.
  7. **Ruth McGowan** would like it rezoned R-1-10. (10:37)
  8. **Larry Healy** had no problem with zoning one structure but the duplex problem is huge and does create more traffic.
  9. **Boyd Simper** is selling the property to Mr. Riches. His intent in so doing was to assure a quality development. (10:41).
  10. **Pete Turner** advised that he is on the Neighborhood Watch in this area and felt that there is an increase in crime which relates directly to duplexes. 10:42 He did feel that the quality of these duplexes would attract only high quality tenants.
  11. **Rod Tye** owns the property south of Hallidays and expressed concern about having duplexes there may devalue his property (10:44).
  12. **Jim McGowan** has the adjoining property and his concern was the density of duplexes. Also that the proposed units are joined by carports and garages. He felt that while the pictures looked nice, they had already been lied to once and was concerned about what to expect in the future.
- 6.6 **DISCUSSION:** (10:51) **Commissioner Fazzini** asked how many square feet that would be for the lot. **Mr. Meldrum** replied that it was .72 acres which would be 31,363 square feet. **Commissioner Fazzini** commented that if it were then divided into four parcels it would be under the 10,000 square footage requirement. **Mr. Meldrum** replied that they would only be able to have three parcels. **Commissioner Kehl** said that what is being discussed tonight is a re-zone and it does change the character of the future neighborhood. He saw no reason to change the zoning to R-2-20 to accommodate duplexes or multiple family uses. He added he would probably support the change to R-1-10 but did not know if it was within the purview of this Commission to suggest that. **Commissioner Jensen** commented that going back to R-1-10 is probably the correct way to go and if the property owner on the north side wants to put homes in there, maybe twin homes would be the answer. **Commissioner Kehl** said that he believes that twin homes is merely a step between duplexes and single family dwellings and might work in a planned unit development. **Commissioner Cochran** said that his wife grew up in that particular area and his in-laws presently live there and his father-in-law would not be supportive of adding more duplexes in that area. **Commissioner Fink** asked Staff if a change could be made to R-1-10 instead tonight. **Mr. Meldrum** said that would not be possible because the hearing tonight was not noticed for that and the process would have to be implemented for another hearing.
- 6.7 **MOTION:** **Commissioner Fazzini** - I move that we pass a negative recommendation on File 3Z13 to the City Council for their further consideration. **Commissioner Jensen** – should consideration be given to citizen’s comments that they would prefer an R-1-10 instead. **Commissioner Fazzini** – Staff addressed that and said that we do not have the authority to make that change. **Commissioner Fink** – But we could make a recommendation though. **Commissioner Fazzini** - Okay, I will then withdraw my motion.
- 6.8 **DISCUSSION:** **Commissioner Fazzini** – Mr. Meldrum – someone asked you a few seconds ago about the issue of making it an R-1-10 zone instead and you said that because it was not noticed, we could not make the change to R-1-10. **Mr. Meldrum** – That is correct. But you can make the recommendation to the City Council that in your discussion you heard from many of the neighbors who did request an R-1-10. It is not the same think as forwarding a recommendation to change it to R-1-10. **Mr. McGrath** – Mr. Meldrum is right, if we are going to move in the R-1-10 direction we basically need to start the process over. **Commissioner Fazzini** - Okay, then I want to make the motion that we forward a negative recommendation to the City Council for their consideration.

6.9 **SECOND Commissioner Fink**

VOTE					
Commissioner	Vote	Commissioner	Vote	Commissioner	Vote
Faurschou	AYE	Barbieri	Chair	Kehl	AYE
Jensen	AYE	Fazzini	AYE	Fink	AYE
Grossman	AYE	Cochran	AYE		
Motion passes 7 to 0					

**ZONING TEXT AMENDMENT**

7. 4Z13 – **City of Taylorsville** – Zone Text Amendment for Section 13.20/02 (Rear Yard Setbacks for Corner Lots) (Michael Meldrum/Principal Planner) (10:58)

7.1 **Mr. Meldrum** presented this item. Explained the change on the chart. On July 11, 2012, the City Council adopted the Taylorsville Land Development Code (Ordinance 12-15). That Code includes rear yard setbacks for the R-1-10 zoning district. Section 13-05-03 of the Taylorsville Land Development code specifies the procedure for the review of a text amendment for both the Planning Commission and City Council. The Planning Commission is charged with conducting a public hearing and making a recommendation to the City Council. Staff proposes to simplify the table in Section 13-20-02 of the Taylorsville Land Development Code by eliminating two rows from the table. The rows to be eliminated would be those referring to irregular lots. The proposed simplification is intended to provide the flexibility that developers desire to allow more create home construction while still meeting the intent of the ordinance. Staff does not foresee any negative impacts to adopting this amendment as proposed.

7.2 **Finding of Fact:**

- 7.2.1 The proposed amendment would meet the intent of the existing ordinance while providing greater flexibility in the rear yard setbacks.
- 7.2.2 The Taylorsville City Council adopted Ordinance 12-15 on July 11, 2012 which includes the current rear yard setback for the aforementioned zoning districts.
- 7.2.3 The table of setbacks is simplified by reducing the number of special circumstances while retaining flexibility and the intent of the ordinance.

7.3 **Staff Recommendation:** Staff recommends that the Planning Commission forwards a positive recommendation to the City Council to amend Section 13-20-02 of the Taylorsville Land Development Code.

7.4 **APPLICANT ADDRESS:** **Sterling Thoelen** said that he made this request because he had submitted a set of plans to build a subdivision in 2008 and the new ordinance changed what was in place for rear yard setbacks from 15' to 25' while he was in the middle of construction. He thought he was grandfathered in and that what he was doing was correct and found that with the change that was not the case and is asking for this change to accommodate flexibility.

7.5 **SPEAKING:** None. Therefore the public hearing portion was closed.

7.6 **MOTION: Commissioner Faurschou - I will make a motion to forward a positive recommendation to the City Council to amend Section 13- 20-02 in accordance with recommendations made by Staff.**

7.7 **SECOND: Commissioner Fink**

VOTE					
Commissioner	Vote	Commissioner	Vote	Commissioner	Vote
Faurschou	AYE	Barbieri	Chair	Kehl	AYE
Jensen	AYE	Fazzini	AYE	Fink	AYE
Grossman	AYE	Cochran	AYE		
Motion passes 7 to 0					

**DISCUSSION ITEM**

8. **MOTION:** Commissioner Fink - I would like to make a motion to table the item regarding Planning Commission Stipends usage to the next available meeting.  
**SECOND:** Commissioner Faurischou

VOTE					
Commissioner	Vote	Commissioner	Vote	Commissioner	Vote
Faurischou	AYE	Barbieri	Chair	Kehl	AYE
Jensen	AYE	Fazzini	AYE	Fink	AYE
Grossman	AYE	Cochran	AYE		
Motion passes 7 to 0					

**DISCUSSION:** Mr. McGrath proposed that the Commission remove this item to for-go their stipends and suggested that no changes in present policy be made.

**MOTION:** Commissioner Fink - Okay, I would propose that the motion so state that the stipends remain as is.

**SECOND:** Commissioner Faurischou

VOTE					
Commissioner	Vote	Commissioner	Vote	Commissioner	Vote
Faurischou	AYE	Barbieri	Chair	Kehl	AYE
Jensen	AYE	Fazzini	AYE	Fink	AYE
Grossman	AYE	Cochran	AYE		
Motion passes 7 to 0					

**OTHER BUSINESS:** None

**CITY COUNCIL MEETING DISCUSSION:** This item was discussed in the pre-meeting

**ADJOURNMENT:** By motion of Commissioner Fink the meeting was adjourned at 11:10 p.m.

Respectfully submitted by:

\_\_\_\_\_  
 Jean Gallegos, Admin Asst/Recorder for the  
 Planning Commission

Approved in meeting held on October 8, 2013