

**City of Taylorsville
 Planning Commission Meeting
 Minutes
 Tuesday – January 13, 2009 – 7:00 P.M.
 2600 West Taylorsville Blvd – Council Chambers**

Attendance:

Planning Commission

Scott Bolton – Acting Chair
 Ted Jensen
 Nathan Murray
 Garl Fink
 Stacey Staley
 Bruce Holman
 Dan Fazzini, Jr. (Alternate)

Excused: Kristie Overson

Community Development Staff

Michael Meldrum – Principal Planner
 Dan Udall – City Planner
 Jean Gallegos/Admin Asst

Excused: Mark McGrath - Director

PUBLIC: Tim McNees, Troy Hicks, Shelly McHaley, Korey Warren

[19:00:08](#)

WELCOME: **Commissioner Bolton** welcomed those present, explained the process to be followed this evening and opened the meeting at 7:00 p.m. He outlined the items on the Consent Agenda and asked if there were anyone in the audience wishing to speak to any of them. There being none, he asked for a motion regarding the Consent Agenda.

CONSENT AGENDA

Agenda/File #	Application	Applicants	Action
1. Review/approval of Minutes for December 9, 2008			Approved as presented.
2. 47C08	CUP for Oversized Garage	Tim McNees 5218 S Ridgecrest Dr.	Approved with staff recommendations.

MOTION: **Commissioner Holman** - I move that we approve the consent agenda, including Item #1 the Minutes for December 9, 2008 and Item #2, File #47C08, a conditional use permit for an oversized garage as presented.

SECOND: **Commissioner Murray**

Commissioner Bolton restated the motion to approve. [19:02:03](#)

VOTE

Commissioner	Vote	Commissioner	Vote	Commissioner	Vote
Murray	AYE	Bolton	AYE	Overson	Absent
Fink	AYE	Jensen	AYE	Fazzini	AYE
Holman	AYE	Staley	AYE	Vote passes unanimously.	

ZONE CHANGE

3. 13Z09	<u>Troy Ricks (Farmer's Insurance) – 2030 West 5400 South</u> – Recommendation to the City Council to Amend the Zoning Map from A-1 to MD-1. (Michael Meldrum/Principal Planner)
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[19:02:27](#)

3.1 **Mr. Meldrum** presented this item. The applicant is requesting a zone change from A-1 to MD-1 on a 0.39 acre parcel. The proposed office building is 4,000 square feet with exterior dimensions of 80-feet by 50-feet. The property previously had a home and garage located on the property. The applicant obtained a demolition permit and has removed the home, however, the garage is proposed to remain.

Findings of Fact:

1. The office use provides a good transition from 5400 South to the residential properties to the north and east of the subject parcel.
2. Access to 5400 South is controlled by UDOT. Drive access and change of use must be reviewed and approved by that agency.
3. The home that was located on the site has been demolished by permit.
4. The existing garage is to remain.
5. The proposal meets the intent of the purpose section of the Zoning Ordinance (13.24.010).

6. The requested office use of the property is consistent with the General Plan.

Staff recommends that the request for a zone change from A-1 to MD-1 be forwarded to the City Council with a positive recommendation.

3.2 **APPLICANT ADDRESS:** The applicant, Troy Hicks, was present and advised that Mr. Meldrum's presentation was factual and he had nothing to add thereto except that he was aware of Staff's expectations for this site and was agreeable with those requirements. He added that the building would be used exclusively during the day time and there would be no night time meetings held there.

3.3 **SPEAKING:** **Korey Warren 19:05:34.** **Mr. Warren** advised that he lives directly north of this site and was not in opposition but did have questions regarding any proposed wall or landscaping to be included. **Commissioner Bolton** advised that the process this evening was just the zone change and all site plan issues would be addressed during the conditional use process. He went on to explain in general terms what the requirements would be during the next step and that Mr. Warren would be notified by mail when that hearing would take place.

3.4 **MOTION:** **Commissioner Staley 19:08:43 - I move that a positive recommendation be forwarded to the City Council to approve the zone change from A-1 to MD-1 for the site located at 2030 West 5400 South.**

SECOND: **Garl Commissioner Bolton restated the motion to approve. 19:09:14**

VOTE					
Commissioner	Vote	Commissioner	Vote	Commissioner	Vote
Murray	AYE	Bolton	AYE	Overson	Absent
Fink	AYE	Jensen	AYE	Fazzini	AYE
Holman	AYE	Staley	AYE	Vote passes unanimously.	

TEXT AMENDMENT

4. 14Z08 **City of Taylorsville** – Zoning Ordinance Text Amendment – Recommendation to the City Council for a Text Amendment Regarding the Setbacks in the R-M and R-4-8.5 Zones. (Michael Meldrum - Principal Planner)

[19:09:39](#)

4.1 **Mr. Meldrum** presented this item. The Planning Staff received direction to prepare an alternative text amendment proposal requiring setbacks that are applicable only in the City's manufactured home communities. The Planning Commission and City Council heard a request by the owners of the Majestic Oaks and Majestic Meadows mobile home communities. That request was denied by the City Council on November 19, 2008. The request is based on the fact that the longer units are now being manufactured and purchased by potential residents of these communities. At the November 19, 2008 City Council meeting, Planning Staff was asked to continue reviewing potential alternative text amendments that could address the concerns of the manufactured home communities and their management.

- The proposed amendment is that the set back language for both the R-M and R-4-8.5 zones reads: "Each mobile home or attached structure, including, but not limited to stairs, awnings, carports, etc., shall be placed a minimum of 5.0 feet back from the curb or roadway." It is further proposed to reduce the existing rear building separation from 15 feet to 10 feet. This would reduce the rear yard setback from 7.5 feet to 5 feet. The total gain for the placement of manufactured homes would be 5 feet (2.5 feet in the front and 2.5 feet in the rear).
- The addition of 5 feet to the building envelope on the leasable spaces within the manufactured home communities will allow greater flexibility when moving a home in or out. It also provides for the longer homes that are more prevalent today. The leasable spaces were designed in the 1970's when the homes were smaller. In the intervening years, the standard length of a manufactured home has increased. The leasable spaces have not kept up with this change.
- In the previous application, Staff had a concern about where plowed snow would be placed or piled. The proposed alternative allows for snow removal in a safe manner.
- Section 15.24.120 S., of the Building Code chapter of the City of Taylorsville Code provides that: "Each mobile home or attached structure, i.e., patio, steps or detached structure, shall be placed 7.5 feet back from

the sidewalk or roadway if there is no sidewalk". This section of the Code is specifically for manufactured home parks.

- Text amendments are applicable City-wide in all of the zones in which the text amendment is proposed. There are numerous R-M zoning districts throughout the City and only a couple of other R-4-8.5 zoning districts. If the Planning Commission determines that forwarding a positive recommendation to the City Council is the appropriate course of action, Staff recommends that the Planning Commission indicate that the proposed or modified setbacks are applicable only with manufactured home parks. Staff further recommends that to avoid potential confusion, Sections 13.14.060 and 13.16.060 of the Zoning Ordinance also should be amended to include the provision for setbacks applicable only in manufactured home parks.

4.2 **Following is the proposed text amendment to create Section 13.14.060, 13.16.060 and 15.24.120 S in the zoning ordinance:**

1. Section 13.14.060: FRONT YARD:

The minimum depth of the front yard for main buildings, and for private garages which have a minimum side yard of eight feet (8'), shall be twenty five feet (25'), **except for mobile home parks where the minimum depth of the front setback shall be 5 feet for any portion of a home or attached appurtenances, including but not limited to stairs, awnings, carports, etc. No structure shall encroach in the 5-foot setback area (the structure includes the roof overhang). The front setback shall be measured from the back edge of the sidewalk or roadway if there is no sidewalk.**

2. Section 13.16.060: FRONT YARD:

The minimum depth of the front yard for main buildings, or private garages shall be twenty five feet (25'), **except for mobile home parks where the minimum depth of the front setback shall be 5 feet for any portion of a home or attached appurtenances, including but not limited to stairs, awnings, carports, etc. No structure shall encroach in the 5-foot setback area (the structure includes the roof overhang). The front setback shall be measured from the back edge of the sidewalk or roadway if there is no sidewalk.**

3. Section 15.24.120 S: PARK PLAN; CONSTRUCTION REQUIREMENTS:

Each mobile home **may be placed no closer than 5 feet (5')** back from the sidewalk or roadway if there is no sidewalk **this includes any** ~~or attached structures,~~ **appurtenances, i.e., patio, steps or detached structures including but not limited to stairs, awnings, carports, etc. No structure shall encroach in the 5-foot setback area (the structure includes the roof overhang).**

4.3 **Findings of Fact:**

1. The request reduces the minimum front setbacks from 7.5 feet to 5 feet for home and attached structures, such as steps, awnings, carports, etc.
2. The request reduces the minimum rear building separation from 15 feet to 10 feet (5 feet on each side of the property line).
3. The request would only be applicable for manufactured home parks.
4. Recently constructed mobile homes tend to be larger than older mobile homes.

4.4 **Staff recommends that the Planning Commission forwards a positive recommendation to the City Council.**

4.5 **DISCUSSION:**

- **Commissioner Fazzini** [19:15:22](#) asked if Staff had had any discussions with the Fire Department as far as how close these buildings can actually be placed. **Mr. Meldrum** replied in the affirmative and advised that the current side yard setbacks meet the code requirement of a total of 10' between structures. The present proposal is for a 10 foot distance between structures in the rear. **Commissioner Fazzini** wanted to know if the Fire department would be okay with 6'. **Mr. Meldrum** replied they would require at least 10' between structures and that is what the building code stipulates as well. The reduction was made in the zoning ordinance at 15' to match the Fire Department code and the building code at 10' separation.
- **Commissioner Bolton** asked about structures, including roof overhangs and wanted to know if that contradicts what the building code allows, which is one foot? **Mr. Meldrum** said that in talking with

the Building Official (Patrick Tomasino) on this particular item, Mr. Tomasino did not feel it was contradictory to the building code because of the difference in construction type materials used and gave support to the language contained in the new proposal.

- **Commissioner Bolton** then asked if there was a definition for **appurtenances** included in the proposal and **Mr. Meldrum** said there was not, however, that would be included in the final product for this text amendment. **NOTE:** The reference to **appurtenances** was included in the proposed rewritten version of Section 13.14.060 (Front Yard), Section 13.16.060 (Front Yard) and Section 15.24.120 S. (Park Plan; Construction Requirements) (See verbiage above in paragraph 4.2).
- **Commissioner Fazzini** said that the language here essentially sets a definition within the text rather than within the Definition Code. **Mr. Meldrum** said that was correct, however, felt what Commissioner Bolton was asking for was a separate definition to be included elsewhere just in case the word “appurtenances” is used in other documents in the future. **Commissioner Fazzini** then wanted to know if that meant Staff would come back later with a change in the Definition Code language. **Mr. Meldrum** said that is what he understood Commissioner Bolton wanted. **Commissioner Bolton** advised that it could be done as part of this change as an amendment to a different section. [19:18:26](#)

4.6 **APPLICANT ADDRESS: Shelly McHaley.** [19:19:19](#) **Ms. McHaley** said that she was not involved in the original proposal but has since worked closely with Mr. McGrath (Community Development Director) and Mr. Meldrum (Principal Planner) on achieving workable setbacks. She advised it has been a challenge because standards for home sizes have increased significantly and due to the fact that they cannot be increased width wise, the increase must be absorbed in the length of the homes. She felt the 5' setback was reasonable and acceptable and supported the proposal made by the City.

4.7 **SPEAKING:** None.

4.8 **DISCUSSION:** [19:22:14](#)

- **Mr. Meldrum** advised that the owners of Majestic Oaks and Majestic Meadows were notified, however, could not attend due to illness. They conveyed to Mr. Meldrum their support of the proposal being presented by Staff this evening.
- **Commissioner Murray** [19:22:46](#) said that it seemed to him that the gist of the conversation centered around safety, the ability to back out a car without encroaching into the road. There was also the discussion with the City Council during which he heard their consensus to be that even 7.5' was pushing it in terms of where the driver sits in the car. An average car is about 18' in length and mid point where the driver sits shows how far they must back out to be able to see if another vehicle is approaching. He expressed concern when market pressures drive issues and drew a parallel in adding lanes both ways on 5400 South, leaving no shoulder, which he also felt would be an adverse impact later on. He cautioned that the Commission, therefore, should be aware of market pressures but not at the cost of safety. He was not opposed to changing the rear setback but felt the front setback change would be a safety issue.
- **Commissioner Bolton** agreed that the encroachment into the back is relevant, as long as it stays within the parameters of the building codes but that there was a safety factor involved with the narrow streets and no traditional park strip in place in front. From an engineering standpoint the view triangles are quite limited and are a safety concern.
- **Commissioner Holman** commented that he delivers mail in West Jordan, oftentimes at trailer parks. He has noted similar situations there but added that the speed limit there is posted at 5 mph, which is much different than a regular road. He did not feel safety was compromised because the people who live there know what the speed limit is but he felt that inasmuch as the City Council asked Staff to rework this, he felt the new recommendation was appropriate. [19:25:37](#)
- **Commissioner Fazzini** added that the concern was not just for when vehicles are backing out of a driveway but also for children on bicycles, pedestrians, runners, etc., who typically hug the curb. He felt that was a significant safety concern which needed to be addressed.

4.9 There being no further discussion or comment, **Commissioner Bolton** asked for a motion.

- 4.10 **MOTION:** Commissioner Holman 19:27:00 I will make a motion to send a positive recommendation to the City Council relative to Item #14Z08, a text amendment regarding the setbacks in the R-M and R-4-8.5 Zones.
SECOND: Commissioner Jensen
Commissioner Bolton restated the motion to approve in sending a positive recommendation to the City Council for a text amendment regarding the setbacks in the R-M and R-4-8.5 Zones, File #14Z08.

VOTE					
Commissioner	Vote	Commissioner	Vote	Commissioner	Vote
Murray	NAY	Bolton	NAY	Overson	Absent
Fink	AYE	Jensen	AYE	Fazzini	NAY
Holman	AYE	Staley	AYE	Vote passes 4 to 3.	

CITY COUNCIL MEETING DISCUSSION: Discussion was held during the pre-meeting outlining what occurred during the most recent City Council meetings.

OTHER BUSINESS: None.

ADJOURNMENT: By motion of Commissioner Holman the meeting was adjourned at 7:30 p.m.

Respectfully submitted by:

Jean Gallegos, Admin Asst/Recorder for the
 Planning Commission

Approved in meeting held on January 27, 2009.