

**City of Taylorsville
 Planning Commission Meeting
 Minutes
 Tuesday – June 9, 2009 – 7:00 P.M.
 2600 West Taylorsville Blvd – Council Chambers**

Attendance:

Planning Commission

Kristie Overson - Chair
 Scott Bolton
 Nathan Murray
 Ted Jensen
 Bruce Holman
 Stacey Staley
 Dan Fazzini, Jr. (Alternate)

Excused: Garl Fink

Community Development Staff

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

PUBLIC: Margaret Tingey, Rebecca Owen, Cody Pavelka, Karen Crespin, Shirley Houston, Sean Stephens, Nick Dolt, Ron Kingsley,

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 Items #1 (Minutes for Apr 14, May 12, and May 26, 2009) and #2 a conditional use permit for an oversized detached garage at 2116 West Happiness Drive, on the Consent Agenda. [19:01:36](#)

CONSENT AGENDA

Agenda/File #	Application	Applicants	Action
1.	Review/approval of Minutes for April 14, May 12 and May 26, 2009		Approved as presented.
2. 24C09	Conditional Use Permit Oversized Detached Garage	Shirley Houston	Approved with staff recommendations.
3. 12H09	Child Day Care	Beatriz Muñeton 5217 S Persille Drive	Approved with staff recommendations.
5. 1G09	Recommendation to the City Council to Amend Chapter 7 (Neighborhoods and Housing – Taylorsville General Plan.		Positive recommendation forwarded to the City Council for approval.
6. 1G09	Recommendation to the City Council Regarding the Moderate Income Housing Plan.		Positive recommendation forwarded to the City Council for approval.
NOTE: Items #3, #5 and #6 above were added to the Consent Agenda by motion of the Commission.			

Commissioner Overson asked those in the audience if any of them wished to speak in opposition to any of Items #1, #2, #3, #5 and #6. There being none, she asked for a motion.

MOTION: **Commissioner Staley** [19:02:28](#) I will make a motion to move to the Consent Agenda Items #3 Item 12H09 (Child Day Care at 5217 S Persille Drive), #5 1G09 – Recommendation to the City Council to amend Chapter 7 (Neighborhoods and Housing – General Plan), and #6 1G09 – Recommendation to the City Council regarding the Moderate Income Housing Plan. I also move for approval of the Consent Agenda including Items #1, #2, #3, #5 and #6.

SECOND: **Commissioner Holman**

Commissioner Overson restated the motion to revise and approve the Consent Agenda to include Agenda Items #1, #2, #3, #5, and #6.

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

HOME OCCUPATIONS

3. 12H09 **Beatriz Muñetón – 5217 S Persille Dr.** - Child Day Care. (Michael Meldrum/Principal Planner)

3.1 **Mr. Meldrum** presented this item. The applicant is requesting approval to provide day care in her home for up to ten children. The proposed hours of operation are from 7:00 a.m. to 6:00 p.m. There were no code violations observed on the property during a site inspection visit to the property.

Findings of Fact:

1. The home occupation is allowed as a conditional use in the R-1-8 zone.
2. The home occupation complies with the hours of operation as identified in Section 13.57.057.
3. The home occupation meets all other applicable codes.

Staff Recommendations:

1. Receive approval from and remain compliant with all applicable reviewing agencies.
2. The conditional use permit for this home occupation is subject to review upon substantiated and unresolved complaint.
3. Hours of operation for the outdoor play area shall not exceed eight o'clock (8:00) a.m. to eight o'clock (8:00) p.m.

3.2 *This item was moved to the Consent Agenda and approved with staff recommendations.*

4. 6H09 **Rebecca Owen – 1155 W 4800 S** – Child Day Care. (Michael Meldrum/Principal Planner) [19:04:55](#)

4.1 **Mr. Meldrum** presented this item. The applicant is proposing a family child day care home occupation at her residence. She is proposing nine children coming to the home per day for day care. Proposed days and operational hours are Monday through Sunday from 6:00 a.m. to 7:30 a.m. and 4:30 p.m. to 9:00 p.m. during the fall, winter and spring. This time frame is more specifically the school calendar year which is approximately from August through the end of May. The times listed are for before school care and after school care. During the summer (approximately June through August), the hours of operation are 6:00 a.m. to 9:00 p.m. One child is the applicant's own child under the age of six. There will be one child there until 9:00 p.m., who is not hers. There was considerable public comment on this item at the April 14th, 2009 Planning Commission meeting, at which time the Commission tabled this item to allow the applicant and staff to gather additional information. **Mr. Meldrum** showed photos of how the property presently looks, including inadequate fencing.

Findings of Fact:

1. The applicant is proposing a family child day care home occupation and it is a conditional use in the A-1 zone.
2. That a maximum of eight outside children are coming to the home each day. One child living in the home will be attending the child day care.
3. That the day care will be required to meet all State of Utah Health.
4. That the driveway is not paved and is mostly gravel and dirt.
5. That there have been complaints of crossing the adjacent neighbor's property to access 1130 West.

Staff Recommendations:

1. Receive approval from and remain compliant with all applicable reviewing agencies.
2. That the use is reviewed upon substantiated and unresolved complaint.
3. That no more than nine children can come to the home per day for the family child day care as stated in the application.
4. The driveway must be paved with either asphalt or concrete within six months of an approval of this application in the interest of the safety and welfare of the residents of the home and the patrons coming to the home for the child day care.
5. 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.
6. **[Changed by Motion]** That adequate parking is provided on site to accommodate the homeowner's vehicles and customer vehicles coming to the home. **Added: An on-site parking stall must be provided for the required employee's vehicle.**
7. That a new fence that is at least 4' high be provided on the east side of the rear yard. That the perimeter of the rear yard is fenced and maintained in good condition.
8. Hours of operation can be allowed from 6:00 a.m. to 9:00 p.m.

9. That the home occupation is clearly incidental and secondary to the use of the dwelling and does not change the character of the neighborhood.
10. Provide adequate outdoor lighting at the drop off and pick up area.
11. That no other Class "D" home occupation is allowed while the child day care home occupation is under operation.
12. Because the applicant is proposing nine children coming to the home occupation, the applicant meets all State of Utah Health Department regulations in regards to sufficient staffing for the child day care.

4.2 **DISCUSSION:** Mr. Meldrum added that the applicant has informed him that she has fitted her dogs with barking collars and found them to be effective unless the dogs are agitated.

4.3 **APPLICANT ADDRESS:** Rebecca Owen was present to answer questions. [19:13:40](#) Commissioner Holman asked her if she had read staff's recommendations and she replied that she had. He asked her about having to pave the driveway and if she was okay with doing that. She answered that she did not understand why she had to do so if she did not own it or have right-of-way there. Mr. Meldrum explained that she did because she caused the impact. Commissioner Overson then asked if it would be an issue that even though it is not her property, can she pave it and not have the property owner's permission to do so. Mr. McGrath said that the property owner indicated at the previous meeting that he was supportive of that but she certainly will have to work with the property owner first. Commissioner Holman then asked her if she was willing to do that and she said yes. Commissioner Fazzini commented that if the Commission approves this, with the condition that the driveway be paved within a certain amount of time, the property owner could effectively block the home occupation by not allowing that paving to happen. Mr. McGrath said that he supposed that could happen. In that event it would have to come back before the Planning Commission for a conditional use permit amendment, with the new facts presented. Mr. Meldrum added to that, during the previous public hearing, the property owners did indicate their support of doing this, so he did not see that issue surfacing and in fact indicated that was a previous agreement he had made. [19:16:25](#) Commissioner Jensen asked if the children coming to the day care came all at once or were at different times scattered throughout the day. Mrs. Owen said there are five children that come at one time (6:30 a.m.) and three that come at another time (between 8:30 and 9:00 a.m.). Commissioner Overson asked if the five children leave and go to school together and Mrs. Owen explained the children's schedules. Commissioner Overson asked Mr. Meldrum about his site visit and if there were children present at that time. He said there were children there when he went there and that the dogs acted fine. Mrs. Owen said that the only time the dogs bark now is when the children are outside playing with them. Commissioner Overson advised Mrs. Owen that because there over eight children in the day care, there must be a second care giver attending and to provide adequate parking space for the parents to drop off and pick up their children, as well as one for the second care provider. [19:22:33](#)

4.4 **SPEAKING:** Mr. Meldrum advised that Councilman Pratt was unable to attend tonight's meeting but did submit an E-Mail which substantially said he would like the Commissioners to take into account comments made by the neighbors during the last public hearing. That he and the neighbors not only wanted to stress the importance of safety for the children but assure strict adherence to hands on adult supervision being provided. They were also concerned about the intensity (specifically the number of children when combined with the number of the applicant's own children and the long hours, seven days a week). That they did not have a problem with her right to have a home day care business but felt the neighbors also have rights when it comes to intensity, noise, etc. They felt the number of children and the hours are too intense for the neighborhood. They asked that a stipulation be made to reduce the number of days to five week days and reduce the number of kids to five (in addition to her own). Also a reduction in the hours to 7:00 a.m. – 7:00 p.m. at a minimum. They also requested that the occupants, guests and visitors do not park in the right-of-way and that they do not cut through the driveway and yard of the home to the east. There are also legitimate incline and safety issues with the gravel driveway and an unsecured back yard. He also would like addressed fire code issues of being able to exit the home quickly and any corrective action taken to insure the exterior doors cannot be easily opened by the younger children.

4.5 **DISCUSSION:** [19:23:41](#)

- Commissioner Fazzini asked staff to furnish Mrs. Owen a copy of Councilman Pratt's E-Mail (which was done during the meeting).
- Commissioner Overson expressed her appreciation that the applicant is listening to and complying with the concerns expressed by neighbors. However, she would like her to scale back on the number of children in this day care and come back for reevaluation. Her concern was with the number of children in the day care in addition to her own children residing in the home. She said that through personal observation she has noted the dangerous situation created by parents dropping off the children along 4800 South, especially during peak traffic hours.

- **Commissioner Holman** said he also feels concern regarding the safety of the children and care given to them. [19:26:29](#) He would like to see no parking allowed on 4800 South, that no one cuts through the Pratt property to access this site and that another caregiver be provided for the children. He would like to give her the opportunity to make this work but also to hold her accountable.
- **Commissioner Staley** agreed with Commissioner Holman and wanted to allow the applicant to work through the problems.
- **Commissioner Fazzini** would like language added to Item #6 to not allow employee parking on the street and insuring it is contained on the property. [19:27:51](#)
- **Commissioner Overson** agreed and suggested language be included with regard to both employee and customer parking on site. [19:29:18](#) **Mr. Meldrum** read paragraph 13.57.057 D – “A minimum of two (2) parking spaces comprising at least three hundred sixty (360) square feet of paved hard surface area shall be provided for clients, customers or patrons of the Class D home occupation business in addition to required residential parking. The planning commission may waive the additional parking space requirement in planned unit developments, manufactured home parks, condominium developments, and apartment complexes. Required parking for the home occupation shall be located in the dwelling’s front and/or side yard.” [19:30:02](#)
- **Commissioner Fazzini** added that it does not include an ordinance clause like Murray City has then **Mr. Meldrum** said, no, that it doesn’t say anything about prohibition of parking on the street.
- **Commissioner Fazzini** advised then the little turn out area could count towards parking. **Mr. Meldrum** advised that as long as it meets the aforementioned requirements but beyond that parking on the street would be allowed. It doesn’t count towards their minimum parking requirement but could be used as additional parking.

4.6 **MOTION:** [Commissioner Holman 19:31:40](#) **Based on the Findings of Fact in the staff report, oral recommendations and testimony heard, I move for approval of File #6H09 and make a comment that regarding Staff Recommendation #6 on parking, that the applicant be aware that it is a safety issue which I partly think is because going up that graveled driveway was a part of the reason why people parked on 4800 South but with that taken care of, I would think that they would abide by having all customers park on the site. [19:32:40](#) [Commissioner Staley](#) – I would recommend that we add the employee vehicle parking space in Item #6. [Commissioner Holman](#) – I would agree to that change.**

SECOND: [Commissioner Staley](#)

[Commissioner Overson](#) restated the motion to approve Application #6H09 based on the Findings of Fact in the staff report, the testimony by the applicant and discussion amongst the Commissioners. This includes 12 recommendations, amending #6 to add language regarding a parking space for an employee vehicle.

VOTE					
Commissioner	Vote	Commissioner	Vote	Commissioner	Vote
Fazzini	AYE	Murray	NAY	Holman	AYE
Bolton	AYE	Jensen	AYE	Staley	AYE
Overson	NAY	Motion passes 5 to 2.			

GENERAL PLAN CHANGE

- | | | |
|----|------|----------------------------------------------------------------------------------------------------------------------------|
| 5. | 1G09 | City of Taylorsville – General Plan Amendment to Chapter 7, (Neighborhoods and Housing) |
| 6. | 1G09 | City of Taylorsville - General Plan Amendment – Moderate Income Housing Plan
(Michael Meldrum/Principal Planner) |

5.1 **Mr. Meldrum** presented this item. The City of Taylorsville is required to provide an updated Moderate Income Housing Plan each year as established by House Bill 295 and codified as Utah Code Annotated (UCA) 10-9-307. This document complies with the requirements of UCA 10-9-307. The Planning Commission reviewed the document in draft form at their May 26, 2009 work session. Staff has made the changes that were noted at that meeting and now presents the updated document for recommendation of approval by the Planning Commission to the City Council. The reason there are two items related to the Moderate Income Housing plan is to clarify that this is an amendment to the City’s General Land Use Plan and is also intended to be a stand-alone document. The

Moderate Income Housing plan is an addition to the General Land Use Plan and does not seek to replace any part of it, but, rather supplement it.

Staff Recommendations: Staff recommends that the Planning Commission forwards a positive recommendation to the City Council for File #1G09.

5.2 *This item was moved to the Consent Agenda for a positive recommended to be forwarded for both Items #5 and #6 to the City Council for approval.*

CONDITIONAL USES

7. 22C09 **Badlands Construction, Inc.** – 1343 W Persimmon Place (Dan Udall/City Planner) [19:34:20](#)

7.1 **Mr. Udall** presented this item. The applicant has requested a 1,536 square foot accessory building on property located at 1343 W Persimmon Place. The property is 12,632 square feet and it is located in a single-family home residential neighborhood. The accessory building is proposed to be 16' high measured to the mid point of the pitched roof between the peak and lowest part of the eaves from the lowest original ground surface. The accessory building is proposed to be located in an R-1-8 zone in the rear yard on the southeast side of the lot. [19:36:39](#) Applicant has stated there will be no business operated in the structure, however, this is still a concern for staff. The garage does meet the ordinance of the City, staff recommends approval. Staff also added one condition that the driveway can only be a maximum of 35' wide according to Code. Presently the driveway is shown on the site plan as being wider than 35'. **Commissioner Holman** wanted to know if it was stipulated in City ordinance how many vehicles are allowed to be on a property and **Mr. Udall** informed him that there was no such reference in the ordinance. **Commissioner Overson** asked if the building plans address water run off and **Mr. Udall** said that staff was recommending that a drainage plan be submitted for approval during the permitting process. [19:38:15](#)

Findings of Fact:

1. That the accessory building is a conditional use in the R-1-8 zone.
2. That the applicant is requesting a 16' high accessory building.
3. That the accessory building complies with building regulations.
4. That the accessory building is approximately the same size as the foundation of the existing home.

Staff Recommendation: Staff recommends approval with the following conditions:

1. The use is reviewed upon by substantiated and unresolved complaint.
2. Receive approval from and remain compliant with all applicable reviewing agencies.
3. That the colors of the detached garage match the colors of the existing single-family home.
4. That staff approves the final conditional use.
5. That the project receives storm drain approval from the City Engineering Department.
6. **[Added by Staff and by Motion] In accordance with City of Taylorsville Code, the driveway can be no wider than 35'.**
7. **[Added by Motion] That the height of the structure from the eave to the ground be 11'6" maximum.**

7.2 **APPLICANT ADDRESS: Cody Pavelka** (Brother of the property owner and acting as contractor for this project). **Mr. Pavelka** advised that there would be no run off problems and that his brother was going to add more grass to the site. The garage will be only used for his brother's personal vehicles. **Commissioner Murray** then wanted to know the reason for having such an oversize height and did not know if that was appropriate for the residential neighborhood. **Mr. Pavelka** said that there were two buildings next door that are the same height as the garage is being proposed to be and that the 10' high door was for easier access. **Commissioner Overson** expressed concern that this would necessitate removal of some very nice trees. **Mr. Pavelka** said that one of the Spruce trees would need to be removed and Commissioner Overson suggested replanting trees to help screen the size of this structure. **Mr. Pavelka** said that the neighbors have a 4' high wall with trees and bushes along it presently. [19:43:32](#)

7.3 **SPEAKING:**

1. **Commissioner Overson** said that the Commission had received two letters expressing opposition to building this structure. One opposed it due to the size of the structure and the other one was because they had a concern about this being turned into a business.
2. **Nick Dolt** said that he doesn't live directly in the vicinity but was concerned about the height of the structure and the subsequent impact on property values. He also commented that access/egress is very limited. [19:44:17](#)
3. **Ron Kingsley** (Lives south of this site) [19:45:12](#) **Mr. Kingsley** discussed the fact that the property owner had cleared out the back yard but had left large tree stumps along the property of his fence. He wanted to know how they planned to get equipment into the back yard and take care of that. He said that prior to this application, the property owner had installed cement right on the property line, which leaves Mr. Kingsley very little room from the edge of his home to the property line. His biggest concern is the access for construction vehicles on this cul-de-sac and questioned the oversize height of 16' saying that it would take up the entire space of the south end of the property. He commented that the garage doors are proposed to be 10' x 10', leaving only 12' on the edge of the building bordering his property and suggested putting the garage doors on the opposite side of the building. [19:49:19](#)
4. **Mr. Pavelka** [19:50:04](#) said that when they construct a garage, in order to access with the equipment, to dig the footings and foundations they use a small mini-excavator, which weighs no more than 6,000 pounds, is about 5' wide and has a zero turning radius. The concrete will be brought in via a 4" grout pump from the street. Trucks will come straight in on the street, dump it into the hopper from where it will be pumped to the back. He said that they did not remove the tree stumps yet because they wanted to wait until they rotted and were easier to remove.
5. **Commissioner Overson** said that there is still a real concern that this may elevate into something other than personal use by his brother, such as storage space for the construction company or perhaps a business operating out of that garage. **Mr. Pavelka** assured her that was not the intent and would not happen. That his brother works for Cache Valley Electric and that he, himself has a storage lot in West Jordan where he stores his equipment. [19:51:12](#)
6. **Commissioner Jensen** asked what the necessity was for the 2' curb wall. **Mr. Pavelka** said that they are doing a 4' high foundation wall and must be 30" below ground, so the footings, with foundation wall would put it there. If the wood sets down on the floor, long term it will eventually rot. **Commissioner Jensen** asked if he would be adverse to reducing the height of the building by 2'. **Mr. Pavelka** said they would do it if that is what the Commission wants. He added that they could even reduce the doors to 8' high. That he is the one that suggested the 10' high door to his brother.
7. **Commissioner Holman** commented that basically the use would be for storage and the doors would not be opening and closing constantly, to which **Mr. Pavelka** replied that was correct. [19:54:01](#)

7.4 **DISCUSSION:**

Commissioner Fazzini [19:54:21](#) said that he understands and finds the height requirement for the doors themselves reasonable because he had a similar problem with his own doors at his residence in that there was not sufficient clearance for his vehicle when the lights on top were flipped up. However, he felt the extra 2' height in the garage was excessive. **Commissioner Murray** asked Commissioner Fazzini if he was not able to fit his vehicle in his garage because the head height was actually 7' and not 8'? Typically they are 7'. **Commissioner Fazzini** said that was probably the case but also that his lights were quite tall on the top of the vehicle. [19:55:13](#)

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

7.5 **MOTION:** **Commissioner Bolton** - [19:56:01](#) – I would like to make a motion that we approve File #22C09 with the five conditions as outlined in the staff report. As for the height of the building, I would ask the applicant to lower it to 11' and still maintain the 10' high doors. Lower the building to a height no taller than 2' lower than requested. [19:56:39](#)

DISCUSSION: **Mr. Pavelka** – Can it be lowered to 11'6", which would work better to accommodate the track when the door rises. **Commissioner Bolton** - I will modify the condition to be 18" lower. **Mr. McGrath** - Madam Chair – May I just stipulate for the record that the height referred to is to the bottom of the eaves. By City Code, height is defined as to the mid-point of the pitch of the roof. He offered that information just to make sure that there is no confusion as to those two ways of

measuring height. Commissioner Overson - So if, as Commissioner Bolton says, the structure is lowered by 18", is there a way to clarify that? Mr. McGrath - If the roof pitch is kept the same, the way height is measured in Taylorsville, the height would be 15'8". Basically the roof pitch goes from 13' to 18'4". Commissioner Jensen - It calculates to be 18'2". Mr. Pavelka - Let's change the eave height to 11'6", that is from the ground to the bottom of the eave (overhang). If the eave height is that height then the plans will be drawn accordingly. It will keep the same pitch which is 4/12 to be consistent with the house. Commissioner Overson - So that eave height you are agreeing to is what? Mr. Pavelka - 11'6".

SECOND: Commissioner Jensen - I will second the motion and add a condition of the 35' wide maximum driveway.

Commissioner Overson restated the motion by Commissioner Bolton to approve File #22C09 based on testimony heard this evening and Findings of Fact in the staff report to approve this application with the five conditions contained in the staff report, adding #6 that the maximum width of the driveway be 35' and adding #7 that the height of the structure from the eave to the ground be 11'6". It was seconded by Commissioner Jensen.

VOTE 20:01:49					
Commissioner	Vote	Commissioner	Vote	Commissioner	Vote
Fazzini	AYE	Murray	NAY	Holman	AYE
Bolton	AYE	Jensen	AYE	Staley	AYE
Overson	NAY	Motion passes 5 to 2			

8. 24C09 Karen Crespin – 3503 W Valley Heights Drive – Conditional Use Permit for an Animal Fancier's Permit (Michael Meldrum/Principal Planner) 20:02:07

8.1 Mr. Meldrum presented this item. The applicant is requesting approval for an Animal Fancier Permit for three additional dogs. The applicant previously obtained an animal Hobby Permit for three dogs from the City (50C05), which was endorsed by West Valley Animal Services. The yard is completely fenced with a six-foot high white vinyl fence.

Findings of Fact:

1. The Animal Fancier permit is allowed as a conditional use in the R-1-8 zone.
2. The applicant has initiated the application on her own.
3. No open or pending complaints have been lodged with West Valley Animal Service

Staff Recommendation: Staff recommends approval with the following conditions:

1. The applicant must license any unlicensed dogs within one month of obtaining approval of the Animal Fancier's Permit.
2. The Animal Fancier's Permit is subject to review upon substantiated and unresolved complaint.
3. Approval of the Animal Fancier's Permit is subject to an onsite review by West Valley Animal Services.
4. Maintain current vaccinations for all of the dogs.

8.2 **APPLICANT ADDRESS:** Karen Crespin. 20:05:23 Mrs. Crespin explained all the many amenities she has put in for her dogs to assure their comfort and safety. She added that only three of the females are breed-able. One is five years and will probably only be bred one more time. Commissioner Overson asked if she was aware of the length of time she was allowed to keep a litter before they must be moved elsewhere and she said she was and would comply. Commissioner Fazzini asked where the dogs mainly spent their time and she advised they were mostly indoors.

8.3 **SPEAKING:** None.

8.4 There being no further discussion or comment, Commissioner Overson asked for a motion.

8.5 **MOTION:** Commissioner Murray - I will make a motion to approve File #23C09 for an animal fancier permit.

SECOND: Commissioner Holman

Commissioner Overson restated the motion for approval of File #23C09.

VOTE (Item 24C09)					
Commissioner	Vote	Commissioner	Vote	Commissioner	Vote
Fazzini	AYE	Murray	AYE	Holman	AYE

Bolton	AYE	Jensen	AYE	Staley	AYE
Overson	AYE	Motion passes unanimously.			

SUBDIVISION

2S09 **Dale Kehl – 6326 S 2200 W** – Three-Lot Subdivision. (Michael Meldrum/Principal Planner) [20:10:02](#)

9.1 **Mr. Meldrum** presented this item. The applicant is seeking approval for a simple three-lot subdivision, which divides the 0.51 acre parcel into three new lots. The property currently has a home on the lot that would abut 2200 West. There is an existing garage located on the third lot and no structures on the second lot. The three lots contain 7,604, 7,315, and 7,378 square feet as Lots 1, 2 and 3 respectively. The applicant desires to request an exception to the sidewalk placement as allowed in Section 14.12.150 of the Highway Ordinance. Staff is recommending that the Commission forward a negative recommendation to the City Council regarding that request to modify the street standards that would allow the sidewalk to be located in an easement rather than dedicated to the City.

Findings of Fact:

1. The applicant has requested a 3-lot residential subdivision.
2. The lots comply with all ordinance requirements.
3. The applicant has requested a positive recommendation for a waiver from the City Council to place the sidewalk in an easement rather than dedicate it to the City.
4. The lot bulk dimensions leave a building envelope of 2,700 square feet.
5. The proposed subdivision would complete the development on property at this location.

Staff Recommendation: Staff recommends approval with the following conditions:

1. That the proposed subdivision creating three lots is compatible with the requirements of Title 12 of the Subdivision Ordinance.
2. No adverse impact is anticipated on any adjacent properties.
3. Receive approval from and remain compliant with all applicable reviewing agencies.
4. **[Added by Motion] That the City Engineer review curb cuts and striping as appropriate.**
5. **[Added by Motion] That the sidewalk and parkstrip be dedicated to the City.**
6. **[Added by Motion] That final approval be granted by staff.**

9.2 **APPLICANT ADDRESS: Mr. Dale Kehl** was present and advised that he agreed with staff's analysis and conditions and wished to withdraw his request for approval from the City Council for an exception to the sidewalk placement as allowed in Section 14.12.150 of the Highway Ordinance. [20:14:19](#)

9.3 **SPEAKING:** None

9.4 **DISCUSSION: Commissioner Fazzini** - I would like to discuss the curb cut not having a partner on the other side of the street. That in the motion we recommend that they install a partner curb cut on the other side of the street along with striping for the crosswalk so people using that side of the street can cross safely.

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

9.6 **MOTION: Commissioner Fazzini - 20:15:41 I would like to move that based on the Findings of Facts in the staff report, we approve File 2S09 with the following conditions: (1) That the proposed subdivision creating the three lots is compatible with the requirements of Title 12, Subdivision Ordinance; (2) No adverse impact is anticipated on any adjacent properties; (3) Receive approval from and remain compliant with all applicable reviewing agencies. Adding #4 that ADA compliant ramp and cross hatch striping meeting current standards be cut into opposite where the existing ramp is, where the sidewalk ends by the existing house. Adding also #5 that as staff recommends, that the sidewalk and parkstrip be dedicated to the City. Mr. Meldrum - I did not include in my report that staff approve the final subdivision plat and would like to add that. Commissioner Overson - If we don't add that language, it automatically comes back to the Commission. Commissioner Fazzini, do you want to add that to your motion? Commissioner Fazzini - I will leave that for discussion. SECOND: Commissioner Murray Commissioner Overson restated the motion 20:17:27 saying that the motion is to approve File #2S09 based on the Findings of Fact in the staff report and discussion amongst the Commissioners, this includes three conditions and adding two more by Commissioner Fazzini –**

Condition #4 that the applicant provides an ADA ramp and curb cut and appropriate striping from north to south. Adding also condition #5 that the sidewalk and parkstrip be dedicated to the City, #6 That final approval be granted by staff. 20:18:19

DISCUSSION: Commissioner Fazzini - Item #6 was left open for discussion. Commissioner Holman - I am fine with having staff do the final approval. Commissioner Murray - I wonder if it would be appropriate to have the City put up a sign indicating that there is a pedestrian walk there because it is in an exceptional location. The crosswalk striping will eventually go away through erosion and who is in charge of keeping that repainted – that is why a sign may be more appropriate. Commissioner Fazzini - Let me clarify my crosswalk statement that it should be in accordance with AASHTO Guidelines, which would include a sign. Commissioner Overson – Is the sign that the applicant does or the City does? Mr. McGrath - The City will end up doing it. The applicant will pay for it but the City would install it. Do you feel comfortable with the condition of having the City Engineer review the crosswalk and making recommendations in terms of the appropriate way to deal with this situation? (All Commissioners answered in the affirmative.) Commissioner Jensen - I would agree with that but a lot of the other residential areas have two crosswalks and maintenance is an issue and I think it would be a good decision for the City Engineer. Commissioner Fazzini - This way he can determine if it should be double striped or the bars, whichever is appropriate for this location. I would also agree with adding #6 that staff review the final approval.

SECOND: Commissioner Murray

Commissioner Overson restated the motion by Commissioner Fazzini to approve File #2S09 and seconded by Commissioner Murray, with three staff conditions, adding #4 that the City Engineer review curb cuts and striping as appropriate. Adding #5 that the sidewalk and parkstrip be dedicated to the City, and #6 that final approval be granted by staff.

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

CITY COUNCIL MEETING DISCUSSION: Discussion regarding events that occurred during the last City Council meeting were discussed during the pre-meeting.

OTHER BUSINESS: Inasmuch as this will be Commissioner Holman's last meeting with the Commission, having resigned effective this month, Commissioner Overson thanked him for his service and wished him well. Commissioner Staley also announced that she will leave the Commission effective this month but will be attending the work session meeting on June 23, 2009.

ADJOURNMENT: By motion of Commissioner Holman, the meeting was adjourned at 8:25 p.m.

Respectfully submitted by:

Jean Gallegos, Admin Asst/Recorder for the
Planning Commission

Approved in meeting held on June 23, 2009.