City of Taylorsville
Planning Commission Meeting
Minutes
Tuesday – March 10, 2009 – 7:00 P.M.
2600 West Taylorsville Blvd – Council Chambers

Attendance:

Planning Commission
Kristie Overson - Chair
Stacey Staley
Nathan Murray
Bruce Holman
Dan Fazzini, Jr.
Excused: Ted Jensen, Scott Bolton and Garl Fink

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

PUBLIC: Sandra Villanueva, Lora Dreibelbis, Kenneth Palmer, Bill Johnson, Cameron Duncan

19:01:43
WELCOME: **Commissioner Overson** welcomed those present, explained the process to be followed this evening and opened the meeting at 7:00 p.m. She 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, she asked for a motion regarding the Consent Agenda.

CONSENT AGENDA

Agenda/File #	Application	Applicants	Action
1. Review/approval of Minutes for February 10, 2009			**Approved as presented.**
2. 5H09	**Home Occupation - Day Care**	**Sandra Villanueva 4137 W Misty Drive**	**Approved with staff recommendations.**
3. 12C09	**Conditional Use Permit – Pole Sign (Great Harvest)**	**Intermountain Electric 6357 S Redwood Road**	**Approved with staff recommendations.**

MOTION: Commissioner Holman - I move for approval of the Consent Agenda, including Minutes and also public hearings for #5H09 Day Care and Conditional Use Permit #12C09.
SECOND: Commissioner Murray
Commissioner Overson restated the motion to approve the Consent Agenda consisting of Items 1 through 3

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

CONDITIONAL USES

4. 8C09 **Debra Conway – 3398 W 5775 S – Animal Hobby Conditional Use Permit for Three Dogs**
(Dan Udall/City Planner)

19:04:42
4.1 **Mr. Udall** presented this item. The applicant has requested a conditional use permit for an animal hobby permit to allow three dogs (two Samoyed Huskies and one American Bull Terrier) on her property. The animals are mainly indoor dogs. The applicant has a roommate who recently moved into the home with the American Bull Terrier, which necessitates this permit. On February 16, 2009, West Valley Animal Services received a complaint in regards to too many dogs on this property, along with a complaint of barking. Animal Services also observed that all three dogs needed to be immunized and two of them needed to be licensed. The applicant has submitted a conditional use animal hobby permit to the Planning Commission for the third dog and has advised that the immunizations and licensing for all three animals are now current.

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. A complaint was issued to Animal Services in regards to having too many dogs on the property and barking. Animal Services also stated that the three dogs needed to be immunized and two dogs were not licensed. (Having since been taken care of)

Based on the above stated findings of fact, Staff recommends approval of File #8C09 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 alley 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 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 **APPLICANT ADDRESS**: Not present.

4.3 **SPEAKING:** None.

4.4 **DISCUSSION:** **Commissioner Murray** expressed concern that the applicant is not present and there is no indication of how the barking dog complaint was resolved. **Commissioner Overson** agreed, saying that this is an animal hobby permit with apparent issues that cannot be addressed because the applicant is not present.

4.4 **MOTION: Commissioner Fazzini - I will make a motion to table File #8C09 to the April 14, 2009 meeting.**
SECOND: Commissioner Staley
Commissioner Overson restated the motion to table this item for hearing on the April 14, 2009 meeting. 19:10:27

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

5. 13C09 **Lora Dreibelbis – 6109 S Country Hills Drive (3840 S)** – Animal Hobby Conditional Use Permit for Four Dogs. (Michael Meldrum/Principal Planner)

19:11:22

5.1 **Mr. Meldrum** presented this item. The applicant is requesting approval for four dogs (One Boxer/Heeler, one Samoyed and two Miniature Chihuahuas). She currently has two dogs of her own that are currently licensed and now has two additional dogs belonging to her step-son since he lost his home and moved in with her. Neither City Staff nor West Valley Animal Services have received any complaints from the neighbors. A site visit conducted by City Staff did not reveal any ordinance violations.

Findings of Fact for File #13C09:

1. The applicant is requesting approval for four dogs.
2. The property is surrounded by single family residences.
3. There have been no complaints filed with West Valley Animal Services.

Based on the above Findings of Fact, Staff recommends approval with the following conditions:

1. Obtain an annual review by West Valley Animal Services.
2. Receive approval from and remain compliant with all applicable reviewing agencies.
3. The Conditional Use Permit (Animal Hobby) is subject to review upon substantiated and unresolved complaints.
4. All dogs must be licensed if approval by the Planning Commission is obtained and clearance is given by West Valley Animal Services.

5.2 **APPLICANT ADDRESS**: **Lora Dreibelbis** was present. **Commissioner Fazzini** asked Ms. Dreibelbis what type of fencing she had and she replied that the yard was completely fenced. **Commissioner Overson** asked if that since her property is next to a school if there were problems with the children. She explained that the only problem was with children sticking their fingers through the fence and not with the dogs charging, but that there had been no issues in this regard. 19:13:23

5.3 **SPEAKING:** None.

5.4 **DISCUSSION**: There being no further discussion or comment, **Commissioner Overson** asked for a motion.

5.5 **MOTION: Commissioner Murray – I move for approval of File 13C09 based on the Findings of Fact and Staff Recommendations.**
SECOND: Commissioner Holman. 19:17:54
Commissioner Overson restated the motion for approval.

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

6. **Bill Johnson – 3986 W 4990 S** – Conditional Use Permit for a Detached Garage.
(Dan Udall/City Planner)

19:18:22

6.1 **Mr. Udall** presented this item. The applicant is proposing a 576 square foot accessory building on his property, which is a corner lot consisting of 14,374 square feet. On lots less than 15,000 square feet, all accessory buildings larger than 576 square feet are a conditional use permit and are reviewed by the Planning Commission. The proposed building would typically be reviewed as a permitted use and only be reviewed by City Staff. However, any accessory building proposed to be higher than 12' measured from the lowest original ground surface at any point on the perimeter of the building to the mid point from the peak to the lowest part of the eaves is a conditional use. The accessory building is proposed to be 14'9" high. The reason for the height is that the applicant desires to provide loft space within the garage.

Findings of Fact for File #9C09:

1. That the proposed accessory building is a conditional use in the R-1-8 zone.
2. That the proposed accessory building(s) in the rear yard covers less than 25 percent of the rear yard.
3. That the applicant is requesting a 14'9" high accessory building.
4. That the proposed accessory building gable roof is not architecturally compatible to the roof of the single-family home.

Staff Recommendation: In Staff's opinion, the gable roof of the proposed accessory building is not architecturally compatible or in harmony with the roof of the existing single-family home. Therefore, staff is not making a recommendation in regards to this application. **Based on the above stated findings of fact, if the Planning Commission approves the preliminary conditional use, staff recommends the following conditions**:

1. Receive approval from and remain compliant with all applicable reviewing agencies.
~~2.~~ **[Deleted by Motion]** ~~That the roof of the accessory building is architecturally compatible to the existing single-family home.~~
2. That the driveway width can be a maximum of 30' wide on any point on the subject property.
3. That the final conditional use is approved by staff.

6.2 **APPLICANT ADDRESS: Bill Johnson** 19:24:09 **Mr. Johnson** advised that with regard to Staff's opinion regarding the gable roof of the accessory building not being architecturally compatible with the roof of the home, he had already made plans to remodel the home to match the proposed garage.

- **Commissioner Murray** commented that the elevations provided by the applicant show a proposal for green paint on horizontal siding. He asked Mr. Johnson about the nature of the siding on the house. **Mr. Johnson** replied that it is Hardi-board and will be painted the same color as the house. **Commissioner Murray** then

asked that the proposed garage door be described and **Mr. Johnson** advised that it is a generic type door that will match the door on the existing garage. **Commissioner Murray** then asked what the pitch of the roof proposed for the home would be and **Mr. Johnson** replied it would probably by a 6/12.

- **Commissioner Fazzini** said he noticed there were some trees currently growing where the accessory building is planned for and wanted to know his plans for replacing those. **Mr. Johnson** said that the trees would be removed and they replaced with shrubs similar to those presently in place on the east side of the house.

- **Commissioner Overson** asked Mr. Johnson if he had received a copy of the Staff Report, to which he said he had. He said the driveway at the widest point would be about 32'. **Mr. Johnson** said that where the garage is going, there would only be two feet that would be too wide but it is basically a walkway and not part of the driveway.

- **Commissioner Fazzini** asked if the asphalt portion of the driveway that is there now would be altered at all. **Mr. Johnson** said that will not change. **Commissioner Fazzini** asked Staff for clarification then that if the applicant is not changing what is there for the driveway… **Mr. Udall** said that the site plan shows the applicant is extending the driveway to the garage. **Mr. Johnson** said that the garage right now will abut up to the existing driveway. **Commissioner Fazzini** said the photograph furnished by the applicant shows that is correct – but that the question is if he is not changing the size of the driveway, is that not a non-conforming legal use of the zoning ordinance, if he doesn't change the size of the driveway. **Mr. Udall** said the aerial doesn't show that. **Mr. Johnson** said that they had changed it since the aerial was taken because that area used to be mud and is now asphalt. **Mr. Meldrum** added that the aerial maps being used by the City were made in 2003, so there may well have been a change made after that.

- **Commissioner Fazzini** then said that raises questions such as if the applicant had just installed the driveway with no intent to erect a building there, would that have required a conditional use permit being as it is over 30' wide. **Mr. Udall** said that the specifications are according to the Highway Ordinance – not the Zoning Ordinance, therefore, is not part of the conditional use approval for just a driveway. **Commissioner Fazzini** said that say he were to put in a 35' driveway in, what would the process be to do that? **Mr. Udall** - According to the ordinance, permits are not required for driveways at all. **Mr. Meldrum** said that if someone were to call and ask what a maximum driveway width would be, Staff would tell them it is 30' and they would not be allowed to exceed that. **Commissioner Fazzini** them wanted to know what the consequences would be for exceeding the 30' width? **Mr. Udall** said that they would need to ask the City Council for approval for anything wider than a 30' driveway because the City Council has jurisdiction over the Highway Ordinance and it would not come before the Planning Commission. **Mr. Johnson** said that it is basically less than a 30 driveway because part of it next to the garage is a walkway and there would be no vehicles driving over next to the garage. **Commissioner Fazzini** said he understood that but the way it was drawn on the site plan shows it being 34' wide. **Mr. Johnson** said that it is actually 32', which was his error when drawing the site plan. 19:30:50

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

6.4 **DISCUSSION**:

- **Commissioner Murray** commented that this concept poses an interesting scenario – that of changing the home to match the garage instead of the reverse. He would like the applicant to include more landscaping around the buildings to off-set the tremendous amount of asphalt there. He added that the driveway is a problem because had it been presented to the Commission prior to being poured, there may have been an opportunity to give direction on compliance with the Code, which is 32' and maybe giving guidelines as far as leaving some landscaping around the buildings. It is an awfully large swatch of hard surface, with resultant surface run off.

- **Commissioner Fazzini** added that aside from the driveway which is twice the size of the house, adding the garage in there also creates more run off.

- **Commissioner Overson** asked Mr. Udall if there were anything wrong with having a sidewalk running parallel to a driveway. The applicant is demonstrating that part of the drive approach is considered a walkway. Can he justify that two feet of that 32' is a walkway and not a driveway? **Mr. Udall** said that it is still considered a driveway.

- **Commissioner Murray** proposed a possible solution of possibly splitting the difference with regard to the 10' that separates the existing garage from the proposed garage. Perhaps devote half of that to a landscape strip up against the existing carport and then the driveway would begin there. **Commissioner Overson** asked he were talking about 10' all the way up parallel to the existing garage. **Commissioner Murray** outlined what he was talking about on the image on the overhead screen suggesting installing a quarter circle coming off the corner to narrow the portion of the driveway that exceeds the ordinance in order to bring it into compliance. **Commissioner Overson** said that essentially he was saying it would narrow to 24' at the proposed garage. **Commissioner Murray** said that he would have it narrow to 29' – which would take off 5' up against the existing garage for landscape. 19:35:23

- **Commissioner Fazzini** suggested an alternative to move the garage in five feet and cutting off the five feet on the other side, which gives him more room for trees to act as a landscaping shield for the building against the street. It would also provide more safety for people walking along the sidewalk.

- **Commissioner Murray** suggested another option, that being to table this application and allow the applicant make their own design refinements to comply with the ordinance.

- **Commissioner Staley** asked Staff if Commissioner Murray's proposed solution would be considered two different driveway widths. **Mr. Udall** said that it would still not be in compliance. **Mr. Meldrum** said the determining factor revolves around the widest point.

- **Commissioner Overson** commented that the consensus seems to be that this is a great idea as long as the driveway conforms to the Code, which is a 30' wide driveway and to let the applicant figure out how to do that. **Mr. Johnson** said that he would make the proper arrangements to do so.

- **Commissioner Murray** asked for clarification if that meant that the final conditional use permit would be done by Staff, assuring through their final inspection that the drive is 30' wide. **Mr. Udall** said that would be done.

6.5 **MOTION: Commissioner Holman - I move for approval based on the Findings of Fact and recommendations in the Staff Report, removing Item #2.** 19:43:01
SECOND: Commissioner Staley
Commissioner Overson restated the motion to approve with three staff conditions, removing #2 which read, "That the roof of the accessory building is architecturally compatible to the existing single-family home." 19:43:16

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

7. 10C09 **Cathy Kendall – 1505 W Packlan Place (5150 S)** – Conditional Use Permit for a Detached Garage. (Dan Udall/City Planner)

19:44:01

7.1 **Mr. Udall** presented this item. The applicant is proposing an 850 square foot oversized accessory building on an 8,710 square foot lot. The applicant is proposing to extend their driveway to access the proposed accessory building and also will remove an existing accessory building where the proposed accessory building is to be built. The building is proposed to be 13'6" high measured to the mid point of the pitched roof between the peak and the lowest part of the eaves. The accessory building is proposed to be located in the rear yard on the southwest side of the lot. Before the conditional use application was submitted to the City, the applicant submitted a lot line adjustment to allow the applicant to gain additional property area to build a detached garage on the site. The lot line adjustment was approved and meets all lot area requirements. A 30' wide drive is required and Staff did not feel that cinder block is compatible with the home and suggested adding Atlas type block to match the home instead.

Findings of Fact:

- That the accessory building is a conditional use in the R-1-8 zone.
- That the applicant is requesting an 850 square foot accessory building.
- That the proposed accessory building covers less than 25 percent of the rear yard.
- That the applicant is requesting a 13'6" high accessory building.
- That the accessory building should not adversely affect the surrounding area.
- That the building materials on the proposed accessory building are not in harmony with the building materials on the existing single-family home.

Staff Recommendation:

1. **[Changed by Motion]** That the ~~building material on the front façade of the accessory building is atlas block to match with the block on the existing single-family home~~ **applicant works with Staff on the façade of the accessory building to choose the appropriate material.**
2. Receive approval from and remain compliant with all applicable reviewing agencies.
3. That the driveway width can be a maximum of 30' wide on any point on the subject property.
4. That the final conditional use is approved by Staff.

7.2 **APPLICANT ADDRESS: Cameron Duncan - Engineer.** 19:49:37 **Mr. Duncan** wanted to know if as far as the atlas brick is concerned would it be agreeable to work with Staff to make it the same color and not require atlas type block, which is much more expensive. He added that there is only one small point where the drive access is wider than 30' but that can be adjusted to comply. **Commissioner Fazzini** asked for and was given an explanation for the access. **Commissioner Murray** wanted to know the character of the garage doors and **Mr. Duncan** said they are a standard aluminum residential type door. 19:51:56

7.3 **DISCUSSION**: **Commissioner Holman** felt that the building material issue could be covered under Condition #4 by Staff and that not much of the garage would be shown from the street inasmuch as this home is on a cul-de-sac. **Commissioner Overson** asked for clarification as to exactly what atlas type block was and **Commissioner Murray** explained that it is more horizontal shape than is concrete block and felt it would be difficult to exactly match the color with the house. **Commissioner Overson** added that the Commission just wants it to match as close as possible. **Commissioner Holman** said that apparently the neighbors were notified and had no problems because none were in attendance. 19:55:07

7.4 **SPEAKING**: None present.

7.5 **MOTION: Commissioner Staley - I will make a motion that based on the Findings of Fact and conditions indicated in the Staff Report, that we approve Application #10C09 with conditions outlined, changing #1 to read that the applicant works with Staff on the façade of the accessory building to choose the appropriate material).**
SECOND: Commissioner Holman
Commissioner Overson restated the motion for approval, including Staff Conditions #1 through #4 and adding to #1 that the applicant work with staff on the front façade and make is visually appealing. 19:56:15

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

CITY COUNCIL MEETING DISCUSSION: **Commissioner Murray** represented the Commission at the last City Council meeting and discussed the events of same during the pre-meeting.

OTHER BUSINESS: None

ADJOURNMENT: By motion of **Commissioner Murray** the meeting was adjourned at 7:58 p.m. 19:57:31

Respectfully submitted by:

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Jean Gallegos, Admin Asst/Recorder for the Planning Commission

Minutes were approved in meeting held on April 14, 2009.