

**City of Taylorsville
 Planning Commission Meeting
 Minutes
 Tuesday – September 8, 2009 – 7:00 P.M.
 2600 West Taylorsville Blvd – Council Chambers**

Attendance:

Planning Commission

Scott Bolton, Chair
 Ted Jensen
 Nathan Murray
 Kristie Overson
 Garl Fink
 Dan Fazzini, Jr. (Alternate)

Community Development Staff

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

PUBLIC: Robert Long, Jill Romo, Jennifer Ford, Steve Romo, Cameron Mendes, Rebekah Whyte, Jairo Potero, Mitch Haycock, Debbie Dunford, Pat O'Toole, Rich Leatherman, Jeremy Snow, Cathy Goss, Emily Jones, Bob Petty, Denis Morrill, S. Hollingsworth, Desiree Tatum.

WELCOME: **Commissioner Bolton** assumed duties as Chair and welcomed those present, explained the process to be followed this evening and opened the meeting at 7:10 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. [19:09:46](#)

CONSENT AGENDA

Agenda/File #	Application	Applicants	Action
1. Review/approval of Minutes for August 11, 2009			Approved as presented.
2. 20H09	Home Occupation – Insurance Office	Desiree Tatum 2000 W 5400 S	Approved with staff's recommendations
3. 21H09	Home Occupation – Pre-school	Debbie Dunford 5896 S Azure Meadow Drive	Approved with staff's recommendations
4. 22H09	Home Occupation - Chiropractic	Rebecca Hacker 6511 S 1300 W	Approved with staff's recommendations

No one came forward to speak in opposition to any of the items on the Consent Agenda.

MOTION: **Commissioner Overson** – I will make a motion to amend the order of the Agenda this evening, to Move Items 5 and 10 to be heard with Item 13. Also to move Item #4 to the Consent Agenda.

SECOND: **Commissioner Fazzini**

Commissioner Bolton restated the motion to approve the Consent Agenda as presented with modifications by Commissioner Overson.

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

Commissioner Bolton read the revised Consent Agenda aloud and asked if there were anyone wishing to speak in opposition to any of the items and no one came forward.

MOTION: **Commissioner Overson** - I will make a motion to approve the Consent Agenda consisting of Items #1 through #4.

SECOND: **Commissioner Murray**

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

HOME OCCUPATION

4. 22H09	Rebecca Hacker – 6511 S 1300 W – Chiropractic Office (Dan Udall/City Planner)
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NOTE: This item was moved to the Consent Agenda and approved as proposed with staff's recommendations.

GENERAL PLAN AMENDMENT

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| 5. 2G09 Architectural Nexus – Recommendation to the City Council to Amend the City Center Small Area Master Plan. (Michael Meldrum/Principal Planner) |
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Items 5, 10 and 13 were heard together at the end of the meeting. **Commissioner Murray** asked to be excused for the public hearing regarding these items and did not participate in the pre-meeting discussion as he works for Architectural Nexus, although not involved with this project.

5.1 **Mr. Meldrum** presented this item. The applicant is requesting approval of an amendment to the City Center Small Area Master Plan document. The amendment area includes approximately five acres of property located at 2600 West Taylorsville Boulevard. There is a Subdivision Plan application and a Conditional Use Permit application on this agenda that are related to this application. Section 13.24.190 requires that "All development within an MD-1 or MD-3 zone shall be consistent with the City General Plan and any application small area master plan. In Section 3 of the **City Center Small Area Master Plan (CCSAMP)** there are nine areas outlined and described in detail as the guiding principles of development. The nine principles are: Community, Gathering Place, Emphasize Quality Architecture, Emphasize Quality Site Design, Carefully blended Mix of Uses, Strong Pedestrian Orientation, Integration, Embrace a Diversity of Transportation Alternatives, Create a District rather than a Shopping Center and Concept of Gestalt. These guiding principles are a key component of the CCSAMP and as such, Staff asks that the Commission considers those principles when weighing their recommendation to the City Council. In the final CCSAMP document, residential uses were removed from the list of permitted uses.

Staff Recommendation:

Staff recommends that the Planning Commission consider the written information and oral testimony at the meeting to formulate their recommendation to the City Council.

5.2 **DISCUSSION:**

- **Commissioner Bolton** [20:37:42](#) asked if Staff had a draft of what the CCSAMP is and what the actual amendments being considered were. **Mr. Meldrum** advised that the amendment is to eliminate two commercial office uses and replace with assisted living space. They will retain the commercial building located on the corner of Centennial Way and 5400 South and the remainder of that location would be the independent living facility located parallel to 5400 South. That is the amendment as proposed by the applicant. [20:38:14](#) **Commissioner Bolton** commented that the application is intended to amend about five acres in the southeast corner of the City Center property. Basically the applicant just wants to place their project there without any relevance to the rest of the site. We don't have a full text write up to go with it. **Mr. McGrath** advised that the use standards in the current plan, includes the lack of residential uses. **Commissioner Bolton** said that his understanding of the CCSAMP currently shows on Page 15 the mark up of the old version as changed by the new version but there is no mark up or any text or exhibits to be approved. **Mr. Meldrum** said that there is no additional text other than the letter provided in the Commissioner's packets from the applicant. **Commissioner Bolton** said that equates to one small paragraph which adjusts 22 pages in the CCSAMP. **Mr. Meldrum** advised that is what the applicant provided.
- **Commissioner Fazzini** asked if the Commission is being asked to make adjustments to only half of the entire piece of land at this time. **Mr. Meldrum** said that it would actually be about a quarter of it. **Commissioner Fazzini** commented that the Commission would essentially be making an adjustment to the usage requirements that right now is one usage requirement for the entire property. **Mr. Meldrum** added that it is not one usage. There are several usages that are specified and included in the packet on Page 15 of the CCSAMP (City Center Small Area Master Plan). He read that for clarification – "Under a carefully blended mix of uses, the City Center Site should be composed of a carefully blended mix of land uses including general retail, service retail, civic, restaurants, professional office, medical office and specialty retail." **Commissioner Fazzini** said that what he meant was that it is the same uses for the entire property and the Commission is only adjusting part of the whole property. **Mr. Meldrum** said that was correct.

- **Commissioner Bolton** said that the application seems to be incomplete and wondered if there would be more forthcoming to indicate what changes are proposed to be made to the CCSAMP other than one paragraph saying, “We request the small area master plan in the area southwest of the City offices be modified to include an assisted living facility.” He said that the focus seems to be on one small five acre parcel without looking at everything or modifying the full document that addresses 20 plus acres. There is no text write up which actually states what the changes to the Small Area Master Plan document are other than a letter which doesn’t address any of the works that have been approved. **Mr. McGrath** - This is probably a better question to ask the applicants but he assumed that the applicants felt like this project adheres to those nine principles of development and so no changes were proposed.
- **Commissioner Overson** [20:43:29](#) asked if amending the CCSAMP to include the word “residential” would fulfill the applicant’s request and if it must be specific to one particular area? **Mr. Meldrum** felt that the Small Area Master Plan is designed so that it must be specific to what is actually being changed and what changes are proposed in that specific area. That the intent of the Small Area Master Plan is to get down to that very minute detail and have that kind of distinction in the document which provides that kind of background and information. **Commissioner Overson** said that would mean that the Commission could not just amend it to include residential but could it include residential, specifically for an assisted living facility or is that still too broad? **Mr. Meldrum** felt it was.
- **Commissioner Bolton** added that staff contends that the CCSAMP is supposed to be detailed but he did not feel like the Commissioners have been provided sufficient detail to make a change.
- **Commissioner Overson** agreed that it is mixed in with three applications and the Commission must go one step at a time. The problem is the Commission is having to rely on information from all three applications to make the first decision.
- **Commissioner Bolton** said that he doesn’t see any proposed changes other than for the five acre parcel and wondered why “residential” could not be added to all 20 acres in order to make the site a true mixed use.
- **Commissioner Fazzini** added that was the point he was trying to make – that the original plan has a different configuration than the second plan does and wondered why they just could not add the change to include “residential” to the entire plan as well. **Mr. Meldrum** advised that the Commission has the option to make that recommendation to the City Council. During the last change in the CCSAMP, the City Council eliminated the residential use from the plan. That is why residential is not now included in any of the City Center area. **Commissioner Fazzini** expressed that he feels that if this project does not happen and the desire is to get mixed use on the site, it should be included now. That would accommodate development of the property. [20:47:22](#)

5.3 **APPLICANT ADDRESS:** **Mr. Bob Long (Architect for Nexus)** said the reason there was only one paragraph is because they are only adding assisted living at this point. [20:48:05](#) **Commissioner Overson** asked if it would fulfill their intent if the Commission just added the residential use to the plan. **Mr. Long** felt that would open up the site to residential development and he would like it kept at just the assisted living designation for this parcel.

5.4 **SPEAKING:**

- **Denis Morrill - Chief Legal Council for Avalon Care.** [20:49:41](#) **Mr. Morrill** felt that the first plan didn’t work and now with the change in economics it surely would not work now. He felt that the assisted living use is needed in the community and asked for approval. .
- **Mitch Haycock** (Lives on Carpenter Cove – north of this site). **Mr. Haycock** said that he noticed the signs out on 5400 South advertising that the Avalon facility was coming soon and thought that meant the Small Area Master Plan had been scrapped. [20:50:55](#) He did not agree with this proposal and felt there were other options to investigate. He added that he was very disappointed by the lack of citizen turn out for this and felt that the off ramp from I-215 would be a major impact and was concerned about the amount of parking being proposed for this use.

5.5 **DISCUSSION:**

- **Commissioner Fazzini** asked if on the original plan was there any proposal for residential? **Mr. Meldrum** said that it was a blended use, with the first floor being commercial and above that residential so that each building was a true mixed or blended use.

- **Commissioner Bolton** - When the Commission re-accomplished the Master Plan he wanted the residential element inserted into it in order to make it a true mixed use. The plan now is for a commercial-only type center but the original thought was to make it a true mixed use type of development. That is why with regard to adding residential, if it gets very specific again, the project is excluding the opportunity to bring apartments and condominiums. The Commission should not eliminate a true mixed development, which was the intent of the CCSAMP. [20:55:07](#)
- **Mr. McGrath** read the exact language from the plan: "Guiding Principle #4 "The City Center site should be composed of a carefully blended mix of land uses including civic, restaurant, professional office, residential and specialty retail. These uses should be further shaped to help maximize the overall vibrancy and success of City Center. For example, inactive spaces" such as private residences and office uses should be limited at the street level. Instead, as a general rule, they should be placed on upper levels while storefronts at the street level be reserved for more public and active spaces like restaurants and retail locations."
- **Commissioner Overson** asked again if adding the word "residential" to this plan would include assisted living or did there need to be specifics saying the word "assisted living"? **Mr. McGrath** said that adding "residential" covers it.
- **Mr. Meldrum** added for clarification that this is not a request for a zone change. The zoning on the property is MD-3/zc and will remain MD-3/zc. The request is to amend the CCSAMP.
- **Commissioner Fazzini** asked if the document he was looking at (Page 15), is it off the original master plan or off the second one? **Mr. Meldrum** said that this is the adopted version from 2006 showing where it started and where it ended up, there are strike-throughs and underlines and is the last edit.
- **Commissioner Bolton** asked what part of the master plan was being modified – just the 5 acres or the whole small area master plan and was informed it was just for the 5 acre piece. He continued on to say he understood the intent but felt the plan was not well thought out.
- **Commissioner Jensen** said that he understood that the reason why the City Council removed residential as a use was to preclude having apartments in there. [20:58:52](#) The City Center is difficult to get to and that is probably why it lacks commercial appeal and why this plan really hasn't taken off as fast as expected. He would like to see it go back to where it says, "carefully blended mix of uses" and add "assisted living facilities". He wanted to put something in that says on the second and third floors there be residential. So they know it is welcome but not intended to be turned into an apartment complex either.
- **Commissioner Bolton** said he felt that the intent of the CCSAMP was to make it an active community with a truly mixed use. Whatever brings the people there. The various types of residential really works for what the intent of the Small Area Master Plan is.
- **Commissioner Fazzini** commented that the original language says "***should***" not "***shall***" and so that means it still allows the use on the first floor for residential. In the original text it has, for example inactive spaces such as private residences and offices should be limited at the street level. The language probably should be based on what is being discussed here and not allow the residential use on the street level.
- **Commissioner Bolton** asked if by modifying Item iv, it was going to address the needs for the whole small area master plan? Would that be the only section of the CCSAMP being looked at to amend or were there other items throughout the 22 pages of the document and exhibits that is not included. It is what the applicant asked for but he did not feel this is a complete packet nor thorough amendment to the CCSAMP. The information provided by the applicant was a paragraph provided on their letterhead that didn't address any particular item at all within the CCSAMP. It just said, they request that the Small Area Master Plan of this area southeast of the City Office Building be modified to include assisted living facilities, etc. Then it goes on to describe what it is going to be, 60,000 square feet, divided between two floors and will house a maximum of 104 beds. It doesn't talk about anything within the CCSAMP. Item #4 provided by staff is a copy from Section III – General Concepts of the Plan. Therefore, he wondered what part of the CCSAMP was being amended?

- **Mr. McGrath** said that the only thing that is crystal clear is the use. The use is defined as residential. According to the CCSAMP, residential uses are not one of the uses being considered. Answering the questions about the guiding principles, streetscape quality, etc., is a very difficult to answer until a specific project is being discussed. He did not know if the proposed streetscape meets the streetscape recommendations in the recommendation standards until there is more information regarding this proposal. .
- **Commissioner Bolton** [21:03:56](#) said that then apparently the modification requested for the CCSAMP is simply to add residential uses. **Mr. McGrath** agreed that needed to be changed. **Mr. Meldrum** gave a word of caution saying that the request from the applicant not only includes assisted living but also independent living in a future phase. So the Commission may not want to limit it just to assisted living and he suggested using instead the word "senior housing" or something of that nature that would cover both. **Commissioner Bolton** added that assisted living does not always apply to senior housing either.
- **Commissioner Fazzini** asked if staff was aware of any other cross references that would refer to residential or no residential use in the CCSAMP other than the section being discussed this evening.
- **Mr. McGrath** replied that the way the CCSAMP is formatted or constructed is it initially identifies those nine guiding principles of development and then the next chapter in the document takes each one of those nine principles and has a series from anywhere from 5 to 20 recommendations. He did not have a copy of the official master plan created by Cottonwood Partners with him, just the old version. However, going to Section E, Carefully blended mix of land uses, on this document there are six recommendations that actually goes as far as to say what uses should go where. For example, the original plan called for restaurants on Centennial Way, residential back in the far northeast corner of the project, a large office building that terminates Taylorsville Boulevard. Some address mobile vendors, recommendation #2 says a mix of land uses including retail, restaurant, professional offices and residential should be accommodated at the City Center. The street level should be dominated by active and public uses such as restaurant and retail uses while the upper levels contain private spaces such as offices and residential uses. Recommendation #3 says that the City Center should have a mix of local and national businesses, drive through windows should be avoided. **Mr. McGrath** asked Commissioner Bolton if he would like a point by point dissertation which addresses where everyone is on the same page and where they are not. **Commissioner Bolton** said that he personally understood the intent but felt that the proposal by the applicant was not a well thought out plan which leaves the Commission having to debate amongst themselves if it is residential, mixed use or what it going to be and how it is going to affect the 5 or 20 acres, what they are asking for, what they are not asking for. He was not comfortable making a decision based on an incomplete application. He did not feel that one paragraph adequately addresses a document that has been around since 1998/99.
- **Commissioner Fazzini** commented that changing master plans is a long process and the Commission is being asked to make a significant change tonight which serves the interest of one party, which he said was a concern to him. He felt this proposed change deserves the same amount of attention as did the original plan. [21:09:09](#)
- **Commissioner Jensen** agreed with that comment but said that the reality is that this master plan really isn't going too far too fast and that is what the City administration is wrestling with. He felt that by including "assisting living facilities" under the defined list of uses it would take care of it.
- **Commissioner Bolton** said that if there is a problem with the CCSAMP because of the economic decline, it should be scraped and addressed individually as the parcels come in. The last developer came in and made major changes to it and redid it the way they wanted it for all 20 acres. Now the Commission is starting to look at these small pieces, so if the CCSAMP is in fact flawed based on the current economic times or just the overall thinking, then do away with it and move on. [21:10:40](#)
- **Commissioner Overson** added that she still feels that adding the word "residential" is appropriate. If it says "assisted living" that may be too restrictive if there are potential single family senior housing developments interested in this site. She felt that the Commission is making this harder than it needs to be. She expressed an inclination to add the word "residential" back into this CCSAMP, say from Centennial Way east to the east property line of the City property. Then that gives some flexibility to whoever might want to propose something. It is not to say that the City wants the whole thing in residential but just adding the word "residential" back into the plan.

- **Commissioner Jensen** felt that by doing so, the red light will go on and nothing will fly when the City Council sees “residential” added back in there.
- **Commissioner Fink** agreed with Commissioner Overson and felt that adding “residential” back in does cover it but wondered why not do it for the whole property and not just this 5 acre parcel. That is the way it was in the beginning.
- **Commissioner Bolton** referred to Commissioner Jensen’s comment about what the City Council might or might not do by saying that is beyond the control of the Commission. The Commission should do, as a group, what it feels is best and then forward it on to the City Council for their decision.
- **Commissioner Jensen** wanted to know if “residential” includes assisted living facilities and **Mr. Meldrum** informed him that it does.
- **Commissioner Overson** added that doesn’t mean that everything will be residential if they were to approve that – it just means it is a possibility, just like commercial is a possibility.
- **Commissioner Jensen**’s concern is that the City Council has already “residential” from the plan once.
- **Commissioner Fazzini** advised that was correct, however, the economic/financial situation five years ago was substantially different than it is now. [21:14:22](#)

5.6 **MOTION:** [Commissioner Overson 21:14:37](#) - I would like to make a recommendation to the City Council to amend the City Center Small Area Master Plan to include the word “residential”.
SECOND: [Commissioner Fazzini](#)
[Commissioner Bolton](#) restated the motion to amend the City Center Small Area Master Plan (CCSAMP) to include the use of residential. [21:15:46](#) I would suggest that instead of just adding the word, that we add the use. [Commissioner Overson](#) was okay with that, as was Commissioner Jensen as Second.
[Commissioner Bolton](#) restated the motion to send a positive recommendation to amend the City Center Small Area Master Plan to include the use of residential.

VOTE					
Commissioner	Vote	Commissioner	Vote	Commissioner	Vote
Murray	N/A	Bolton	NAY	Fink	AYE
Overson	AYE	Jensen	AYE	Fazzini	AYE
Motion passes 4 to 1. Commissioner Bolton said the reason for this NAY vote was that he did not feel like the Commission is addressing the whole master plan. Commissioner Murray was not present.					

Item #10 was heard next.

ZONE CHANGES

6.	5Z09	Young Electric Sign Company – Recommendation to the City Council Regarding a Zone Change from R-M/zc to M-1. (Michael Meldrum/Principal Planner)
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6.1. **Mr. Meldrum** presented this item. This application is for a zone change from R-M/zc to M-1/zc. [19:14:17](#) The property is currently zoned R-M/zc with two zoning conditions. The zoning conditions are: Bank, office including related research and development and associated fabrication and assembly, and storage units.

Findings of Fact for File #5Z09:

1. The property is the only property east of Atherton Drive that is not in the M-1/zc zoning district.
2. The adjacent land uses are compatible to the requested zoning district.
3. The applicant is requesting the zone change to ultimately erect an electronic message center sign.

Staff Recommendations: That a positive recommendation be forwarded by the Planning Commission to the City Council to grant a rezone of 1.29 acres from R-M/zc to M-1/zc.

6.2 **APPLICANT ADDRESS:** Applicant was present but did not speak.

6.3 **SPEAKING:** None.

6.4 **MOTION:** Commissioner Overson – I feel this is an appropriate re-zone request that brings this property in line with those surrounding it, therefore, I move that we forward a positive recommendation to the City Council granting a re-zone from R-M/zc to M-1/zc. Adding a condition that the “storage units” use be removed as an allowed use. [19:16:50](#)

SECOND: Commissioner Murray
Commissioner Bolton restated the motion

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

7. 6Z09 – **City of Taylorsville** - Recommendation to the City Council Regarding a Text Change Amendment to the Zoning Ordinance Concerning Domestic Chickens. (Mark McGrath – Community Development Director) [19:18:07](#)

7.1 **Mr. McGrath** presented this item. This ordinance will permit chickens under certain circumstances in the following zones: R-1-6, R-1-7, R-1-8, R-1-10, R-1-15, R-1-21 and R-1-43. (Mr. Meldrum started the presentation for Mr. McGrath) by giving an outline of the proposed changes [19:18:33](#) Mr. McGrath took over at this point and advised that Staff made the changes to the proposed ordinance and the report now before the Commission contains changes suggested during the last public hearing. He said that he would answer . (Listen and type). Attached to the staff report is the domestic chicken permit. Answer any questions from the P.C.

Findings of Fact for File #6Z09:

1. Taylorsville City code currently prohibits the keep of chickens in residential zones.
2. There are certain health risks associated with chickens that justify regulation by the City, including, among others things, increased setback standards for detached structures.
3. The Planning Commission has received public comment in support of allowing domestic chickens in residential zones.

Staff Recommendation: Staff recommends approval of File #6Z09 to amend the Taylorsville Zoning Ordinance to permit the keeping of chickens under certain circumstances in the R-1-6, R-1-7, R-1-8, R-1-10, R-1-15, R-1-21 and R-1-43 zones.

7.2 **DISCUSSION:** None.

7.3 **APPLICANT ADDRESS:** Staff made the presentation on behalf of the City administration.

7.4 **SPEAKING:**

1. **Pat O’Toole** wanted to know what was involved with this ordinance and **Commissioner Bolton** explained that the City of Taylorsville previously did not have any type of application for this use. [19:20:44](#)
2. **Jennifer Ford** (3429 W 5660 S) - [19:21:32](#) had a question regarding Letter A, Item #7 of the proposed ordinance where it discusses chicken coops being considered the same as accessory buildings. She wanted to know what the height limitation would be. **Commissioner Bolton** informed her that would differ depending on which zone is involved. **Mrs. Ford** then needed clarification of Item #14, paragraph v, 1, regarding it being free standing. She said that she understood the restrictions but just wanted to make sure it is fair. Those were her only two questions and she was okay with the rest of the ordinance as written and presented. [19:23:16](#)
3. **Steve Romo** [19:24:22](#) wanted to know what the cost of a chicken permit would be and was informed by **Mr. Meldrum** that it would be \$35.00, like any other animal hobby permit. **Mr. Romo** then wanted to know what the penalties would be and **Mr. McGrath** said that the City would first ask the applicants to come into compliance and if that did not happen, steps would be taken to revoke the permit. **Mr. Romo** then wanted clarification as to what constitutes “slaughtering” of chickens on the property. **Mr. McGrath** advised food purposes changes the character of the neighborhood, therefore, killing chicks on site is not allowed. If the chicken gets sick, it must be taken to a Veterinarian the same as would any other animal. **Mr. Romo** then asked about Para A, #13, iii, which says that all enclosures shall have a maximum opening of three inches. He did not

feel 3" was large enough for chickens to get through. **Mr. McGrath** explained that pertained to the fencing and was meant to keep the chickens contained. [19:29:34](#)

4. **Diane Kay, Salt Lake Valley Health Department** [19:31:07](#) said reference chickens that have died on the property, the corpse may be double bagged and put in the garbage can but for now euthanizing by a Veterinarian is the only approved method of killing chickens or any other animal and which is very costly.
5. **Jill Romo (5676 S 3525 W)** thanked the Commission for taking on the challenge of writing this ordinance. It will change life for a lot of people. She suggested that Taylorsville makes a pamphlet that covers all pertinent issues and offered her services to help with any issues. **Mr. McGrath** advised that City Staff is already in the process of preparing a comprehensive information form that covers the issues. [19:37:07](#)

7.5 **DISCUSSION:**

- **Commissioner Fazzini** - Item 14, V, 6 change the "or" to "and" in the first sentence. He then asked if Staff had looked into what other cities have done in regard to slaughtering chickens when they are at the end of their egg laying cycle and need to be replaced with ones who do lay eggs. As it stands now, they cannot slaughter the chicken on their own property and must take them elsewhere for disposal. **Mr. McGrath** said that he had not asked any of the other cities that specific question. He had talked with Salt Lake City and a representative from Multanoma County in Portland, Oregon who have had their ordinance in place for a number of years, asking what kind of unintended consequences there were. Both communities indicated that they have had virtually no issues with chickens since adoption of their ordinances. [19:38:07](#)
- **Commissioner Murray** asked that the slide regarding corner lots be shown. **Mr. McGrath** complied and displayed a diagram which indicated the City of Taylorsville setbacks. [19:40:43](#) The slide indicated by ordinance the definition of side and rear yards and **Commissioner Murray** brought up last time the situation of someone who lives on a corner lot, where can they have the coop if they have a very small back yard but an exaggerated side yard given the fact that they are on a corner lot. **Mr. McGrath** gave the definitions: Back yard is parallel and even with the rear façade of the home. Even though this area right here seems more like a side yard, it is technically referred to as the rear yard, so legally a chicken coop could be placed in that area. They would still have to conform to the side yard setbacks found in the ordinance or a minimum of 20", which also coincides with the side yard setback for the home. Essentially the coop could be brought right to that point in a typical situation. **Mr. McGrath** continued on with other issues saying that in talking with Diane Kay from the Health Department, she pointed out a couple of things, specifically on Item #14, iii, where it says that all chicken coops shall be placed at least 10 feet from the nearest habitable structure. It is a recommendation from the Health Department that that be extended to at least 15 feet. The original version was 20 or 25 feet. It was reduced down to 10 feet based on public comment during the last meeting but for the record, the Health Department is recommending a minimum of 15 feet there. She also had suggestions on food storage, which are verbiage changes only. She recommended increasing the allowable height of the coop from 6 feet to 10' to allow ease when cleaning and entering the structure. She also made the recommendation on the coop sitting on the ground. Right now there is a standard that says in 14 v 6 – "The coop shall be elevated off the ground at least 12" and be covered with predator or bird proof wire with a maximum opening of ¼". It says that the wire shall be buried at least 24" and bent outward at least another 24" to prevent rodents from burrowing into the structure. Her recommendation is that rather than burying it 24", it be buried 3", with the thinking being that it is more important that the bent portion extend the 24" out horizontally than having a depth of 24". The 3" will accomplish the exact same thing as does the 24". It makes it a lot less onerous on part of the person who is building the coop. [19:44:57](#) The Health Department will be given the chance to give input on the final draft before it goes to the City Council.

- 7.5 **MOTION:** **Commissioner Murray** [19:52:48](#) I would like to make a motion that we approve File #6Z09, Zoning Ordinance Amendment for Domestic Chickens and that we make the following revisions: (1) To #14, Item v 5 add that the height of the chicken coop be limited to a maximum 10' in height rather than 6'; Item #6 that the text reads that the coop shall be elevated off the ground at least 12" and covered with the predator and bird proof wire, and that the wire shall be buried at least 3" and then bent outward at least another 24". I am proposing that Item 14 iii remain at 10 feet from the nearest habitable structure. [19:53:46](#)
SECOND: **Commissioner Overson**

Commissioner Bolton restated the motion [19:54:14](#) We have a motion to approve File #6Z09, Zoning Ordinance Amendment for Domestic Chickens with the following modifications: To #14 iii – all coops shall be placed at least 10 feet from the nearest habitable structure and not 15 feet as recommended. To #5 – “No chicken coop shall exceed 10 feet in height”. Modification to #6 – “The coop shall be elevated off the ground at least 12 inches and covered with predator and bird proof wire with a maximum opening of ¼ inch. The wire shall be buried at least 3” and then outward at least another 24” to prevent rodents from burrowing into the structure.”

DISCUSSION: Commissioner Jensen - I have difficulty with #10 on the slaughtering of domestic chickens being prohibited. Usually people who are caring for animals of this nature and producing food, etc., don't really have a problem with raising chickens to eat. So I don't see why it is necessary to prevent the slaughtering of chickens because they probably will not have that many in the first place, then if properly disposed of if not consumed, then that would take care of it. I don't see them doing it everyday but I see that once every three or four years they may have to and I don't see why we would require them to take the chicken to a Veterinarian and pay an exorbitant fee to have the chicken euthanized. I would just leave it up to the owner on #10.

[19:56:07](#) Mr. McGrath clarified his intent by saying that this ordinance deals with residential zones. Nothing prevents the raising of chickens in agricultural zones. The intent was to respect the character of the residential zones by limiting the use to egg production and having chickens as pets. He believed that slaughtering chickens crosses the line and is not appropriate. [19:57:31](#) Commissioner Fink asked why Commissioner Murray left the distance at 10' instead of 15'. Commissioner Murray said it was made known that properties on the lower end of the zoning ordinance the 15' distance would pretty much preclude them from having chickens. Understanding the intent of the guideline, I think that is a wide net, so that was just my position.

VOTE					
Commissioner	Vote	Commissioner	Vote	Commissioner	Vote
<u>Murray</u>	AYE	<u>Bolton</u>	AYE	<u>Fink</u>	AYE
<u>Overson</u>	AYE	<u>Jensen</u>	AYE	<u>Fazzini</u>	NAY
Motion passes 5 to 1.					

8. 7Z09 **City of Taylorsville** – Recommendation to the City Council Regarding a Text Change Amendment to the Zoning Ordinance Concerning the Federal Emergency Management Act (FEMA) (Michael Meldrum/Principal Planner) [19:59:33](#)

8.1 **Mr. Meldrum** presented this item. The City is seeking to amend Section 13.36 of the Zoning Ordinance regarding Flood Plain Hazard Regulations. The application is a result of an unfunded mandate from FEMA and is required to be compliant and to be eligible for flood insurance. The City's legal counsel has prepared a draft ordinance for the Commission's review. The major difference between the existing ordinance and the proposed ordinance is the lack of explicit provision for an appeal process in the proposed ordinance. The remaining text was provided by FEMA and will allow the City and residents to obtain flood insurance where necessary. There is a lack of a specific appeal process.

Staff recommends a positive recommendation to the CC.

Findings of Fact for File 7Z09:

1. The proposed zoning ordinance text amendment is the result of an unfunded mandate from FEMA regarding Flood Plain Hazard Regulations.
2. Adopting the proposed Zoning Ordinance text amendment will allow the City and residents to obtain flood insurance where necessary.

Staff Recommendation: Staff recommends a positive recommendation to the City Council to amend and replace the text from Section 13.36 of the Zoning Ordinance regarding Flood Plain Hazard Regulations.

8.2 **DISCUSSION:** Commissioner Overson asked if this will now bring the City into compliance. **Mr. Meldrum** told her it did. This is a mandate that the City must be compliant with by September 25, 2009 in order for the City and residents to be eligible for flood insurance. [20:01:26](#) Commissioner Jensen wanted to know if this applies only to those areas along the Jordan River? **Mr. Meldrum** informed him that this applies to any area that falls within the 100 year flood plain area as delineated on the flood plain maps. Commissioner Jensen gave the example that if the canal were to break and **Mr. Meldrum** advised that would fall within the 100 year flood plain area. [20:01:56](#)

8.3. **APPLICANT ADDRESS:** City of Taylorsville

8.4 **SPEAKING:** None.

8.5 **DISCUSSION:** **Commissioner Jensen** suggested that on Page #8, 13.36.050 A. the Floodplain Administrator be designated to a department rather than one specific person (Community Development Director). **Mr. McGrath** - It is the Director or his alternate, which in our case is the City Engineer. [20:03:16](#) **Commissioner Jensen** would also like the appeal authority identified. **Mr. Meldrum** said that any appeal of the Zoning Ordinance is the Board of Adjustment. **Commissioner Jensen** asked if under flood hazard reduction, it would include things like bridges and debris build up on bridges. **Mr. Meldrum** said it includes anything would prevent the free-flow of water. **Commissioner Jensen** asked if where it says "new construction", did that apply to existing? **Mr. Meldrum** said that he did not know the answer to that. **Commissioner Jensen's** concern was would this apply to a bridge being too small? Would it require that a new bridge be built larger or did it require that something be put in place so that debris doesn't build up in case of a flood or large run-off? **Mr. Meldrum** understood the question and said the answer would require research. **Commissioner Fazzini** commented that on Page 10, there was note made on Item 6 that needs to reference a specific section number. **Mr. Meldrum** - It says the word "Section" and does not list a section number. That is something that will have taken up with legal counsel to address properly. **Commissioner Fazzini** wanted to know if this has to go before the City Council and was informed by **Mr. Meldrum** that it would. This is a recommendation from the Planning Commission which will be reviewed by the City Attorney before it is forwarded to the City Council for decision. [20:06:21](#)

8.6 **MOTION:** **Commissioner Jensen** – Based on the discussion heard this evening and Findings of Facts in the staff report, I would like to move that we forward a positive recommendation to the City Council to amend and replace the text from Section 13.36 of the Zoning Ordinance regarding Flood Plain Hazard Regulations as listed in File 7Z09 and that we include the comments and suggestions from this meeting so they can conduct their review. [20:07:23](#)

SECOND: **Commissioner Overson**

Commissioner Bolton restated the motion to send a positive recommendation to the City Council for File 7Z09, zoning text amendment regarding Floor Plain Hazard Regulations, based upon Findings of Fact and comments heard this evening. **VOTE: All in favor.**

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

CONDITIONAL USES

9. 33C09 – **Jairo Botero** - Restaurant Liquor License - 4115 S Redwood Road (Dan Udall/City Planner) [20:08:10](#)

9.1 **Mr. Udall** presented this item. The applicant is proposing a restaurant liquor license. The restaurant license is proposed to be located in the shopping center on the southeast corner of 4100 South and Redwood Road (on the north side of the shopping center). The applicant is requesting a restaurant liquor license that allows the sale of wine and beer with meals. This type of license is listed as a conditional permit in Taylorsville City Zoning Ordinance. The applicant currently has a restaurant at the subject site. [20:09:14](#)

Findings of Fact for File #33C09:

1. The use meets all setback standards as established by Taylorsville city Code for public or private schools, churches, public libraries, public playgrounds and parks.
2. The restaurant liquor license is a conditional use in the C-2 zone.

Staff Recommendation: Staff recommends approval of File #33C09 with the following conditions:

1. That the use is compliant with all requirements of applicable reviewing agencies.
2. That the use is subject to review upon substantiated and unresolved complaints.
3. That the use meets all Taylorsville City Codes.

9.2 **APPLICANT ADDRESS:** **Present.**

9.3 **SPEAKING:** None.

9.4 **DISCUSSION:** **Commissioner Overson** asked Mr. Udall if he had received any public input regarding this application and he said that he had not.

- 9.5 **MOTION: Commissioner Jensen** [20:11:02](#) - **Based on Findings of Fact and staff recommendations, I move for approval of File #33C09.** [20:11:18](#)
SECOND: Commissioner Fink
Commissioner Bolton restated the motion for approval of File #33C09 based on the Findings of Fact and staff recommendations. [20:11:34](#)

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

10. 34C09 – **Architectural Nexus - Taylorsville Assisted Living Center** – 2600 W Taylorsville Blvd – (Michael Meldrum/Principal Planner) [21:16:33](#)

however, this gets more into the detail of it. He showed the vicinity map and aerial view and explained the plan via the image site plan. The proposed site plan drawing eliminates four parallel parking spaces that are located along Taylorsville Blvd. It also proposes a porte-cochere on the south side of the building, which would allow the drop-off of residents and guests coming to visit. He displayed the circulation plan on the screen. The circulation around the site is based off of Centennial Way and also Taylorsville Blvd with a loop road system that would connect the two including a round about that would connect and provide connection to future uses to the north. The proposed road widths are shown at 25' and staff has a couple of major concerns with the proposed location of the dumpster and generator pad being located right off of Taylorsville Blvd. Staff would recommend that with good planning practices those should be located interior to the development and not visible from the public streets. There are 45 parking stalls that are provided throughout the development, with the majority of those being located just south of the building and including a couple of handicapped parking stalls. This will provide parking space for approximately 60% of the residents, many of whom will not be driving. Therefore, Staff is not concerned with the number of parking stalls provided and feels that would be sufficient for the requested use. The architecture of the building (showed the floor plans and elevations of the building). Staff would quote somewhat from the CCSAMP from Section iv, which says, "architectural design qualities should be stressed above all other concepts. Building design should avoid long and monotonous walls and roof lines. Buildings should architecturally address public ways, streets and sidewalks, even if their primary entrance faces central parking. This is the case with this particular building. The primary entrance is located on the south side of the building, so the building orientation is south – not facing a public way or sidewalk. The primary entrance is identified by the porte-cochere and along the street are the generator pad and dumpster enclosure. The scale of the building itself is relatively large and does not lend itself to creating a pedestrian-friendly orientation. In fact, the sidewalk does not continue along the north side of the project, which would be along Taylorsville Blvd. The City Center Small Area Master Plan further states, "A basic assumption of the City Center Small Area Master Plan is that it is impossible to create a community gathering place that does not create a comfortable pedestrian environment. A primary difference between the proposed City Center illustrative plan and a typical suburban commercial strip center is how the automobile is managed. One of the unfortunate realities of life today is the inherent conflicts between pedestrian needs and desires and our most popular form of personal transportation – namely the automobile." It continues to quote, "As a result, special design considerations must be in place to ensure creating an environment that is walkable and oriented towards the comfort of pedestrians. These design considerations must recognize the need to accommodate the needs of vehicles, but de-emphasize their physical and psychological impact." In staff's opinion, the proposed site plan does not provide the environment that is walkable and oriented towards the comfort of pedestrians, rather it geared towards the automobile and while it may be argued that the residents of this facility may not necessarily use pedestrian connects, there certainly would be those that would come to the City Center that would want to use those amenities and staff is of the opinion that those are a critical component of the vision of the City Center development. Around the perimeter of the parking area, the sidewalks are currently shown at a 5' width and City Code requires a minimum of 6' in width to accommodate vehicular overhang into those sidewalk areas. That is especially important to those in wheel chairs and other ambulatory aids. The proposed building materials for the exterior of the building are a mix of stone and stucco which is done by an EIFS material, which is an engineered stucco type material. The preponderance of the roof is covered with shingles, similar to the City Hall building, with a few key locations that have a standing seam metal roof, done in hip, gable and shed style roof that provides different roof components. There are several ideas from the CCSAMP which, dependent on the outcome of the General Plan Amendment, may be pertinent to this development. [21:24:08](#)

Findings of Fact for File #34C09: None

Staff Recommendation: Staff recommends that the Planning Commission consider the written information and oral testimony at the meeting to formulate their decision.

10.2. **APPLICANT ADDRESS:** **Bob Petroff (Architectural Nexus)** [21:26:50](#) **Mr. Petroff** said that he was not sure what to say about the staff report. The proposed use is for assisting living and very few living there would walk very far. It will be made handicap accessible for those who are disabled. They intend to provide necessary walks and area to protect their residents, even from the parking lot. He agreed that the plan at this point is not complete and there will be minor changes made. He understood staff's concern over the locations of the dumpster and drop off areas. The reason they are located where they are is because they are adjacent to the kitchen serving area and if that is a concern, they would look at whatever recommendation staff and/or the Commission may have. They could look at possibly some screening or even look at redesigning the plan, however, in so doing, it may not fit into configuration of the lot. It is something they are willing to look into.

- **Commissioner Fazzini** said that the City has a general ordinance regarding sidewalks and he was curious why there were no sidewalks planned along the north perimeter of the property and also, since it is supposed to be a mixed use walkable community that this is being built in that would apply as well. He also had a question about bicycle parking for staff and visitors. **Mr. Petroff** responded that he did not know why there is not a sidewalk on the north perimeter. He believed that there is a sidewalk on a portion of the north but not the whole length, which can very easily be fixed by continuing it on around. He believed that the sidewalk goes up Centennial Way and around until the dumpster/drop off area. That needs to be followed through all the way over to the turn about and connected down through the area. [21:28:57](#) As far as parking goes, on past projects this amount of parking has been sufficient to accommodate residents, staff and visitors. He asked Mr. Morrill if he had anything concerning staffing and **Mr. Morrill** replied he would like to mention that assisted living means these are people who need assistance with the activities of daily living. Some may walk but most don't get too far from the facility because they need help with those types of activities. [21:30:32](#) Fourteen of the units will be Alzheimer care units and they are always secured.
- **Commissioner Overson** said in the letter regarding the General Plan application it stated there would 104 beds and in this plan it says a total of 75 beds. **Mr. Petroff** said that means there will be 75 units or rooms, some single and some double. That is where you get the greater number of beds than units. **Commissioner Overson** continued on to say that the applicant had mentioned that at some point in the future there would be some single family residential. **Mr. Petroff** said it would be senior independent living units. **Commissioner Overson** asked if that would be in conjunction with this and was informed that was correct and it would be located closer to 5400 South. **Commissioner Overson** advised that what she is struggling with is that she would like to see how everything relates in this project. This could be a little community for seniors but how does the independent living relate to the assisted living, walkways, road systems, parking, etc. She felt this is a good attempt but needs more attention to detail. What is described in the General Plan is that this needs to be a cohesive development that is user friendly, where people can gather and feel comfortable and not restricted by sidewalks or lack of sidewalks and if there is going to be a busy road coming through dividing this in half. This could be made into one very nice large development that flows. **Mr. Petroff** said that planning is underway on how the entire five acre parcel could be developed but the main idea is to start with the assisted living element and independent living. **Commissioner Overson** added that she would hate to think this is an isolated little community and advised she is not ready to give approval yet. There are no conditions at all and it is going to take a lot more work. The building is nice but the architect is capable of better. It needs a more home feeling rather than institutional – probably somewhere in between. [21:36:25](#)
- **Commissioner Fazzini** advised that his question was regarding bicycle parking. The standard ratio is 1 to 10 or 1 to 12. He asked the applicant if they would be opposed to putting two loop racks in to handle four bicycles. **Mr. Petroff** said that they would have no problem in doing that, they just have not identified any areas for that yet. The typical location would be in the front. [21:37:09](#)

10.3 **SPEAKING:**

- **Denis Morrill** - [21:37:37](#) said that there is a continuum of care. Independent living consists of those people who are independent – come and go, have cars, etc. They, typically have to sell their homes to move in. The reason independent living is not being proposed at this time is because of the economy it could not be sustained. It will become part of this proposal when the economy improves.
- **Mitch Haycock** wanted to know why, if this project has yet to be approved, are the signs already erected saying the Avalon project is coming. He wanted to go on record saying he was not in favor of project on this site at this time.

- **Dama Barbour** [21:40:04](#) said that she came to tonight's meeting just to observe but decided to convey her feelings, which are very mixed at this point. While she was on the Planning Commission, they and staff worked very hard on this City Center Small Area Master Plan and felt it needed to be supported. Another one of her feelings tonight was how many Alzheimer units does this City need? She conceded that when the original plan was made, economic times were unarguably better than now. She also asked that the Commission to think long and hard about the adequacy of the proposed parking. She agreed that something needs to be done on this site but felt the freeway off ramp that is proposed to go in, would put the City in a better bargaining position for something more suitable here.
- **Commissioner Fazzini** wanted to know what the total day time staff was and **Mr. Morrill** did not have that information with him but could provide it later to the Commission. [21:42:46](#)
- **Mr. Meldrum** said that the amount of parking is for this particular use only. The Arts Center will have plenty of parking available for its own use. [21:44:07](#)

10.4 **DISCUSSION: Commissioner Overson** wanted to know if the proposed off-ramp from I-215 was still being planned and **Mr. Meldrum** said it was and probably would be constructed within five years. She then asked how this would impact the site and was informed it would be on the east border and may impact internal circulation. **Commissioner Overson** added that there are a lot of unanswered questions and she was very uneasy about approving this. [21:45:11](#) **Commissioner Bolton** said that the Commission has before them a conditional use permit for a senior assisted living center which currently does not conform to a myriad of things as outlined in the City Center Small Area Master Plan. The Commission is at a point where they can start giving out conditions to make it conform to that master plan or can give the applicant additional time to try to address the concerns.

10.5 **MOTION: Commissioner Fazzini** - I will make a motion that we table this application until such time that the applicant can come back with maybe a different recommendation that the Commission is more amenable to. **Commissioner Jensen** - I am confused. We are just talking about the conditional use permit. They would eventually have to come back with a refined preliminary plan and then a final plan. **Commissioner Bolton** - We do have a motion on the floor. **Commissioner Jensen** - I want to be clear because why table it if it is okay? **Commissioner Fazzini** - The use isn't necessarily okay and that has been part of the discussion tonight. **Commissioner Jensen** - We just recommended the approval of the use. We recommended to the City Council that it be allowed. **Commissioner Bolton** - But we now have a motion. **Commissioner Jensen** - This is part of the discussion. We have already recommended that we approve that it be allowed. **Commissioner Bolton** - I understand that. Do we have a second for the motion or does it die for lack of a second?

SECOND: Motion dies for a lack of a second.

DISCUSSION: Commissioner Overson - I don't think we approved anything. What we did was add a residential element to the property. **Commissioner Jensen** - Which essentially says, okay City Council, this looks okay to us. **Commissioner Fazzini** - No, it was the residential use that we agreed with. **Commissioner Jensen** - Well, this is just permission to go ahead. **Commissioner Bolton** - No, this is the conditional use permit. This is where we outline landscaping requirements, parking requirements, lighting requirements, landscaping requirements, are we okay with the building - it doesn't really comply with the master plan. It talks about the building not needing such a long linear roof line. Looking at the roof, there is no articulation there at all. This is where we put the conditions on the permit to move forward. We have given approval for the use but not specifically this application. This is where there are usually a laundry list of conditions. **Commissioner Jensen** - Mr. McGrath, if we did or did not approve this, how many more times would it be a public hearing? **Mr. McGrath** - If you approve it tonight, you could see it again at the final, if you so stipulate. If you do not approve it, it would come back for preliminary approve again. If you approve it tonight, you basically have granted them their right to do this use and now it is simply a technical review and insurance that they are adhering to any conditions placed on them. If you approve it tonight, you basically grant them their right to build this project.

Commissioner Overson - Our choices are to approve, continue or deny. If approved, the Commission has given them no guidelines. If we table it, that gives them the opportunity to rework. If we deny it, they can appeal to the City Council. [21:56:10](#)

Commissioner Jensen - It makes sense to me to table it and give the applicant more time, pending approval of the General Plan Amendment by the City Council.

Commissioner Bolton - The applicant needs to show how this proposal will fit in with the surroundings, i.e., City Hall. We are not seeing the big picture here.

MOTION: Commissioner Fazzini - I move that we table this application to our next regular meeting, which is October 13, 2009. **Commissioner Overson** – I don't think the time specific is appropriate because of the time period for the City Council to address the General Plan Change. **Commissioner Jensen** - It could be continued to the first meeting after the City Council makes a decision regarding the General Plan. **Commissioner Fazzini** – I favor continuing to date not specific.

SECOND: Commissioner Overson

DISCUSSION: Commissioner Jensen recommended to staff to get the proposed General Plan change to the City Council as soon as possible.

Commissioner Bolton restated the motion to continue this application to a date not specified. **Mr. McGrath** - I think we should consider addressing the General Plan amendment in a more comprehensive nature before we send it to the City Council. I would hate to get these applicants in a revolving door of General Plan amendments where the City Council addresses the "residential" issue, it comes back to the Planning Commission for conditional use approval and then have the Commission say it does not conform to the community gathering place or other things. Then we would have to go back to the City Council, have them make a determination on that. I would hate to get the applicants in this never ending revolving door of an entitlement process. I think it would be advantageous for the Commission to know what it is you are approving and it would be much more fair to the applicants to know what the rules they are trying to play by are when it comes back to the Commission for final official approval. **Commissioner Bolton** - Currently, based upon the previous application to amend the General Plan, it was just to amend the use. That goes back to the whole question of what parts of the General Plan are we amending? Maybe a recommendation to the applicant would bring back an amended General Plan that works with the project or vice versa. Those are the guiding documents we have in front of us to make our decision. **Mr. McGrath** - I think what needs to happen here is City Staff needs to get together with the applicants and try to narrow down the issues as much as possible. To see where we can bring this project into compliance with the Small Area Master Plan, where does the Small Area Master Plan just not work as far as they are concerned, and then we can bring those issues to the Commission specifically and then the recommendation can be made to the City Council and the City Council can make the decision on where we are flexible on the Small Area Plan, and where we are not flexible. Then everybody, staff, applicants, and Planning Commission knows what the rules are for this particular application. Right now, no one is really clear on any of those points. **Commissioner Fazzini** - Since we already have passed the motion previously for the General Plan amendment, do we need to change it? **Commissioner Jensen** - The previous one that we are sending to the City Council was just a recommendation. **Commissioner Fink** - So to table this we would still be okay. **Commissioner Bolton** - We have a motion to table this application to a date uncertain. 22:09:23

VOTE					
Commissioner	Vote	Commissioner	Vote	Commissioner	Vote
Murray	N/A	Bolton	AYE	Fink	AYE
Overson	AYE	Jensen	AYE	Fazzini	AYE
Motion passes unanimously					

Mr. Morrill asked for a clarification on what date not certain meant – did it mean that the applicant determines when it is to be brought back. **Commissioner Bolton** advised him to work with City Staff to address those concerns. **Commissioner Jensen** added that it is all dependent upon what the City Council decides regarding the General Plan Amendment.

11. 36C07-A – **Legacy Village** – Conditional Use Amendment Regarding the Landscaping Buffer on the Southwest Property Line – 5472 S 3200 W. (Michael Meldrum/Principal Planner) 20:12:51

11.1 **Mr. Meldrum** presented this item. The applicant is requesting approval for an Amended Conditional Use Permit to modify the landscaping at the Western States Lodging's Legacy Village Alzheimer and Transitional Care Facility. The subject property is located at 5472 South 3200 West and is in a C-2 zoning district. 20:14:59

- Staff received a phone call from the general contractor about three weeks ago informing staff of a problem that had arisen during the construction of the project relating to the landscaping along the wall on the southwest property line. One of the requirements that the Planning Commission specified for the project was to continue the block wall along this property line. Staff has been informed by the general contractor that in order to have the wall be safe, a footing was installed with the return coming into the project property

approximately four feet. The landscape buffer on the southwest property line ranges in width from 6 to 10 feet. The preponderance of the width is 6 feet.

- The issue at hand is that there is insufficient width left in which to be able to plant a tree properly. The footing for the wall extends four feet into the project, effectively reducing the available planting area for a tree from 6 feet to 2 feet. Therefore, the applicant is requesting that he be allowed to relocate the trees shown on the original landscape plan from that area to other areas on the site.
- The applicant does intend to plant the shrub material, ground covers and mulch the landscape buffer but does not think that the two-foot width for planting the Fringe trees is sufficient or good landscaping practice. The applicant does intend to adhere to the approved landscaping plan with regard to the Amur Maple trees located along the southwest property line. A total of 24 trees is shown on the approved landscape plan. He proposal as presented by the applicant is to relocate or eliminate the 9 Fringe trees and plant the 15 Amur Maple trees shown on the approved landscape plan.
- It is staff's understanding that one of the reasons for requiring the trees along the southwest property line was to provide a living or green buffer between the residences to the southwest and the subject property. A site visit showed that the block wall that has been erected along the southwest property line is 6 feet on the homeowner's side and about 9 feet on the project side. While individual owners may be able to see over the wall, their view would be of the roof tops in the project. The project was intentionally designed with a residential roof pitch so as to create a smooth transitional area from the commercial users and the existing residences, however, the roof massing is not residential in size due to the nature of the facility. Retaining the 15 Amur Maple trees will provide most of the visual buffer that was discussed during the initial review process. It seems that it may be possible to replace the Fringe trees with Amur Maples and not lose any of the visual buffer.

Findings of Fact for File #36C07-A

1. The applicant has provided drawings to demonstrate his concern with planting trees along the southwest property line.
2. The applicant's landscape contractor is concerned with the ability to have trees survive along the southwest property line given the limited space in which they can be planted.
3. The applicant will relocate the trees from the southwest property line to other locations on the property site (no net loss of trees).

Staff Recommendation: Staff is not making a specific recommendation regarding the trees along the southwest property line but would suggest that the Planning Commission considers whether replacing the nine Fringe trees with nine Amur Maples would be possible to retain the green buffer as an alternative to losing trees. If the Planning Commission deems that it can support the request for the amendment, then staff recommends the following conditions of approval:

1. Comply with all requirements of the preliminary and final conditional use permit approvals, except as explicitly herein amended.
2. Provide an as-built landscape drawing to staff prior to obtaining a certificate of occupancy.
3. **[Changed by Motion]** All other landscaping must be planted as shown unless first approved by staff in the case of moving plants, shrubs, or trees from one location on the site to another.
That the Fringe trees be replaced with Amur Maples.
4. Comply with the requirements of all other reviewing agencies and departments.

11.2 **APPLICANT ADDRESS:** **Robert Long** said there is no possibility of digging the foundation trenches deeper and their landscaper is concerned about the health of the Fringe trees. **Commissioner Overson** said that she appreciated the willingness on the part of the applicant to plant additional trees and felt it would work by planting Amur Maples in the place of the Fringe trees. **Commissioner Murray** said that it will be nice to look out over the wall and soften it with trees and landscaping, even if the species of tree must be changed. [20:20:17](#)

11.3 **SPEAKING:** None.

11.4 **DISCUSSION:** **Commissioner Fazzini** agreed that a blank wall is not attractive and the trees being removed for cause need to be replaced with an acceptable alternative. [20:20:53](#)

11.5 **MOTION:** **Commissioner Murray** [20:21:31](#) – I move for approval of File #36C07-A with staff recommendations, replacing the Fringe trees that are not workable due to the existing footing, with Amur Maples.

SECOND: Commissioner Jensen

Commissioner Bolton restated the motion to approve the amendment based on the Findings of Fact in the staff report, with additional #3 that Amur Maples replace the trees in question. [20:22:19](#)

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

12. 35C09 – **The John Locke Academy** – 6196 S Redwood Road – Private School. (Dan Udall/City Planner)

[20:22:34](#)

12.1 **Mr. Udall** presented this item. The applicant is proposing a private elementary school on the northwest corner of 6200 South and Redwood Road. There is currently a Baptist church located on that site. The applicant is proposing 25 kindergarten through 6th grade students on the property. There are also five staff members or teachers attending the private school. The school has been in operation for a year or more. A citizen reported to City Staff that there is a private school at that location. The City wrote a letter to the property owner explaining that the use is a conditional use in the A-1 zone and a conditional use application is needed to be approved by the Taylorsville Planning Commission. The applicant has submitted a conditional use amendment application to the Planning Commission. The days and hours of operation are 7:30 a.m. to 2:30 p.m., Monday through Friday. (Correction from a member of the audience who is on staff was that the school is for grades 6 through 12). Staff is concerned with the amount of playground equipment on the property, however, the City doesn't have an ordinance regulating that. D

[20:25:15](#)

Findings of Fact for File #33C09:

1. That the applicant is requesting a private school in the A-1 zone. A private school is a conditional use in the A-1 zone.
2. A total of up to 25 children, grades ~~K through 6th~~ 6 through 12 and five staff members will be attending the private school.
3. That the proposed private school should not adversely affect the surrounding area.

Staff Recommendation: Staff recommends approval of File #35C09 with the following conditions:

1. Receive approval from and remain compliant with all applicable reviewing agencies.
2. That City Staff approves the final conditional review.
3. That the use is reviewed upon substantiated and unresolved complaint.
4. That a building permit is submitted for remodeling, if needed.
5. That up to 25 children and five staff members can attend the private elementary school.

12.2 **APPLICANT ADDRESS:** **Kathy Goss** said that the students (grades 6 through 12) do not use the playground equipment because that belongs to the church. They do use the gym when supervised by a teacher.

12.3 **SPEAKING:** None.

12.4 **DISCUSSION:** **Commissioner Bolton** asked if it made any difference in criteria now that the ages of the students are for grades 6 through 12 and not Kindergarten through 6th. **Mr. Udall** said that it did not make a difference. [20:27:49](#)

12.5 **MOTION:** **Commissioner Overson** [20:27:56](#) I move for approval of File #35C09 with staff recommendations 1 through 5 amending #5 to read that up to 25 children and a minimum of 5 staff members can attend the private school.

SECOND: Commissioner Fazzini

Commissioner Bolton restated the motion to approve File #35C09 with staff recommendations.

[20:28:54](#)

DISCUSSION: **Commissioner Jensen** – Will there ever be a minimum of less than five? Are we okay at making it a minimum? **Commissioner Overson** - The reason I said minimum was so that there must be at least five but if they want more staff, they certainly should be able to do so. **Commissioner Fazzini** – What happens if there are only 15 students enrolled? **Commissioner Jensen** - Or if one of the five staff members is sick or something. I just want to make sure it is practical. **Commissioner Bolton** - This a question on which we need clarification from applicant. **Ms. Goss** - Right now there are 14 students but since this is actually the first week of school, there have been two new applicants. So, we know we don't have 25 students right now but we do

have five teachers. Actually there are four teachers and one cafeteria aid. We do only have 12 students right now, with two more that just signed up today. Commissioner Overson - So the wording is five staff members, whether teachers or cafeteria or maintenance workers. Commissioner Jensen - Is a minimum of five do-able? Ms. Goss - Very easily. We want to keep the student to teacher ratio very low. Commissioner Bolton - My question is if that is something that would be regulated by the State Board of Education? Commissioner Fazzini - It is mostly an accreditation issue. 20:31:32

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

Commissioner Murray recused himself from hearing the remainder of the agenda consisting of Items #5, #10 and #13 as he is employed by Nexus. 20:32:36

SUBDIVISION

13.	6S09 – <u>City of Taylorsville</u> – Five Six Lot Subdivision – 2600 W Taylorsville Blvd (Michael Meldrum/Principal Planner)
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13.1 **Mr. Meldrum** presented this item. The City was originally seeking to obtain approval for a five-lot subdivision on the City Center property at 2600 West Taylorsville Boulevard. Just before the meeting this evening, the City Engineer provided a plan to staff for six lots. The proposed subdivision contains 19.609 acres. The property is accessed from both 5400 South and 2700 West. The City is proposing to dedicate the streets within the developed area. There are two streets that would be dedicated as part of this plat. They are Taylorsville Boulevard and Centennial Way. The plat will facilitate the development of the property to the southeast of City Hall, also on this agenda for review by the Planning Commission. The lots are currently labeled as parcels but will be labeled as lots for the final subdivision plat review. Staff has also noted a few other minor issues on the plat drawing that will be corrected with the final review. None of the issues change the proposed plat layout but are technical in nature. Staff has no further concerns about this subdivision plat. 22:10:34

Findings of Fact for File #6S09:

1. The applicant has requested a ~~5-lot~~ 6-lot commercial subdivision.
2. The lots comply with all ordinance requirements.
3. Street dedication will be completed with the recording of the subdivision plat.

Staff Recommendation: Staff recommends approval of File #6S09 and to allow staff to conduct final review.

13.2 **DISCUSSION:**

- **Commissioner Bolton** asked if Taylorsville City has a cul-de-sac ordinance with a maximum length? **Mr. Meldrum** said not that he was aware of. The United Fire Authority does but the City does not. **Mr. McGrath** interjected that the City actually does have such an ordinance but it is based on residential number of units – that he believed it says that no more than 20 units can be accessed off the cul-de-sac.
- **Commissioner Bolton** asked if the east side of the “T” terminating public access would be an issue and **Mr. McGrath** said it would not **Commissioner Bolton** wanted to know if there were provisions for a fire truck turn around within the public right-of-way? **Mr. McGrath** said there are provisions through the Fire Department regulations. **Mr. Meldrum** - The Fire Department has reviewed this and expressed no concerns or comments. He felt they were thinking about the undedicated portion of the existing parking lot that completes that loop as their ability for a turn around. **Commissioner Bolton** said that is private property. **Mr. Meldrum** advised that was correct and is what they are currently using. The roads currently are not dedicated and are private property.
- **Commissioner Bolton** said that would apply under single ownership – however, the proposal now is for multiple ownerships. **Mr. Meldrum** said the City would maintain ownership of the streets. **Commissioner Bolton** added that would not apply to #2, #4 and ... **Mr. Meldrum**

added that any driveway that would go through those would be driveways and not streets. **Commissioner Overson** wanted clarification by asking if it is appropriate to approve a subdivision with no streets going through three of the lots? **Commissioner Bolton** said the answer was both yes and no. All the lots have public access. His concern is about the length on the east end terminating and having adequate fire protection and turn around. The Commission does not have a site plan that they are being asked to subdivide the property with and there are no utility easements shown on the plat, which was of great concern to him in being able to provide serviceability to these lots.

- **Commissioner Overson's** [22:15:05](#) question was that the Commission is looking at approving a subdivision where there is a stub, which eventually will go through but wondered if that road would be public or private? **Mr. Meldrum** said that he did not know at this point if that would be dedicated as part of another project or not. If it is private, then there would have to be access by way of an easement over that property in order to use it.
- **Commissioner Overson** said to take, for example, Lot #4, which might be an Arts Center or civic use in the future. She just wants to be sure there is a way to get there. **Mr. Meldrum** understands the concern but was reasonably certain there would be acceptable access there. **Commissioner Overson** then said that as far as staff is concerned, what was being presented this evening was appropriate? **Mr. Meldrum** advised that as he had previously mentioned, there are some technical things missing, which Commissioner Bolton pointed out. Those being the utility easements are not shown on the diagram and normally there would be fire hydrants shown. Some things which are not included on the preliminary plat but that does not mean that they can't be reviewed during the technical review portion of the proposal and subsequently included on the actual plat and recorded.
- **Commissioner Overson** said this does not take into account the I-215 off ramp, which would carve some of this away, to which **Mr. Meldrum** replied that is included in the furthest east portion of the lot. **Commissioner Bolton** added that is the 65' easement that is already recorded. **Commissioner Overson** asked if this were generated by the City and **Mr. Meldrum** said the application is being driven by the City, yes. **Commissioner Overson** commented that the City must have done this lot configuration in the most advantageous way to attract businesses and uses. **Mr. Meldrum** said it is correct that uses and proposals have been brought to them for consideration. [22:17:55](#)

13.2. **APPLICANT ADDRESS:**

13.3 **SPEAKING:** None

13.4 **DISCUSSION:**

13.5 **MOTION:** **Commissioner Overson – 22:19:08** **Based on the Findings of Fact in the staff report and what staff has articulated, we have a proposal for a six lot subdivision, File #6S09, I move for approval.**

SECOND: **Commissioner Jensen**

Commissioner Bolton restated the motion to approve a 6 lot subdivision located at 2600 West Taylorsville Boulevard, based upon Findings of Fact as stated in staff report and four recommendations as outlined by staff, with modification to Item #1 to change to six lots.

VOTE					
Commissioner	Vote	Commissioner	Vote	Commissioner	Vote
Murray	N/A	Bolton	NAY	Fink	AYE
Overson	AYE	Jensen	AYE	Fazzini	AYE

Motion passes 4 to 1. Commissioner Murray did not vote. **Commissioner Bolton** said the reason for his NAY vote is that we are subdividing a large piece of property without any plans moving forward. It would be easy enough to make a two lot subdivision to accommodate the proposed development and subdivide future lots from that as needed. Without having full plans for like the Arts Center or proposed development on Lot #6, we really don't know what we are subdividing.

CITY COUNCIL MEETING DISCUSSION: **Commissioner Fink** advised that there were no planning matters discussed during the last City Council meeting.

OTHER BUSINESS: **Commissioner Overson** asked about the status of filling the two vacant Commission positions and **Mr. McGrath** advised that interviews are in progress. [22:22:38](#)

ADJOURNMENT: By motion of **Commissioner Fink** the meeting was adjourned at 10:24 p.m. 1

Respectfully submitted by:

Jean Gallegos, Admin Asst/Recorder for the
Planning Commission

Minutes were approved in meeting held on October 13, 2009.