

City of Taylorsville
Planning Commission Meeting Minutes
February 9, 2016
Pre-meeting – 6:30 p.m. – Regular Session – 7:00 p.m.
2600 West Taylorsville Blvd – Council Chambers

Attendance:

Planning Commission

Don Quigley, Chair
 Curt Cochran
 Anna Barbieri
 Dale Kehl
 Excused: Garl Fink, Lynette Wendel

City Staff

Mark McGrath – Director of Community Development
 Jim Spung – Associate Planner
 Stephanie Nate – City Attorney Office
 Jean Gallegos/Admin Assistant/Recorder

PUBLIC: Preston Andy, Ben Lakey, Rick Webster, Nancy Webster, Mike Norman, Sheree Norman.

The work meeting to review the Agenda was held by **Mr. McGrath** from 6:30 p.m. to 7:00 p.m.

WELCOME: **Commissioner Quigley** assumed duties as Chair, welcomed those present, explained the process to be followed this evening and opened the meeting at 7:00 p.m. [7:02:01 PM](#)

CONSENT AGENDA

Agenda/File #	Application	Applicants	Action
2.	Review/approval of Minutes for January 12, 2016.		Approved by motion as presented.

MOTION: **Commissioner Cochran** – I will make a motion to approve the Consent Agenda consisting of the Minutes for January 12, 2016 as presented.

SECOND: **Commissioner Barbieri**

VOTE: All Commissioners present voted in favor.

ZONE CHANGE

3.	1Z16 – Ben Lakey, BNB Development – 3475 W 4700 S – Recommendation for a Zone Change from R-1-8 to R-2-8 and R-1-6. (Jim Spung/Associate Planner) 7:05:49 PM
----	--

NOTE: Items 3 and 4 were presented by Staff concurrently.

3.1 **Mr. Spung** presented this item as follows: Mr. Ben Lakey has filed a request to amend the City's zoning map from Single Family Residential (R-1-8) to Two-Family Residential (R-2-8) and Single Family Residential (R-1-6-) on property at 3475 West 4700 South. The property is 24,568 square feet (0.564 acres) within the R-1-8 zoning district. There is an existing abandoned single family dwelling on the property that the applicant intends to renovate and convert to a duplex if the re-zone is approved. The existing accessory structures on the property would be removed and replaced by two (2) new single family homes.

3.1.1 The applicant has indicated that if approved, he would like to subdivide the property into three lots. The applicant has already filed a subdivision amendment request which is currently under review by City Staff (File #1S16).

3.1.2 The General Plan map shows this property to be located in an area designated as "Medium Density Residential." According to the Taylorsville General Plan, "Medium Density Residential districts are residential areas that contain existing or proposed residential development with a density between 6 and 8.9 dwellings per acre. Land assigned to MDR classification typically contains townhouses and condominium type developments as well as higher density single family dwelling neighborhoods (i.e. R-1-5 zoning districts)."

3.1.3 If approved, the proposed density would be 7 units per acre which is in line with the Medium Density Residential designation in the General Plan.

3.1.4 If the rezone is approved by the City Council, the applicant will still need to complete the subdivision process as well as receive the appropriate permits prior to construction or renovation of any structures.

3.2 **FINDINGS OF FACT:**

3.2.1 The applicant is requesting to rezone property at 3475 West 4700 South from Single Family Residential (R-1-8) to Two-Family Residential (R-2-8) and Single Family Residential (R-1-6).

3.2.2 The subject property contains 23,568 square feet (0.564 acres).

3.2.3 There is an existing single family home and three (3) accessory structures on the property.

3.2.4 A subdivision application (File #1S16) for the subject property is currently under review by City Staff.

3.2.5 File #1S16 is proposing to subdivide the property into three (3) residential lots.

3.2.6 The subject property has approximately 95.19 feet of frontage on 4700 South.

3.2.7 The subject property is approximately 273.24 feet deep.

3.2.8 The subject property is within the "Medium Density Residential" designation on the General Plan Map.

3.2.9 The zoning request complies with the City's General Plan.

- 3.3 **STAFF RECOMMENDATION:** Staff recommends based on the Findings of Fact, that the Planning Commission forwards a positive recommendation to the City Council for File #1Z16 – Zone Change from R-1-8 to R-2-8 and R-1-6 with no conditions.

SUBDIVISION

4. 1S16 – Ben Lakey, BNB Development - Consideration of a 2-Lot Residential Subdivision at 3475 West 4700 South. (Jim Spung/Associate Planner)
--

- 4.1 **Mr. Spung** then presented this item as follows: Mr. Ben Lakey, BNB Development, has filed a subdivision application with the City of Taylorsville to subdivide the aforementioned property into three residential lots. The property is currently made up of four (4) parcels. The subdivision request requires the applicant to re-zone the property from the single family R-1-8 zoning district to two (2) separate zoning districts. The property adjacent to 4700 South (Lot #1) is proposed to be re-zoned to R-2-8 to accommodate a duplex. The two lots in the rear of the property (Lots 2-3) are proposed to be re-zoned to single family R-1-6. The applicant has filed a re-zone application which is currently under review by City Staff (File #1Z16). This subdivision will be contingent on the applicant receiving approval from the City Council to re-zone the properties.

4.1.1 **Access:** Lot 1 will use an existing driveway on the western portion of the lot with access from 4700 South. The two interior lots will have shared access on the eastern edge of the subdivision via a private lane off of 4700 South. Mr. Spung read the City's Land Development Code for a private lane aloud. The applicant is requesting the Planning Commission modify the minimum 25 foot right-of-way requirement for the private lane to 20 feet. The applicant is proposing to provide a 20 foot wide right-of-way and paved surface to access the two rear lots. Section 13.21.100.P of the Land Development Code states, "The requirements of this section may be waived or modified by the Planning Commission after considering a recommendation from the city engineer." The City Engineer and Unified Fire Authority Representative are reviewing the proposed 20 foot wide right-of-way and 20 foot wide paved access. City Staff will inform the Planning Commission of the City Engineer's recommendation when a determination has been made. A turn-around is required at the end of the private lane for emergency crews. The Unified Fire Authority is currently reviewing the proposed plans; the applicant will be required to provide sufficient access and turn-around prior to final approval.

4.1.2 **Parking:** All residential dwellings in the R-1 and R-2 zoning districts are required to provide a two car garage in addition to two off street parking spaces. The applicant will need to demonstrate compliance with the minimum parking requirements prior to issuance of a building permit. A note on the plat in addition to "no parking" signs spaced every 30 feet is required to indicate the private access drive must be kept clear at all times for emergency crews.

4.1.3 **Engineering:** The City Engineer has reviewed the preliminary subdivision plans and is working with the applicant to bring the proposed subdivision into compliance with all City Codes and Ordinances related to grading, utilities and drainage. The applicant will be required to demonstrate compliance with all applicable codes and ordinances prior to final approval.

4.1.4 **General Plan:** The City's General Plan map designation for this property is "Medium Density Residential". Medium Density Residential districts are residential areas that contain existing or proposed residential development with a density between 6 and 8.9 dwellings per acre. Land assigned to the MDR classification typically contains townhouses and condominium type developments as well as higher density single family dwelling neighborhoods (i.e. R-1-5 zoning districts). If approved, the proposed density would be 7 units per acre which is in line with the General Plan designation.

- 4.2 **FINDINGS OF FACT:** Staff finds the following findings of fact regarding File 1S16:

- 4.2.1 The applicant is requesting to subdivide property at 3475 West 4700 South.
- 4.2.2 The subdivision would create three residential building lots.
- 4.2.3 The proposed subdivision amendment contains 24,598 square feet (0.564 acres).
- 4.2.4 The property is currently zoned R-1-8.
- 4.2.5 Prior to recording the subdivision, Lot 1 needs to be rezoned to R-2-8 and Lots 2-3 will need to be rezoned to R-1-6.
- 4.2.6 The applicant is requesting a modification of the 25 foot wide right-of-way requirement for the private lane. The request reduced the 25 foot right-of-way to 20 feet.
- 4.2.7 The City Engineer has not yet made a recommendation regarding the right-of-way reduction.
- 4.2.8 The subject property is within the "Medium Density Residential" designation on the General Plan Map.
- 4.2.9 The subdivision request complies with the City's General Plan.
- 4.2.10 Lots 2-3 will have access from 4700 South via a private lane.

- 4.3 **STAFF RECOMMENDATION:** Staff recommends the Planning Commission approve File 1S16 subject to the following conditions:

- 4.3.1 Prior to recording the final plat, Lot 1 is required to be re-zoned to the R-2-8 residential zoning district.
- 4.3.2 Prior to recording the final plat, Lot 2 and Lot 3 are required to be re-zoned to the R-1-6 residential zoning district.
- 4.3.3 Developer is required to demonstrate compliance with all applicable City Codes and Ordinances prior to recording the plat amendment with Salt Lake County.
- 4.3.4 Provide a note on the subdivision plat in addition to "no parking" signs spaced every 30 feet are required to indicate the private access drive on the east property line must be kept clear at all times for emergency access.
- 4.3.5 The right-of-way access of 20 feet for the private lane shall receive a positive written recommendation from the City Engineer and Unified Fire Authority prior to final approval.
- 4.3.6 Comply with the requirements of all reviewing agencies.
- 4.3.7 Complete the technical review with Staff.
- 4.3.8 Staff is authorized to complete the Final Subdivision amendment review.

- 4.4 **DISCUSSION: Commissioner Cochran** asked Mr. Spung about the private lane adjacent to this property on the right side of the displayed image, saying there is a house there that looks as if it has access from a private lane as well. His question was it looks like there is a fence between those lots and he wanted to know if that fence could be removed in order to put in the turn around for both properties. **Mr. Spung** said that if the property owner was agreeable to that it could potentially be done. However, he was not sure if the Fire Authority would require that to be done but that would be something the property owners would need to negotiate. **Commissioner Kehl** wanted to know if the applicant is the present owner of the property and was informed that was the case.
- 4.5 **APPLICANT ADDRESS: 7:15:14 PM** The applicant, **Mr. Ben Lakey** advised that the project had been presented very well by Staff. He said that they tried to bring it into compliance with the General Plan to achieve seven units per acre, which would be the duplex in the front and two single family homes in the rear. Regarding the turn around, he didn't think there were any questions or concerns with the recommendation/conditions of City Staff. With regard to the turn around, he spoke about it previously and the issue then was that more than two units would be accessible via the private drive at that point. Even though it has two turn offs, there is nothing in the Code to specifically allow a private drive to have more than two residential units accessed via private drive just because there were more than two turn offs. The right of way on both properties was not big enough to have any other designation other than a private drive. The other issue of concern having been raised was the unit on east side of the property is where the turn around is. That unit needs to be a garage, plus two uncovered spaces for the residential unit according to City Ordinance. He showed where their two off street parking spaces would be. In order to make the two driveways connect, cars would need to be driven over the top of those two parking spaces; therefore, they would not meet the parking code by not having adequate parking available. 7:16:00
- 4.5.1 **Commissioner Cochran** said that the concern is a fire truck being able to turn around to access the back units. **Mr. Lakey** said that his engineer has spoken to some length with the City Engineer and it looks like there are a couple of different ways to achieve the turn around approval within the current ordinances. **Commissioner Barbieri** wanted to know what the applicant had proposed to the Unified Fire Department as far as access is concerned for them. **Mr. Lakey** said that he believed the conversations his engineer had with them was that a truck would pull in to achieve a three point turn. He showed on the image the path that would follow. **Commissioner Kehl** wanted to know what the length of the spurs would need to be. **Commissioner Kehl** continued on to say that he felt there was not a workable solution to this problem. **Mr. Spung** advised the City Engineer has been speaking by E-Mail with the Fire Marshall and City Engineer and they were just not ready to have a final proposal ready prior to this meeting.
- 4.5.2 **Commissioner Quigley** asked on the parking for the duplex up front, how the covered parking would be accessed for both. It was his understanding that there could be no access to that parking from the east drive; therefore, both would need to be accessed from the west drive, which would impact much of the yard space. He wanted that addressed. **Mr. Lakey** said with the unit being multi-family, he did not believe there was as much of a market requirement for having a lot of vegetation back there. So, there is currently 20' between the side of the house and the side of the property, which could be paved (about 18 ½'), which allows for the driveway and then there is 20' between the back of the residential dwelling and the first covered parking space and about three feet between the back of the garage and the property line. The property was purposely made quite a bit longer than the rest in order to accommodate this. If those garages were put side by side and set back from the driveway, so that the front of the garage was further back, that would allow enough paving in between the driveway and each garage individually to allow for uncovered parking space in front of and in between the driveway and each covered parking space behind it. So the cars would come in and turn and either pull into an uncovered parking space or covered parking space behind it. That is the current proposal.
- 4.5.3 **Commissioner Kehl** wanted to know what the current requirements were per unit on the duplex for parking. **Mr. Spung** said that each unit must have a two car garage and two off street parking spaces. The ordinance specifically says "garage" and not "covered parking" as has been alluded to tonight. It says garage and specifications are 20' x 20'. He felt there was sufficient space right now to slide them back and allow 18' for an additional two uncovered parking spaces between the driveway and the garages.
- 4.5.4 **Commissioner Quigley** commented that the covered parking shown on the image is actually garage and not a carport. **Mr. Lakey** said that was correct and would be annotated on the final approved plat. **Commissioner Quigley** said that they would basically be in the same position, not pushed back and side by side, they are going to be just closer together. **Mr. Lakey** explained that the survey would have to be pulled up one more time to check to see if they would actually be side by side. The minimum setback from the back of the property is 3' and so that should provide enough space to have them side by side and if not, one could be turned north/south facing. **Commissioner Quigley** wanted to know what the livable space was for each duplex. **Mr. Lakey** said it was approximately 1300 square feet per unit. Total of 2700 square feet for the whole structure. Each one would have two bedrooms and one bathroom. **Commissioner Quigley** asked if was planning to sell the other two units in the back or will they be rental units as well. **Mr. Lakey** said that actually what they are thinking of doing is looking at one of their partner builders building single family homes on the back two lots and selling those. As soon as approval is approved for the duplex, it will be sold also as an "as is" project for them to fix up.
- 4.5.5 **Commissioner Cochran** suggested another option might be to take the one on the east and basically but it up against the one on the west and have parking in front of the garage spot. Basically so that the parking is double deep but right next to each other. **Mr. Lakey** added that was the first proposal mentioned.
- 4.5.6 **Commissioner Barbieri** asked who would be maintaining the roads. **Mr. Lakey** said that actually the access for the duplex would be maintained solely by the owner of the duplex. There will be no access from there to the back lots. The present driveway will be an easement and would be the joint responsibility of the two owners of the back properties to equally maintain the driveway.

- 4.5.7 **Commissioner Kehl** asked who would own the driveway right of way. **Mr. Lakey** believed the ordinance says that the front property owner has an easement with the back property owners. Part of that easement is the maintenance of the driveway. 7:26:53 **Mr. Spung** added that was an option which is at the discretion of the developer. **Mr. Lakey** said there was one other thing he wanted address which was the request for right of way access on the east side of the property be reduced to 20' from the standard 25'. That will not change or alter the paved portion of the right of way at all. The only difference is that as it sits right now there is about 23 ½' between the edge of the property and the edge of the current existing home. He felt like with the existing home sitting there, major modifications to the home should be avoided if at all possible. It is fundamental to a good structure. **Commissioner Kehl** asked if he had said the distance between the property line and the building is 23 ½'. **Mr. Lakey** said that there is a garage that was added on to that side. **Commissioner Kehl** asked if when Mr. Lakey has the duplex prepared would it be 20' from the property line to the building. **Mr. Lakey** replied that it will be 23 ½' from the property line to the edge of the building. This obviously is not the full 25'. **Commissioner Kehl** added that is a big difference between 20' and 23 ½' because there is pavement next to the chain link fence and next to the building and there would be no place for mirrors or anything else. **Mr. Lakey** said that the 23 ½' would provide about 3 ½' past the paved surface of the private easement.
- 4.5.8 **Commissioner Cochran** reiterated that would mean it is 3 ½' if the pavement went right to the property line and the chain link fence. He asked Mr. Spung if there were any ordinances that say it must be so many feet or inches from the property line and **Mr. Spung** replied said there was not for the paved surface.
- 4.6 **Commissioner Quigley** opened the public hearing. [7:27:42 PM](#)
- 4.7 **SPEAKING:**
- 4.7.1 **Sheree Norman** – (3487 West 4700 South – directly west of this property) - [7:30:08 PM](#) She advised that when her family was first approached about this property, they were asked to basically give up two feet of their property in order for these home owners to make a driveway. At that time, she was told that there was going to be three single family dwellings constructed on that property – not a duplex. She had specifically made it clear she was not interested in having an apartment complex next to her. They had assured her that was not going to happen here. She expressed concern about that. She was opposed to any use that will bring a large amount of traffic to the site. She wanted to go on record in opposition of this proposal being approved. **Commissioner Barbieri** asked her if she had that in writing with the applicant about not building a duplex here and **Mrs. Norman** said that it was verbal. The property owners (Dimicks) had asked her in-laws to give up two feet of property through quit claim deed before the property was taken over by Mrs. Norman in order to add a drive access. [7:32:30 PM](#) She wanted to be on record in opposition to this because it is not what had been proposed originally to her family by the applicant.
- 4.7.2 **Nancy Webster** – (Lives to the rear of this property – 4746 South). She was concerned that the new owners have put their surveyor type stakes onto her property in the rear. She said that she had previously had problems with the Dimick family (original owners) over who owns the property in question. The Dimicks felt that their survey showed them to be the owners and the Webster's have a deed which shows them to be the owners. She was very concerned about her property line having apparently been moved illegally. **Commissioner Kehl** wanted to know if the property in contention involved a few inches or a few feet. She replied that it was feet. **Mr. Spung** showed on the image the land in question and said that according to Salt Lake County records, the applicants have purchased the strip of property. **Mrs. Webster** said that they have never received any notification saying that was so. She added that when they first bought the home, the first time that Mr. Dimick tried to do this, she obtained the actual property plat from the County Assessors Office which shows no jog and is indeed a straight line. The first they had heard about anything new happening was the public notice they received about this meeting tonight. **Commissioner Quigley** said that unfortunately that constitutes a property line dispute and would not have anything to do with the Planning Commission because the hearing tonight was about a zone change. He asked Mr. Spung if the present owners could not claim that small piece of property, would it make this property too small to develop as proposed. **Mr. Spung** said that the lot is presently showing 6,344 square feet, so they would have to maintain a 6,000 square foot lot to comply with the requested zone, so it would be close. **Mr. Lakey** suggested the piece of land could be reconfigured to accommodate the required lot sizes. [7:38:29 PM](#) **Commissioner Kehl** said that Salt Lake County will not let any recordation be made on the parcel if there is any error noted. So if there is something wrong, it will need to be corrected before the subdivision can be recorded.
- 4.7.3 **Sheree Norman** came back up to speak and asked what the proposed zone change would do to her property value. **Commissioner Quigley** said that is an intangible question because it is not known. It is a residential use, so he did not think it would be possible to give an answer to that question because if the Commission would be changing it say from a residential use to a commercial use, it would be a little easier to answer. In this case, it is a residential use versus what is presently an unoccupied piece of property. He assumed that if the developer puts in decent houses, it would only improve the value of surrounding lots. [7:40:01 PM](#)
- 4.7.4 **Commissioner Quigley** closed the public hearing. [7:41:42 PM](#)
- 4.8 **DISCUSSION:** **Commissioner Barbieri** suggested continuing this item until all comments are back, especially from the Fire Authority. **Commissioner Cochran** agreed and added there are just too many unanswered questions still. That he had noticed on the internet images taken of this site, that there is a large camper sitting in the driveway. He also noted from that there is enough space in front of the house and yard for two cars to sit back to back, which would meet the requirement of the two car parking spaces. [7:42:20 PM](#) **Commissioner Quigley** felt this was being done in backwards order. It would not make sense to go ahead and make a zoning change if it is unknown exactly what is proposed to be built on the lot in question. **Commissioner Cochran** added that the Commission has the responsibility to make sure this is done right and once the zoning change happens it is a done deed. [7:44:05 PM](#) **Commissioner Kehl** said he is aware that Staff was only trying to expedite the process but the access and parking are still problems without solutions at this point and that both the zone

change and the subdivision must be ready at the same time, therefore, he was in favor of continuing these items. [7:47:39 PM](#)
Commissioner Cochran said that if the Commission votes to continue Agenda Item #3 that takes #4 off the table for tonight. **Mr. McGrath** advised that would be his suggestion. **Commissioner Kehl** said that would mean to just table both of them then. **Mr. McGrath** said that was correct.

- 4.9 **MOTION #1: Commissioner Cochran** - I will make a motion to continue File 1Z16 the recommendation for a zone change from R-1-8 to R-2-8 and R-1-6 until questions regarding this proposal are completely answered. [7:48:30 PM](#)
SECOND: Commissioner Barbieri
DISCUSSION: Commissioner Kehl suggested that something specific should be articulated to be brought back. **Commissioner Barbieri** said that it is already in the staff report that they need approval from Unified Fire Department. **Commissioner Quigley** agreed that the conditions they need to meet are listed in staff report, including the City Engineer and Unified Fire Department recommendations. **Commissioner Kehl** said that it does say that Staff is authorized to complete Final Review. **Mr. McGrath** added that he saw three unresolved issues: The Fire Department and City Engineer's recommendation on the width of the road, the parking situation for the duplex and then the disputed property line to see if that is an issue for the lot size, etc. **Commissioner Kehl** said he was mostly interested in seeing the way they *are* going to do it, not the way they *might* do it. [7:50:28 PM](#)
MOTION #2: Commissioner Cochran – I will restate my motion, to continue File #1Z16, the zone change for 3475 West 4700 South to come back to the Commission when we have more clear understanding and have worked out the resolutions with the Fire Department for access, the garage situations for the property where the duplex will be and for the property line dispute.
SECOND: Commissioner Barbieri
VOTE: All Commissioners present voted in favor. Motion passes unanimously.

4.10 **DISCUSSION:** This item was heard and discussed with Item #3. A separate motion is required.

- 4.11 **MOTION: Commissioner Barbieri** - I will make a motion to continue File #1S16 for the three lot subdivision at 3475 West 4700 South and for that to come back at the same time as File #1Z16. [7:52:01 PM](#)
SECOND: Commissioner Cochran
VOTE: All Commissioners present voted in favor. 7:52:28 PM
DISCUSSION: Commissioner Kehl addressed Mr. McGrath saying that it is apparent now that the Commission wants the subdivision to be as complete as the rezone when this comes back. **Commissioner Barbieri** commended the applicant and neighbors for keeping their lines of communication so open and she hoped that all their questions had been answered this evening and if not to be sure to contact either the applicant or staff with any issues they may have. One of the neighbors asked if this would be re-noticed and **Mr. McGrath** said that while it is not normally done when the continuation is announced in a public meeting, this time it would be. **Commissioner Quigley** said it would probably be coming back on March 8th.

BUSINESS ITEM: Due to the resignation of Commissioner Grossman (who had been elected as Chair for 2016), an election was held for Planning Commission Chairman and Vice Chairman for 2016 with the following results: Commissioner Quigley was elected Chair and Commissioner Wendel Vice Chair.

CITY COUNCIL MEETING DISCUSSION: Commissioner Kehl gave his comments relative to the City Council meeting he had attended, saying there were no planning issues heard but were a couple relative to the L.A.R.P. Committee and a report given by the Justice Court. [7:54:43 PM](#)

ADJOURNMENT: By motion of **Commissioner Kehl** and second by **Commissioner Barbieri** the meeting was adjourned at 7:56 p.m., Respectfully submitted by:


Jean Gallegos, Admin Asst/Recorder for the
Planning Commission

Approved in meeting held on March 8, 2016.