City of Taylorsville
Planning Commission Meeting
Minutes
March 9, 2010
Pre-meeting – 6:00 p.m. - Regular Session – 7:00 p.m.
2600 West Taylorsville Blvd – Council Chambers

Attendance:

Planning Commission
Ted Jensen, Acting Chair
Nathan Murray
Garl Fink
Kristie Overson
Steven Faurschou
Ernest Burgess
Dan Fazzini, Jr. (Alternate)
Excused: Scott Bolton

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

PUBLIC: Chris Reed, Denis Morrill, Terrie Jackson, Ray Ross, Bill Terburg, Chris Sotiriou
19:03:10
WELCOME: **Commissioner Jensen** assumed duties as Chair and 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, Commissioner Jensen asked for a motion regarding the Consent Agenda.

CONSENT AGENDA

Agenda/File #	Application	Applicants	Action
1. Review/approval of Minutes for October 27, 2009, Jan 26, 2010 and Feb 9, 2010			Approved as presented.

MOTION: Commissioner Fazzini - I move for approval of the Consent Agenda consisting of the Minutes for October 27, 2009, January 26, 2010 and February 9, 2010 as presented.
SECOND: Commissioner Fink
Commissioner Jensen restated the motion to approve the Minutes for October 27, 2009, January 26 and February 9, 2010 as presented.

VOTE					
Commissioner	**Vote**	**Commissioner**	**Vote**	**Commissioner**	**Vote**
Faurschou	**AYE**	**Murray**	**AYE**	**Overson**	**AYE**
Jensen	**AYE**	**Fink**	**AYE**	**Burgess**	**AYE**
Fazzini	**AYE**				
Motion passes unanimously.					

GENERAL PLAN CHANGE/ZONE CHANGE

2. 1G10 **Jim Wilkinson – 3587 West 4700 South** – Recommendation to the City Council to Amend the General Land Use Map from Medium Density Residential to Neighborhood Commercial. (Dan Udall/City Planner)

3. 1Z10 **Jim Wilkinson – 3587 West 4700 South** – Recommendation to the City Council to Amend the Zoning Map from R-M to C-1. (Dan Udall/City Planner) 19:04:58

2.1 **Mr. Udall** presented both of these items simultaneously The applicant is requesting this general plan change from medium density residential to neighborhood commercial and a zone change from R-M to C-1. Currently there is a vacant office building located on the site. The applicant eventually desires to have a medical supply office/retail business within the existing building. The property currently consists of .86 acre; however, the Planning Commission recently approved a preliminary conditional use for a church to the south. Preliminary approval of a two-lot subdivision took a portion of the southern section of the subject property. If the applicant for the church receives final conditional use and final subdivision approval, the subject property will be approximately .59 acre.

Findings of Fact:

1. The applicant desires to eventually propose a medical supply office/retail use on the property, so he is proposing a neighborhood commercial master plan designation and a C-1 zone on the property.
2. The proposed neighborhood commercial general plan designation and the C-1 zone are adjacent to a community commercial general plan designation and a C-1 zone to the west.
3. The proposed C-1 zone will be consistent with the proposed neighborhood commercial designation.

Staff Recommendation: Staff recommends a positive recommendation to the City Council for **Application 1G10** to master plan the property from medium density residential to neighborhood commercial because of the following reasons:

1. That the proposed general plan amendment will be compatible to the site and the proposed C-1 zone.
2. That the subject site seems to be appropriate for low intensity commercial uses.

Staff Recommendation: Staff recommends a positive recommendation to the City Council for **Application 1Z10** to Amend the Zoning Map from R-M to C-1 because of the following reasons:

1. That the proposed C-1 zone is compatible with the proposed neighborhood commercial general plan designation.
2. That the proposed C-1 zone is compatible with the site and the surrounding land uses.
3. That the C-1 zone will not be an adverse impact to the site and the surrounding properties.

2.2 **APPLICANT ADDRESS**: The applicant, Jim Wilkinson, was present. He said the only thing he would add to staff's presentation was that he has been a resident of Taylorsville since 1992 and wants to bring his business here. That the site where he is proposing to do that will be significantly upgraded to look very nice and will be a very low use commercial endeavor. Their function is to deliver needed medical equipment to clients. One use will be home health care provided to clients off the site. 19:11:56 The small accessory building he proposes to build will be for storage of durable medical equipment such as wheel chairs, walkers, scooters, oxygen equipment, etc. **Commissioner Murray** asked if that meant there would be flammable items stored there. **Mr. Wilkinson** said that oxygen tanks would be stored there but he did not consider them a safety risk. He added that his company adheres strictly to State of Utah safety requirements. **Commissioner Faurschou** asked about the number of employees and delivery trucks utilizing this site and was informed by **Mr. Wilkinson** that there were two delivery vans and three nurses who stop by in the morning to receive their assignments for that day. That even when he holds a meeting with his staff, there would only be a maximum of 10 cars on site at any one time. **Commissioner Faurschou** wanted to know if there would be larger type commercial delivery trucks coming and going on the site and **Mr. Wilkinson** agreed there would be some occasionally. **Commissioner Faurschou** asked if there would be access off of 3600 West and **Mr. Wilkinson** said that could be done through a shared access agreement with the owners of the church. **Commissioner Murray** wanted to know about the proposed landscaping and **Mr. Wilkinson** advised that it would be mostly "xeriscaping", with rocks and additional bushes. That he was agreeable to do what the City wants. **Commissioner Fink** asked what was being proposed for the existing swimming pool and **Mr. Wilkinson** said that it was currently enclosed with an 8' high wall and he was hoping to use it for recreation in the summer. However, if the business grows, he would have to fill it in to add more available space for the business. 19:21:03 **Commissioner Overson** wanted to clarify that the only issue for decision tonight was the land use (general plan and zoning ordinance changes) and that the site plan would be reviewed further into the whole process.

2.3 **SPEAKING**: None.

2.4. **MOTION: Commissioner Overson - I move that we send a positive recommendation to the City Council for File #1G10 for the general plan change from medium density residential to neighborhood commercial. I believe this is appropriate for this area and appreciate the applicant answering questions we had tonight.** 19:22:36
SECOND: Commissioner Murray.
Commissioner Jensen restated the motion to send a positive recommendation to the City Council for File #1G10 for the general plan change from medium density residential to neighborhood commercial. 19:23:41

VOTE					
Commissioner	**Vote**	**Commissioner**	**Vote**	**Commissioner**	**Vote**
Faurschou	**AYE**	**Murray**	**AYE**	**Overson**	**AYE**
Jensen	**AYE**	**Fink**	**AYE**	**Burgess**	**AYE**
Fazzini	**AYE**				
Motion passes unanimously.					

2.5. **MOTION: Commissioner Overson - I think that changing the zone from R-M to C-1 for File #1Z10 is appropriate and move that we send a positive recommendation to the City Council for that change.** 19:23:53
SECOND: Commissioner Murray
Commissioner Jensen restated the motion to approve.

VOTE					
Commissioner	**Vote**	**Commissioner**	**Vote**	**Commissioner**	**Vote**
Faurschou	**AYE**	**Murray**	**AYE**	**Overson**	**AYE**
Jensen	**AYE**	**Fink**	**AYE**	**Burgess**	**AYE**
Fazzini	**AYE**				
Motion passes unanimously.					

CONDITIONAL USES

4. 5C10 **David and Brenda Bales** – 4827 South Bitter Root Drive – Dan Udall/City Planner 19:26:38

4.1 **Mr. Udall** presented this item. The applicants are requesting a conditional use permit for an animal hobby permit to allow three dogs on their property. The three animals consist of a Chocolate Labrador (126 pounds), a Bassett Hound (53 pounds) and a Collie/Australian Shepherd Mix (80 pounds). In January, West Valley Animal Services was driving in the neighborhood and observed three dogs on the property. They left the property owner a note stating that having three dogs on the property would require an animal hobby permit. No complaints have been submitted to West Valley Animal Services regarding these animals. The applicant has submitted a conditional use animal hobby permit application for the third dog. All three dogs are licensed on the

property. The third dog, a Collie/Australian belongs to a roommate who will live in the home for about three years temporarily while Mr. Bales is attending college.

Findings of Fact:

1. The applicant is proposing an animal hobby permit for three dogs.
2. The animal hobby permit is a conditional use.
3. That West Valley Animal Services observed too many dogs on the property.
4. That the applicant is proposing that the Collie/Australian Shepherd is only located on the property temporarily.
5. That the Bassett Hound is not sterilized.

Staff Recommendation: Staff recommends approval of File #5C10 with the following conditions:

1. That the use is compliant with all requirements of applicable reviewing agencies.
2. Conditional Use Permit is subject to review upon substantiated and unresolved complaints. Complaints which cannot be resolved by Staff or West Valley Animal Services personnel may be grounds for permit revocation.
3. Property violations (if any) must be resolved prior to issuance of an animal hobby permit.
4. The applicant needs to comply with all requirements that are applicable under Chapter 8 (animal permit regulations). All dogs need to be licensed and sterilized.
5. That the perimeter fence is maintained and secured.

4.2 **SPEAKING**: **None.**

4.3 **APPLICANT ADDRESS**: **Karen** (last name inaudible) said she needed to make a correction in that her dog is ten years old and not six years old as stated in the staff report. 19:29:42 **Commissioner Jensen** pointed out a typographical error in the staff report under Code Compliance, #F which said "and no pet **on** premises", which should have said "and no pet **or** premises". **Commissioner Fazzini** asked her what percentage of the time the dogs are outside. **Karen** advised that they are out during the day and always inside at night. **Commissioner Overson** asked if there had been problems with "barking" and **Karen** said that the only times the dog bark is when they can see someone around the property. **Commissioner Fink** reminded her that an animal hobby permit follows the dog - when the dog leaves that location, the permit goes away. 19:33:05

4.4 **MOTION**: **Commissioner Faurschou** - **Based on the discussion heard this evening, I move for approval of File #5C10 with staff conditions and providing that all requirements have been met. All dogs need to be licensed and sterilized, as well as the perimeter fence being well maintained and secured and proper shelter care provided. Commissioner Fazzini suggested just approving it with staff conditions 1 through 5.**
SECOND: Commissioner Fazzini 19:35:34
Commissioner Jensen restated the motion to approve File #5C10 with staff conditions 1 through 5.

VOTE					
Commissioner	**Vote**	**Commissioner**	**Vote**	**Commissioner**	**Vote**
Faurschou	**AYE**	**Murray**	**AYE**	**Overson**	**AYE**
Jensen	**AYE**	**Fink**	**AYE**	**Burgess**	**AYE**
Fazzini	**AYE**	**Motion passes unanimously.**			

5. 6C10 **William Terburg - 6246 South Redwood Road** – Conditional use permit for an addition at the Bennion Care Center Nursing Home. (Michael Meldrum/Principal Planner) 19:36:06

5.1 **Mr. Meldrum** presented this item. The applicant is requesting approval for an amended conditional use permit to expand the Bennion Care Facility to accommodate an additional 16 patient beds. The addition will include 12,251 square feet at ground level and a basement of 6,436 square feet. The basement area will house a new laundry, offices and storage. In addition to the new patient wing, the applicant also proposes to upgrade the exterior of all existing building facades that are visible from Redwood Road. The proposed project will increase the size of the overall facility by 18,705 square feet. The square footage is divided such that 2/3 of the new project will be on the main floor and 1/3 will be located in the basement. The area where the addition is proposed is currently used for parking. This parking will be moved to the southwest corner of the property. A total of 25 additional stalls will be provided when comparing existing conditions and post-construction conditions. Specifically there are 49 parking spaces currently located on the property. After construction, there will be 74 spaces (66 regular spaces and 8 accessible spaces). There are wheel stops to prevent blocking the sidewalk, This does not meet current ordinance requirements which state that there be no parking within the first 25 feet of a lot used for commercial purposes. The applicant is also proposing to create a seven foot wide landscape area between the sidewalk and the parking spaces, which also does not meet ordinance requirements. Staff visited the site and found that there are only two additional feet that could be eliminated in the drive aisle, which would result in a nine-foot wide landscape area between the sidewalk and parking spaces. The applicant prefers to retain as much parking in the front (east side) of the building as possible as this is the main point of entry for the building. One area of significant change is the addition of what appears to be a mansard roof. The roof has a pitch and then is flat at the top, which is typical of a mansard roof form. An additional reason that the roof appears to be a mansard roof is that there is currently a significant amount of ducting work on the top of the main building. It seems very impractical to create an attic space to house the ducting work. A mansard roof would screen this otherwise very visible ducting work and be much cheaper than a full pitched roof. The Planning Commission must determine if the proposed parking configuration is acceptable and also clarify the issue regarding the type of roof being contemplated. The front of the building includes a covered patient drop-off area, which is shown at approximately 24 feet in depth by 21 feet in width. When the property to the north was granted approval, they were required to include an area for potential cross access driveway. This proposed addition by the Bennion Care Center will eliminate the possibility of having interconnection between these two properties. An updated monument sign is proposed just to the south of the main entry. The columns of the sign will be

the same dry stack stone used on the facades and the sign background is the same stucco used on the buildings. Using these same building materials will create a cohesive and uniform look to the facility. The applicant is showing the park strip along Redwood Road with trees. There are currently no trees in this area. Staff recommends that the tree that is shown just north of the drive approach be relocated further to the north to avoid creating a line-of sight obstruction. In visiting the site, staff observed several vehicles parking in areas signed, painted and otherwise designated as fire lane areas. These areas must remain free of visitor parking as access is critical for emergency vehicle response. It is staff's opinion that the covered drop-off area may significantly reduce the occurrence of illegal parking. Staff also observed two sheds located on the south side of the existing building. These sheds are located in what will be a drive aisle to access the proposed new parking to be located south of the building. The dumpster that is currently on site is not inside a dumpster enclosure as required. The applicant proposes to add a dumpster enclosure between the first and second pods of the building and also proposes to relocate the sheds to the rear of the property. The new configuration in this area is a good solution to the currently congested area on the site.

Findings of Fact for File #6C10:

1. The use is a conditional use in the A-1 zoning district.
2. The proposed addition will eliminate the possibility of a cross access driveway between this property and the property to the north.
3. The addition will provide an additional 16 beds in the facility.
4. There will be a covered drop-off area at the main entry.
5. The property will continue to be accessed only from Redwood Road.
6. There will be an additional 25 parking spaces provided with this proposal.
7. The parking in front (east) of the building lies within the required 25 foot front yard space.
8. Dry stack stone and stucco (EIFS) are the main exterior building materials.
9. The applicant will plant trees in he park strip area along Redwood Road.

Staff recommends approval of File 6C09 with the following conditions:

1. Comply with the requirements of all reviewing agencies.
2. Obtain a building permit for construction/remodel as required by the City's Building Official.
3. The conditional use permit is subject to review upon substantiated and unresolved complaint.
4. Improve the park strip area along Redwood Road so that it is consistent with the Redwood Road beautification project by the City's consultant, JUB Engineering.
5. Repair all broken or otherwise non-working landscape irrigation lines.
6. Relocate the sheds to the rear of the property.
7. Enclose the dumpster in an enclosure compliant with ordinance requirements.
8. **[Added by Motion] That wheel stops be added to protect the sidewalk,**
9. **[Added by Motion] To have wheel stops or a curb at the end of all parking stalls.**
10. **[Added by Motion] Add significant dense and vertical landscaping between the sidewalks and the building to agree with the beautifications that have happened along Redwood Road.**

5.2 **APPLICANT ADDRESS**: **Bill Terburg.** **Mr. Terburg** stated that the present facility has served the community quite well over the years. 19:48:21 That the mansard type roof will have a normal slope and hide the mechanical equipment. The overall gain for this facility will be 30 private rooms. This will be a very nice facility when it is finished, both inside and outside. 19:51:50

- **Commissioner Murray** said he applauded the efforts being made to upgrade this building, especially with bringing the building towards the street and having the parking in the rear. He suggested that there needs to be some vertical landscaping added rather than all two-dimensional grass.

- **Commissioner Overson** said that she also appreciates the efforts being made to upgrade this facility, however, that parking is still a problem. **Mr. Terburg** advised that there will be an overall increase of 25 stalls and that there will never be enough parking there to make everyone happy. **Commissioner Overson** agreed with Commissioner Murray's observation that there needs to be more vertical landscaping provided.

- **Commissioner Fazzini** asked if the whole parking area would have curb and gutter or a sidewalk around it and **Mr. Terburg** said that it would included be in the front and also in the back. **Commissioner Fazzini** then wanted to know if the sidewalks would be raised and **Mr. Terburg** said that they would be, except for the wheel chair ramps. **Commissioner Fazzini** added that where the handicap parking will be, if the sidewalk is not going to be widened, wheel stops may be needed. He continued on to say that his concern is that on the drawings it shows 5' 6" width for the sidewalk and a large vehicle will overhang two to three feet, therefore, bumper blocks should be installed for pedestrian safety. **Mr. Terburg** agreed to doing that. **Commissioner Fazzini** said his concern is about the on-going problem with illegal parking on this site and the present curbing doesn't seem to be helping that situation. Therefore, maybe signage and/or pavement markings may be needed. **Mr. Terburg** advised that they are not claiming that this will solve all problems, but they are just trying to make it better. There will be days when there is a problem with people parking illegally. **Commissioner Fazzini's** question was if the applicant would be amenable to putting up signage and/or pavement markings to help deter some of that? **Mr. Terburg** was willing to do that but did not think it would help the problem. **Mr. Meldrum** commented that when he had visited the property, he had seen a gentleman literally parking right in front of the "No Parking" sign in the fire lane. **Commissioner Fazzini** felt the only way to get their attention might be to tow away their vehicles.

- **Mr. Terburg** said that one thing that has been a little confusing is that there was no intent that the covered drive through would be a place for a fire truck access. That the fire marshal was a little confused on that issue. **Mr. Meldrum** said that issue had been clarified and the fire marshal now agrees that their truck can reach the building just fine from the other side of that canopy and the landscape island.

- **Commissioner Jensen** wanted to know exactly where the sign would be relocated to and **Mr. Terburg** showed the location on the displayed image advising that it was south of the current location. **Commissioner Jensen** asked if there were a possibility of having any additional parking spaces located in the southwest corner? **Mr. Terburg** said that they have actually added more parking and have done everything that they can in trying to satisfy the fire marshal and also get as much parking as possible and still have the project look good. That there is a limit to the amount of paving that can be put in and still have the place look decent. He felt there was a good balance as it now stands. **Commissioner Jensen** wanted to know with regard to the transition if the southwest parking lot would be the first thing done? **Mr. Terburg** advised that he had not given much thought to that yet. **Commissioner Jensen** said it was his recommendation to put in the back parking area first.

- **Commissioner Fink** commented that with the way the area is designed, where there is going to be overflow parking, it will be used by visitors whether the applicant likes it or not. He suggested making it into some additional parking. They may have to go a foot wider there and still get the fire truck through but it would pick up another five or six parking stalls. **Mr. Terburg** added that was certainly a thought but if the Commissioners look closely at that area, there is a dark line – that is a retaining wall. That a slope or difference in elevation can be created by sloped ground or a retaining wall. The closer it gets to where the change must be, the bigger the retaining wall must be. A retaining wall now is terribly expensive and would be very very expensive if they were to do what Commissioner Fink is suggesting. **Commissioner Fink** advised that he can see them parking there anyway. **Mr. Terburg** said that for a parallel spot, there they would need a space that is 9' x 18' for each one and didn't think they would be able to make that work.

- **Commissioner Murray** wanted to know if the concern was that visitors will park there or that staff will park there? **Commissioner Fink's** opinion was that visitors would park there. **Commissioner Murray** allowed that there are a couple of ideas that might mitigate that – one is right up there where the dumpster location is, just put "staff only" right there. **Mr. Terburg** advised that one thing to remember is that the busiest times for parking is when other businesses are closed such as holidays, evening hours, and weekends. While it is true that on the worst days there would be more parking spaces required where it spills over into adjacent areas. These types of centers run 24 hours a day and even with 70 employees, there would not be 70 employees on the site at the same but that number would be broken up into three shifts. He continued on to say that some of their employees either would like to or are currently riding public transit and felt the number of designated employee parking spaces would suffice the need. That will free up the parking in front for visitors.

5.3 **SPEAKING**: None.

5.4 **DISCUSSION**: **Commissioner Overson** said that the Commissioners have talked about a lot of things with the architect and applicant and in looking at the staff conditions wondered if those conditions include everything that has been discussed this evening. For example, landscaping in front having 7' of landscaping. She wondered if that needed to be spelled out, including putting curbing around parking lot areas, additional trees and if sidewalks should be wider. Her concern was that if the Commission approves this application with just staff conditions, would staff be satisfied that the things that were discussed this evening would be included? **Mr. Meldrum** answered that he thought some issues would be included but some which were not specifically mentioned should be placed as conditions in the motion. The additional trees would not be a problem and the applicant's representative said that would be part of the project. The sidewalk having inclusion of wheel stops should be added. They are not currently spelled out as conditions. The 7' landscaping area doesn't specifically need to be mentioned because the applicant is going to be working with the Redwood Road Beautification architect on that issue. The reason he had included condition #5, which states repair all broken or otherwise non-working landscape irrigation lines, is because when he was on site, he noted that there were a couple of sprinkler heads that were just laying on the ground and were not connected to anything. **Commissioner Jensen** asked about the access easement to the north and **Mr. Meldrum** said that currently there is no agreement in place with the property to the north of this site, so it didn't need to be specifically mentioned as a condition. 20:17:29

5.5 **MOTION: Commissioner Fazzini - Based on Findings of Fact in the staff report and testimony heard this evening, I move to approve File #6C10 with the following conditions: Staff recommendations 1 through 7, adding #8 that wheel stops be added along the sidewalk where the handicap parking is be included to protect the sidewalk and #9 that either a curb or wheel stop must be provided at the end of all parking stalls on the site plan.** 20:19:29 **Commissioner Murray - We talked about adding dense and vertical landscaping along Redwood Road between the sidewalk and building to agree with the design along Redwood Road.** 20:20:32 **Commissioner Fazzini - Is that covered under #4 or do we need to elaborate on that? Mr. Meldrum - I mentioned that you would probably need to add the vertical element to the landscape. #4 only refers to the park strip. Commissioner Fazzini - I would be amenable with that amendment as #10. Will you restate it? Commissioner Murray - Add significant dense and vertical landscaping between the sidewalk and the building to agree with the beautifications that have happened along Redwood Road.**
SECOND: Commissioner Murray
Commissioner Jensen restated the motion by Commissioner Fazzini and a second by Commissioner Murray, based on the Findings of Facts and including the seven recommendations in the motion, with additional recommendation #8 to have wheel stops in the handicap parking places and #9 to have wheel stops or a curb at the end of all parking stalls. 20:21:24 **Commissioner Overson - Will we see this for final? Mr. Meldrum - No, because this is an amendment, this is the only time you will see it. Commissioner Overson - Will they be asked to submit a landscape plan? Mr. Meldrum - Yes, and staff will review that.**

VOTE					
Commissioner	**Vote**	**Commissioner**	**Vote**	**Commissioner**	**Vote**
Faurschou	**AYE**	**Murray**	**NAY**	**Overson**	**AYE**
Jensen	**AYE**	**Fink**	**AYE**	**Burgess**	**AYE**
Fazzini	**AYE**				
Motion passes unanimously.					

DISCUSSION

6. Discussion regarding Planning Commission policies and procedures. (Mark McGrath/Director of Community Development)

Mr. McGrath presented this item to the Commissioners in the pre-meeting and gave each Commissioner a copy to review.

CITY COUNCIL MEETING DISCUSSION: Discussion of the previous City Council meeting was presented by **Commissioner Jensen** in the pre-meeting.

OTHER BUSINESS: **Mr. McGrath** presented Commissioner Murray with a plaque recognizing his service on the Planning Commission.

ADJOURNMENT: By motion of **Commissioner Overson**, the meeting was adjourned at 8:24 p.m. 20:23:35

Respectfully submitted by:

_____
Jean Gallegos, Admin Assistant/Recorder for the
Planning Commission

Approved in meeting held on April 13, 2010.