

City of Taylorsville
Planning Commission Meeting Minutes
August 20, 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
Curt Cochran
Dale Kehl
Dan Fazzini, Jr.
Ted Jensen
Steve Fauraschou
Excused: Israel Grossman

Community Development Staff

Mark McGrath – Director
Michael Meldrum – Principal Planner
Jean Gallegos/Admin Asst/Recorder

PUBLIC: Keith Sorensen, Dave Johnson, Lynn Larsen, Jerry Milne, Nichole Rich and several others who did not sign in nor speak.

WELCOME: **Commissioner Barbieri** assumed duties as Chair and opened the meeting at 7:00 p.m. 7:04

HOME OCCUPATION

1. 8H13	Susan Nelson – 4220 S 1355 W – Child Day Care (Michael Meldrum/Principal Planner) <u>7:05</u>
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- 1.1 **Mr. Meldrum** presented this item. The applicant is proposing a family child day care home occupation for 10 to 12 children each day. Proposed hours and days of operation are from 8:00 a.m. to 6:00 p.m., Monday through Sunday, with the exception that three of the children are proposed to be cared for during the evening and night. The applicant stated that the children who will be tended at night are going to sleep at 9:00 p.m. and will be cared for 24 hours a day. The applicant is required to have a second caregiver if a total of 9-12- children are being cared for. The applicant has stated that a second caregiver will be coming to the home if more than eight children are present. One on site parking stall will need to be reserved for that caregiver. The applicant has a three car garage and a total of six vehicles can park safely on the driveway. Several complaints were received relative to this home occupation which are reiterated in the Findings of Fact listed below.
- 1.2 **Findings of Fact:** Staff finds the following findings of fact regarding File #8H13:
- 1.2.1 That the applicant is proposing a family child day care home occupation.
 - 1.2.2 That a maximum of 10-12 children are coming to the home occupation from outside the home each day the child day care is operated. A total of three children are proposed to be cared for during the evening and night between the hours of 8:00 p.m. to 6:00 a.m.
 - 1.2.3 That the Community Development Director determined that the proposed child day care is a non-administrative conditional use.
 - 1.2.4 That Staff received eight complaints in regards to the home occupation, including the following: That the proposed home occupation generates too much traffic, 7 vehicles have been parked on the property at one time, a claim that 20 individuals live in the single-family, at least two families or more live in the home, the rear yard play area is questionable, the lack of space for required off-street parking, that the local road is easily blocked and introduces a potential hazard during pick-up and drop-off of children, that the home occupation will operate 24 hours a day, 7 days a week.
- 1.3 **Staff recommends approval with the following conditions:** 7:08
- 1.3.1 Receive approval from and remain compliant with all applicable reviewing agencies.
 - 1.3.2 That the use is reviewed upon substantiated and unresolved complaint.
 - 1.3.3 That no more than 12 children can attend the child day care including any children who live in the home that are under 6 years of age.
 - 1.3.4 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.
 - 1.3.5 That adequate parking be provided on site to accommodate the homeowner's vehicles and customer vehicles.
 - 1.3.6 Hours and days of operation can be allowed from 6:00 a.m. to 8:00 p.m., Monday-Sunday with the exception that the applicant is allowed to care for three children between the hours of 8:00 p.m. to 6:00 a.m.
 - 1.3.7 That the home occupation is clearly incidental and secondary to the use of the dwelling and does not change the character of the neighborhood.
 - 1.3.8 Provide adequate outdoor lighting.
 - 1.3.9 That no other Class "D" home occupation is allowed while the child day care home occupation is under operation.
 - 1.3.10 That adequate fencing be provided on site.
 - 1.3.11 That one additional care giver is provided within the home occupation to tend the children, if more than 8 children are being cared for at one time.

- 1.3.12 That the applicant and the car giver supervise the children that attend the child day care.
- 1.3.13 That an address is provided on the single-family home. That the address letters are a minimum of 4 inches high.
- 1.4 **Applicant Address:** Susan Nelson was present. She advised that only four individuals reside in the home. That the complaint that there were multiple families living in the home was not true. (7:09)
- 1.5 **Speaking:**
- 1.5.1 Keith Sorensen. Mr. Sorensen indicated this was too intense of a use for this piece of property and felt the very specific requirements levied by the State of Utah would not be met on this property. He was also concerned about the dangerous situation he envisioned with cars parking on both sides of the street. He was opposed to allowing this use on this site. (7:12)
- 1.5.2 Mr. Hansen (not further identified) – Mr. Hansen advised that he had not been aware this use was in operation at this site and felt there was a need for this service to help out working parents. (7:15)
- 1.6 **APPLICANT RE-ADDRESS:** Mrs. Nelson came back to the podium to address issues: She advised that she wanted to make sure all neighbors are happy and that this works out for everyone. She would be amenable to approval of a lesser number of children, because she now only has five. She agreed that the back yard is small but felt it would still work out well because they have removed one of the large trees, which gives significantly more room. She makes sure that the children stay either inside her home or in the back yard. Regarding traffic issues, she commented that only two cars would be coming at one time. Commissioner Faurschou asked her if she had any intention to expand the number of children in her over night care program. She advised if there were a need, she would be able to do that. Commissioner Fazzini wondered if the previous day care she ran in Salt Lake County was commercial or residential and she advised it had been residential. Commissioner Fink asked Staff to discuss the comments brought up by Mr. Sorensen regarding the back yard and Mr. Meldrum advised that according to Code, the space in the back yard is double that which is required. (7:21) Commissioner Fazzini advised he had been equally concerned about the narrow width of the street. However, felt that most of the neighborhood homes are smaller and would not generate so much traffic impact. Commissioner Jensen (7:23) questioned the number of children allowed and Mr. Meldrum quoted from the Code on the number of children allowed and found she was in compliance. 7:24. Commissioner Barbieri commented that the applicant has ample space for available parking. Commissioner Fazzini questioned the depth and width of the driveway and felt it must be over the 35' width allowed. Mr. Meldrum advised he did not write the Staff Report and was not sure of the driveway width but would check. Commissioner Jensen asked the applicant what the number of children she preferred to have in her day care was and she replied that she would be fine with whatever the Commission decides.
- 1.7 **MOTION:** Commissioner Kehl – I move for approval of File #8H13 with Staff Recommendations, including the rights neighbors have to file a complaint should unresolved problems subsequently arise.
SECOND: Commissioner Fink.
VOTE: All Commissioners present voted in favor with the exception of Commissioner Fazzini who cast a vote in opposition.

CONDITIONAL USES

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| 2. | 30C13 – Salt Lake County – Lynn Larsen – 677 W 4800 S – Little Confluence Trailhead. (Michael Meldrum/Principal Planner) (7:29) |
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- 2.1 Mr. Meldrum presented this item. On July 9, 2013, the Planning Commission provided direction to the applicant to return with a more detailed landscape plan, plant list and an enlarged plan view of the northern part of the subject property. The applicant has now submitted plans that reflect the changes requested by the Planning Commission. The applicant has submitted a request to develop an open space parcel to be named Little Confluence Trailhead at property owned by Salt Lake County at 677 West Murray-Taylorville Road. The property contains 9.06 acres and is currently undeveloped. Staff recommends approval of the presented application with proposals.
- 2.2 **Findings of Fact:**
- The applicant is proposing the Little Confluence Trailhead on 9.06 acres of property.
 - The parking area shows 13 spaces.
 - An area for boat trailer parking is provided.
 - A 120" crushed rock turnaround is provided.
 - A boat take out area is provided.
 - Native grasses will be planted in the area identified as upland meadow.
 - Three picnic shelters/tables are shown on the plans.
 - A 10' wide crushed rock trail is shown on the plans.
 - Approximately 2/3 of the property will remain in a riparian state.
- 2.2 **Staff Recommendation:** The only remaining concern that Staff has with the proposal is how the frontage of the property is treated. The property has frontage on 4800 South Street, which is a gateway into the City. It is Staff's opinion that with creative usage of berms, tree plantings, and a mix of native and other compatible plants that this area could present itself in a much more attractive manner. Based on the above stated Findings of Fact and if the applicant addresses the street frontage issue to the Planning Commission's satisfaction, Staff recommends approval of File #30C13 with the following conditions:
- 2.2.1 Comply with the requirements of all reviewing agencies.
- 2.2.2 Obtain a grading permit prior to any moving of dirt.

- 2.2.3 The landscaping must be drought tolerant and low water usage.
- 2.2.4 Staff is authorized to conduct the final conditional use permit review.

2.3 **APPLICANT ADDRESS:** Lynn Larsen – Representing Salt Lake County Parks and Recreation. Mr. Larsen showed a display of different types of vegetation a neighbor had planted along the street area. Also displayed an example of what Salt Lake County wants to add. Commissioner Fazzini asked what the current zone designation was and was informed by Mr. McGrath that it is open space and that all public parks are to be reviewed by the Planning Commission. That is why it is a conditional use permit in the Land Use Code. Commissioner Cochran was interested in finding out how the maintenance for the site would be carried out. Mr. Larsen advised that Salt Lake County would be doing the maintenance. That an irrigation system will be installed for most of the site. That is possible because most of the proposed landscaping is drought tolerant specific and mostly comprised of native grasses. Commissioner Fazzini suggested the road be placed below the levee and Mr. Larsen said he did not think that was possible because of the wetland being there. (7:47)

2.4 **SPEAKING:**

1. Jerry Milne, Mr. Milne advised he was mostly in favor of this proposal but would like a few more Cottonwood trees and Colorado Blue Spruce types to make it tie in more with the neighborhood. He also would like the irrigation system expanded to cover more area.
2. Nichollette (not further identified). She advised that she likes the newer version of the plan but was concerned with people being able to walk along the levee, which impacts her privacy. She felt the path being 10' wide was too much and would be more functional if it were narrower. (7:59) Mr. Larsen commented that the 10' wide trail works well with flood control and maintenance crews needing access.
3. Bob Bocco, Mr. Bocco was concerned with the fire danger. That homeless folks already hang out in this area and he would like to see reasonable assurance of a police presence here to protect home owners. He would like more lighting and signs posted with the hours the park will be open. Mr. Larsen commented that there would be no lighting and that there would be a gate installed which Salt Lake County personnel would lock at the appropriate time daily.

2.5 **DISCUSSION:** Commissioner Fazzini showed his own slides he had prepared for this evening and presented a dissertation of his comments.

2.6 **MOTION:** Commissioner Fink – I move for approval of this application based on the Findings of Fact and Staff's recommendation. 8:17
SECOND: Commissioner Cochran
VOTE: All Commissioners present voted in favor.

GENERAL PLAN AMENDMENT

3. 1G13 – City of Taylorville/Utah Non Profit Housing Corporation – General Plan Amendment from Open Space to High Density Residential. (8:23)

4. 7Z13 – City of Taylorville/Utah Non Profit Housing Corporation – Recommendation to the City Council to change the zoning from OS to RM-S. (Michael Meldrum/Principal Planner)

3.1 Mr. Meldrum presented these items. The Utah Non Profit Housing Corporation has filed an application to amend the General Land Use Plan and change the zoning on property located at 4743 South Plymouth View Drive. The property contains 1.85 acres and is currently located in an OS (Open Space) zoning district. The subject property is currently owned by the City of Taylorville. The applicant previously (In 2009) successfully developed the Taylorville Senior Housing property located adjacent to this property. The Planning Commission is tasked with making a recommendation to the City Council for both a General Land Use amendment and a Zone Change request.

- The first part of this application is the General Plan. The current General Plan map shows this property in the Parks and Open Space land use category. The request is to remove it from that designation and put it in the High Density Residential land use designation. The property is currently home to the skate park. This proposal would eliminate the skate park from Taylorville Park. The City anticipates relocating the skate park at a future date to a yet to be determined location.
- The second part of this proposal is a zone change request from OS (Open Space) to RM-S (Multi-Family Senior Housing). The ordinance allows up to 40 dwelling units per acre in a planned unit development under the request zoning. As mentioned, the current use of the property is a skate park. That will need to be removed and relocated to allow construction on this site.
- Mr. Meldrum advised that the Planning Commission in evaluating and making the recommendation to the City, should consider the information heard this evening including the seven guiding principles for the land use amendment, which are:
 - 3.1.1 Promote economic sustainability.
 - 3.1.2 Promote efficient use of land and public infrastructure.
 - 3.1.3 Provide community amenities and benefits.

- 3.1.4 Protect environmentally sensitive lands.
- 3.1.5 Support alternate modes of transportation including pedestrian.
- 3.1.6 Create safe attractive neighborhoods and protect residential quality of life.
- 3.1.7 Minimize non-compatible adjacent land uses.

- 3.2 **DISCUSSION:** Commissioner Fink asked if the skate park would be relocated and Mr. Meldrum advised that was the current proposal. Commissioner Fazzini was concerned if that could be done under the current budget. Mr. McGrath advised that was not a concern of the Planning Commission and was rather a decision to be made by the City Council. Commissioner Barbieri asked if there were other discussions being considered along Redwood Road wherein to relocate the skate park and wanted to know if another suitable area was found, would the City Council consider it. (8:27) Mr. McGrath said that the City is developing a master plan for this area that is senior oriented. The City feels like this is a good place to concentrate some senior housing given some of the existing amenities, specifically the senior center and Taylorsville Park and some of the shopping areas in the vicinity. Ultimately the City does not control private property but does have some level of control over public property. There is very much a need for this type of housing that is being proposed and a clear public benefit to having subsidized types of senior housing available and felt the units would be fully rented out before the project was completed due to such high demand. The City is on record supporting this type of development in this area but does not have control over private property. If a private property owner in this area came to the City proposing this type of development, the odds are it would be supported by redevelopment. Commissioner Cochran wondered if there were any plans to reduce the size of Taylorsville Park in order to leave the skate park where it is presently located instead of having to rebuild it elsewhere. Mr. Meldrum advised that this particular piece of property is where they want to put the housing, so even if the City wanted to keep the skate park within Taylorsville Park, it would have to be moved elsewhere on that site. Commissioner Cochran asked if there were any other options to rebuild the park itself in order to fit the skate board facility into the park, for instance in the back corner possibly. Mr. Meldrum said that he was not aware of anything like that being contemplated.
- 3.3 **APPLICANT ADDRESS:** Dave Johnson (Non Profit Housing) (8:31). Mr. Johnson commented that the City for some reason wants to move the skate board park elsewhere, be it for senior housing or not. He felt this would be a good location to keep senior housing clients on one site.
- 3.4 **SPEAKING:** (8:35) Joann Verner - Ms. Verner felt the skate park was too close to Redwood Road.
- 3.5 **DISCUSSION:** Commissioner Jensen (8:37) said he recognizes the need to take care of Senior Citizens and keeping them altogether on one site but he also wants to promote a site to relocate the skate park first. (8:38)
- 3.6 Commissioner Fazzini agreed that any motion would be premature without a proposal for an alternative site. He would also like to concentrate on cleaning up the corner of 4800 South and Redwood Road. Commissioner Fink commented that he too felt there should be a new site found for the skate park before anything is decided reference this proposal. (8:40) Commissioner Faurchou added that he did not like giving up open space. Commissioner Kehl felt that this was not a good site for more apartments and he too did not want to eliminate open space. He recommended submitting a negative response to the City Council. Commissioner Barbieri said that if the City is willing to give this site up, it needs to go to the highest bidder for the best use, adding that she has noticed several parcels that have been up for sale for a long time. (8:45)
- 3.7 Mr. Johnson suggested forwarding the zone change with a positive recommendation to the City Council, noting that would not approve the proposal for more senior housing units at that time. Commissioner Fink asked if Mr. Johnson had a back up piece of property on which to build these units and he replied he did not, that he had been working with Staff on this specific proposal. (8:49)
- 3.8 Commissioner Fazzini wanted to know when the skate park and also the Senior Center were built and Mr. McGrath replied that the skate park was in the year 2000 and the Senior Centre in 2003. Commissioner Fink said that he would feel comfortable approving the zoning change but he was not in favor of building the senior apartments there. Commissioner Fazzini added that once it is rezoned the Planning Commission loses control of this parcel and it would then be used for whatever the zoning allows.
- 3.9 **MOTION:** Commissioner Fazzini - I move for unfavorable recommendation to the City Council for File #1G13.
SECOND: Commissioner Faurchou
VOTE: All Commissioners present voted in favor.
- 3.10 **MOTION:** Commissioner Fazzini - I move for unfavorable recommendation to the City Council for File #7Z13.
SECOND: Commissioner Faurchou
VOTE: All Commissioners present voted in favor.
Commissioner Jensen wanted to clarify that the Motion made was to not recommend approval.

5. 6Z13 – Paul Washburn – 5175 S 2200 West – Recommendation to the City Council to change the zoning from R-1-20 to R-1-10. **8:54**

- 5.1 Mr. Meldrum presented this item. The applicant desires to obtain a zone change on a 13.87 acre parcel of land at 5175 South 2200 West. The current zoning on the property is R-1-20 (Single Family Residential with a minimum 20,000 square foot lot). The applicant is requesting that the property be included in the R-1-10 zoning district. The requested

zone change is compliant with the General Plan land use designation of the Low Density Residential. The requested zone change is also compatible with the existing zoning in the vicinity.

5.1.1 **Findings of Fact:**

- A concept subdivision plat has been submitted that illustrates general compliance with the provisions of the R-1-10 zoning district.
- The subject property is currently zoned R-1-20.
- The General Plan shows that this property is located in the Low Density Residential land use category.
- The proposed subdivision will connect to the three existing stub streets.

5.1.2 **Staff Recommendation:**

- Staff recommends that based on the Findings of Fact, written and oral testimony that the Planning Commission forwards a positive recommendation to the City Council to change the zoning designation on 13.87 acres of property at 5175 South 2200 West from R-1-20 to R-1-10.

5.2 **APPLICANT ADDRESS:** Paul Washburn was present to answer questions.

5.3 **SPEAKING:**

- **Nathan Fiedler** gave a written comment he wanted read into the record. (9:01) "I would like to oppose the recommendation to change zoning from R-1-20 to R-1-10 of the parcel of land at 5175 S 2200 W. The land in question has been in agricultural use. It provides a diverse ecosystem, links younger generations to farming, and provides shelter/food for migratory birds. Changes and development of the land would further increase traffic along the already busy 2200 West residential roadway. This added congestion would be of great concern. I recommend the Council consider an environmental impact study be conducted."
- **Deanne Hansen** said that she grew up in Taylorsville and the area in question was her childhood playground. She asked that the Commission think about the possible impact on the schools with new housing there, about how traffic flow will be impacted and the ecosystem question.

5.4 **DISCUSSION:** (9:02) **Commissioner Fazzini** wanted to know if there had been any Environmental Impact Studies done. **Mr. Meldrum** said there have been none done since he has been on Staff. **Commissioner Fazzini** asked what is involved in that process. **Mr. Meldrum** said there would need to be a consulting engineer to do assessments on the property, validate or invalidate whatever the concern may or may not be. That is usually done outside the City application process, so the City may not be directly involved with that. **Commissioner Kehl** said that the history will show that it has been farm land for many years. **Mr. McGrath** commented that far more common in a situation like this rather than an Environmental Impact Study is more of a Traffic Impact Study. That type of thing is generally more in a higher intensity type of use or a commercial type of use that would gauge the potential impact on the road and the surrounding intersection. So that would probably be more applicable to a piece of property like this one that is not considered sensitive land.

5.5 **MOTION:** **Commissioner Faurschau** (9:05) – Based on the Findings of Fact and testimony heard this evening, I move that we forward a positive recommendation to the City Council on File #6Z13 to rezone the property at 5175 South 2200 West from R-1-20 to R-1-10.
SECOND: **Commissioner Fink**
VOTE: All Commissioners present voted in favor.

ZONING TEXT AMENDMENTS

6. 5Z13 – **Joanna Turner** – Recommendation to the City Council to amend Sections 13-11-04, 13-36-05, 13-36-09 of the Taylorsville Land Development Code to increase the number of children allowed in a home day care. (Michael Meldrum). (9:08)

6.1 **Mr. Meldrum** presented this item. The applicant is seeking a text amendment that would increase the number of children allowed in a home occupation child day care from 12 to 16. Information provided on her application states: "The State of Utah licenses group family child care providers to a ratio of 16 children to two providers if the space allows it. Here in Taylorsville, Utah, the City places a limit to a maximum of 12 children to two providers on one business license. We would like to change the Code to 16". The applicant provided documents to Staff in support of her request, which are on file with the Community Development Department.

6.1.1 **Findings of Fact:**

- The proposed amendment would increase the number of children allowed in the home occupation child day care from 12 to 16.
- The intent of a home occupation is to allow business uses that cause minimal impacts to the surrounding vicinity.
- Provide an opportunity for a home occupation to engage in the business of child care and other group child activities and encourage this type of home occupation to draw clients/customers from their immediate neighborhood.
- The current ordinance standard for the amount of outdoor play space is 80 square feet per child.
 - The current ordinance standard for the amount of indoor play space is 35 square feet per child.
 - The proposed text amendment would be applicable in all residential zones.

6.1.2 **Staff Recommendation:** Staff recommends that the Planning Commission forwards a negative recommendation to the City Council to amend Sections 13A-11-04, 13A-36-05 and 13A-36-09 of the Taylorsville Land Development Code based on the Findings of Fact stated previously. **Commissioner Fink** commented that the previous day care that was approved this evening was for 12 and wanted to know if their yard would accommodate 16 children. **Mr. Meldrum** affirmed it would.

6.2 **Applicant Address:** **Joanna Turner** stated that she has been a child care provider for 15 years, 13 years of which has been in the City of Taylorsville. (9:11) She thanked the Utah State Child Care Director, Donna Thomas for coming this evening. She also acknowledged several people who came this evening in support of her child care business. She addressed Staff's concerns as follows: (1) The fact that there are other cities in the State of Utah who have allowed 16 children in a home day care, i.e., West Valley, Sandy City, West Jordan, Syracuse, Herriman, Grantsville and Cedar City. (2) Question about the traffic impact on the neighborhood. She said that in her career of doing child care in this City, she had never had more than three cars parked in front of her home at one time. The reason is that she knows who is coming in and how many people are in the house at the time kids get dropped off or picked up. She felt that with four more children being allowed, there might be one to two more cars doing drop off/pick up. The times are varied as to which children arrive and leave. (3) She felt that individual child care centers could be approved or disapproved based on what the Planning Commission conceives to be the specific issues. (4) She was agreeable on the issue of having 1200 square feet for outdoor use and felt that should be a stipulation for approval. (5) Another comment was that there was one child care provider who had been doing child care with 12 children and her second care giver had left. Therefore she was faced with the task of telling some of the families that she could not watch their children because of that. (6) She wanted to address the Staff's comment about hiring a second provider with ten children. In her experience, ten children would bring in \$4,000 a month and if she were to hire someone to come in as a second care giver, that would be ten hours at \$10.00 per hour or \$100.00 per day or \$500.00 per week, \$2,000 per month. So by the time she paid for another employee and paid her mortgage of \$1,500 she would only have \$500.00 left for other expenses – leaving her with no profit. That is the main reason for wanting to have 16 children in the day care.

6.3 **SPEAKING:** Several ladies came forward and spoke to the Commission in favor of granting this text change. They felt that home day care is a good thing for all concerned – it helps the parents know their children are being well cared for and provides an income for the provider.

6.4 **DISCUSSION:** **Commissioner Fink** wanted to know if the Commission approves this would each day care provider have to come back to the Commission to be approved for the higher number of children. **Mr. Meldrum** said that was correct. It would still be a conditional use with all required State and local inspections being made. **Commissioner Jensen** asked what makes these different from a commercial day care. **Mr. Meldrum** said it would probably be the amount of care is different. **Commissioner Jensen** said the reason he was asking was because the whole idea of having in-home businesses is to not interfere with the character of the neighborhood and conduct business in such a way that people in the neighborhood essentially don't know the day care is there. He preferred that when day care businesses reach a certain size that they establish as a commercial center in a commercial building rather than in a neighborhood. He wanted to know which City ordinances cover this use **Mr. Meldrum** said that Chapter 11 of Title 13 is the special use standard section of the Code and that is where Home Occupations in general are covered, which includes child care. **Mr. McGrath** added that there are regulations in Chapter 5 that deal with business licensing in regard to home occupations and specifically day care. **Commissioner Jensen** asked if they needed to review that as well then. **Mr. McGrath** said that there would have to be some modifications in Chapter 5. The Planning Commission doesn't necessarily have jurisdiction or authority over Chapter 5. That would go directly to the City Council. **Commissioner Jensen** just wanted to make sure both areas are covered in this endeavor and address all concerns. **Mr. McGrath** said that if this proceeds to the City Council, Staff would need to do a review of Chapter 5 and Chapter 13 concurrently. Mostly Chapter 5 deals with licensing and classifications. The land use and intensity impact on the neighborhood is all found in Chapter 13. **Commissioner Jensen** just wanted to make sure a thorough review is made before making any decision in this matter. **Commissioner Cochran** added that he could see both sides of this issue and recognizes the value these home day cares have. Two points coming to his mind were currently by limiting the number of children now to 12; in essence it limits their income, which he did not want to do. The second point was that if the Fire Department and Health Department review these on an individual basis that should include traffic impact to the neighborhood, which is not what the Commission is looking at tonight. **Mr. McGrath** reminded the Commissioners that Utah State Law stipulates that conditional uses are to be treated as permitted uses and the only way they can be denied is if there is some sort of evidence presented at the public hearing that violates an existing standard within the City's Development Code. **Commissioner Jensen** said that was a good point for the Commission to remember. **Commissioner Barbieri** said the Commission does have the responsibility to make sure a residence is a home first and a business second. **Commissioner Jensen** added that the Commission should highly encourage commercial day care centers when the number of children increases significantly.

MOTION #1: Commissioner Fink - I think there are valid reasons for approving File #5Z13 and I move to send a positive recommendation to the City Council for approval to increase the number of children allowed in home day care from 12 to 16, based on the Findings of Fact and testimony heard this evening, amending Sections 13A-11-04, 13-36-05 and 13-36-09 of the Taylorsville Land Development Code.

SECOND: Commissioner Fazzini

VOTE					
Commissioner	Vote	Commissioner	Vote	Commissioner	Vote
Faurschou	NAY	Barbieri	NAY	Kehl	NAY
Jensen	NAY	Fazzini	AYE	Fink	AYE
Grossman	Excused	Cochran	AYE		
Motion failed to pass by vote of 4 to 3. (The Chair voted to break the tie vote).					

Mr. McGrath commented that the motion was to make a positive recommendation to the City Council and it lost in a 4 to 3 vote. So there needs to be another motion. In order to forward a recommendation to the City Council there must be a motion with a positive vote.

MOTION #2: Commissioner Faurschau – I move that we forward a negative recommendation to the City Council to amend Sections 13A-11-04, 13A-36-05 and 13A-36-09 of the Taylorsville Land Development Code based on the Findings of Fact in Staff’s report.

SECOND: Commissioner Jensen

VOTE					
Commissioner	Vote	Commissioner	Vote	Commissioner	Vote
Faurschau	AYE	Barbieri	AYE	Kehl	AYE
Jensen	AYE	Fazzini	NAY	Fink	NAY
Grossman	Excused	Cochran	NAY		
Motion passes 4 to 3. (Chair voted to break the tie vote).					

7 8Z13 – City of Taylorsville to Amend Chapter 13-20 of the Taylorsville Land Development Code. (Mark McGrath/Director/Community Development). 9:50

7.1 **McGrath** presented this item. He outlined the proposed changes as follows:

- 7.1.1 Page 1, 13A-20-01A: verbiage change to improve clarity.
- 7.1.2 Page 3, 13A-20-03 Notes 1 and 2: verbiage change to clarify that you can’t build a duplex on a 5,000 and 4,000 square foot lots respectively.
- 7.1.3 Page 4, 13A-20-05: Eliminates an unnecessary sentence that seemingly limits garages to front and side loading (based on other sections of the code, garages can also be rear loading, i.e., alley access).
- 7.1.4 Page 7, 13A-20-06 C 5: removes “prefinished panel” as an example of high quality exterior material. Staff feels like this could be confused or interpreted as a type of panel that is actually highly undesirable, for example the type of prefinished panels found on some pre-assembled backyard sheds.
- 7.1.5 Page 7, 13A-20-06 C 6: Clarification on landscaping adjacent to the public right-of-way.
- 7.1.6 Page 8, 13A-20-06 D1a: verbiage change to improve clarity and also permit a PUD development on a site of one acre or more.
- 7.1.7 Page 8, 13A-20-06 D1b: makes density bonuses for PUDs consistent with Table 13A-20-07 (B) on page 16.
- 7.1.8 Page 8, 13A-20-06 D1e: eliminates a sentence that discourages street connectivity.
- 7.1.9 Page 9, 13A-20-06 D1f: allows alleys to service up to 10 dwelling units.
- 7.1.10 Page 16, Table 13A-20-07 (B) simplifies table by eliminating unnecessary calculations; makes density bonuses consistent with PUD section (page 8); eliminates RM-4 column (there are no properties in Taylorsville zoned RM-4); and eliminates and/or clarifies confusing or unnecessary verbiage.

Findings of Fact: The proposed amendments:

1. Eliminate several inconsistencies.
2. Add language that improves clarity.
3. Eliminates redundant/unnecessary verbiage.
4. Allow PUD development on an area of one acre or more.
5. Eliminate/alter verbiage to make the code more consistent with the Taylorsville General Plan.

Staff recommends sending a positive recommendation to the City Council concerning the proposed amendments to Chapter 13-20.

7.2 **SPEAKING:** No one came forward.

7.3 **MOTION: Commissioner Fazzini - Based on the information in the Staff Report, I move that we forward a favorable recommendation to the City Council for File #8Z13 – amendments to Chapter 13-20.**

SECOND: Commissioner Kehl

VOTE: All Commissioners present voted in favor.

8 10Z13 – City of Taylorsville to Amend Section 13-11-18 of the Taylorsville Land Development Code. (Mark McGrath/Director/Community Development). (9:53)

8.1 **McGrath** presented this item. This proposal would amend the existing regulations concerning food trucks and catering trucks. Currently food and catering trucks are prohibited from locating on public property. The current standard says that anytime one of these types of businesses locates in Taylorsville it has to be completely on private property, which would prevent the City from having a food truck at a community event for example on a public street or park. This proposal changes our current provisions that would allow food and catering trucks on public property, it could be public right-of-way, at City Hall, a public park, provided that it is part of a City sanctioned event. The proposed amendments make several changes to Section 13-11-18 (Food Trucks/Catering Trucks as a Mobile Business) of the Taylorsville Land Development Code, including:

- 8.1.1 Allowing Food Trucks/Catering Trucks to locate on public property for community events sanctioned by the City.

- 8.1.2 Allowing Food Trucks/Catering Trucks to locate in Open Space zoning districts for community events sanctioned by the City.
- 8.1.3 Allowing Food Trucks/Catering Trucks to be at the same location for longer than two hours for community events sanctioned by the City.
- 8.2 **SPEAKING:** No one came forward and the public hearing portion of the meeting was closed by **Commissioner Barbieri** and opened to discussion by the Commission.
- 8.3 **DISCUSSION:** **Commissioner Jensen** asked if this would still keep them from parking on the sidewalk and creating an obstruction there. **Mr. McGrath** said that was correct. **Commissioner Kehl** questioned that because an upcoming event at City Hall will have those types of trucks parking on the sidewalk. **Mr. McGrath** said that in order for these to be allowed on public property, it will be part of an event that is sanctioned by the City, so all locations will be worked out prior to the umbrella license for the event being issued. **Commissioner Jensen** said he had brought up a point before which was that in the Taylorsville Code there is "special events" and wanted to know if this includes the definition of special events. **Mr. McGrath** said that was correct, if sanctioned by the City. **Commissioner Jensen** continued on to say that if somebody wanted to have a concert or something similar, a special event permit would be issued which would state that it is a community event. **Mr. McGrath** said that would be correct, or if someone wanted to have a block party, as long as it is sanctioned by the City, a food truck would be allowed.
- 8.4 **MOTION:** **Commissioner Faurstou - I move that the Commission sends a positive recommendation to the City Council for File #10Z13 for the proposed amendments to Section 13-11-18.**
SECOND: **Commissioner Cochran**
VOTE: All Commissioners present voted in favor.

OTHER BUSINESS: **Commissioner Jensen** explained that he is experiencing a medical problem which affects his speech process and that is why he is speaking slower than usual. He will update the Commission when he finds out more about his condition. (10:05)

CITY COUNCIL MEETING DISCUSSION: **Commissioner Fazzini** briefed the Commissioners on the last City Council meeting. (10:01)

ADJOURNMENT: By motion of **Commissioner Fazzini** the meeting was adjourned at 10:08 p.m.

Jean Gallegos, Admin Asst/Recorder for the
Planning Commission

Approved in meeting held on November 12, 2013