

City of Taylorsville
Planning Commission Meeting Minutes
March 8, 2016
Pre-meeting – 6:00 p.m. – Regular Session – 7:00 p.m.
2600 West Taylorsville Blvd – Council Chambers

Attendance:

Planning Commission

Don Quigley, Chair
Curt Cochran
Anna Barbieri
Garl Fink
Lynette Wendel
Noah Bater
John Warnas
Richard Morley (Alternate)

City Staff

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

PUBLIC: Ben Lakey, Sheree Norman, Mike Norman, City Councilmen Kristi Overson, Ernest Burgess.

The work meeting to review the Agenda was held by **Mr. McGrath** from 6:00 p.m. to 7:00 p.m. [6:55:03 PM](#) **Commissioner Quigley** noted that during the work session, **Commissioner Wendel** informed the Commissioners that she declined to accept the position of Vice Chair as voted upon in the last meeting. Therefore, a vote was taken in the work meeting to replace her and **Commissioner Barbieri** was elected as Vice Chair for the remainder of the year, with **Commissioner Quigley** remaining as the Chair. Vote to approve was unanimous.

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. He welcomed three new members to the Commission, namely Noah Bater, John Warnas; and Richard Morley.

CONSENT AGENDA

Agenda/File #	Application	Applicants	Action
2.	Review/approval of Minutes for February 9, 2016.		Approved by motion as presented.

MOTION: **Commissioner Cochran** moved to approve the Minutes for February 9, 2016 as presented.

SECOND: **Commissioner Fink.**

VOTE: All Commissioners present voted in favor.

ZONE CHANGE

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| 3. | 1Z16 – Ben Lakey, B&B Development – 3475 W 4700 S – Recommendation for a Zone Change from R-1-8 to R-1-6. (Jim Spung/Associate Planner) |
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Commissioner Quigley invited the applicant to come forward with any information he wished to present. **Mr. Lakey** introduced himself and said that there have been some changes made to his application. He said that the changes from last month that he wanted to address were that he is now proposing that all three of the proposed lots be zoned as R-1-6. The reason being is the issue of the hammerhead in the first proposal wherein it was determined that the second lot had a buildable area that was less desirable for the home they intended to build there. Therefore, that was changed to remove the request for the duplex and zone R-2-8 for the front lot so that it could be downsized to allow the second lot to be made larger. He advised that they have not obtained the final legal document on the small strip on the south end of the parcel. Presently it is legally owned by the applicant; however, his intent is to deed it to the neighbor in the back side to realign the parcel. The only other outstanding issue was to do with the neighbor on the west side wherein they were concerned about making that front home into a duplex, which was no longer included in the plans. He wanted to make it clear that while he did approach them awhile back and made a proposal to work together with them, they declined to do so. Therefore, there has never been any agreement with them in place. The final issue was making sure that CC&R's are in place for the back lot to maintain the private drive approach. The final document for that has not been received back from their attorney yet, however, Mr. Lakey would agree to the proposal tonight being approved contingent upon getting those being in place. Those CC&R's will be exclusive to the maintenance and care of the private lane.

NOTE: *Items 3 and 4 were presented by Staff concurrently. Both of these items were continued from the February 8, 2016 meeting for more information.*

- 3.1 **Mr. Spung** presented this item as follows: Mr. Ben Lakey, B&B Development, has filed a request to amend the City's zoning map from Single Family Residential (R-1-8) to Single Family Residential (R-1-6) on property at 3475 W. 4700 S. The property is 24,568 square feet (0.564 acres) within the R-1-8 zoning district. There is an existing vacant single family dwelling on the

the property that the applicant intends to renovate if the re-zone is approved. The existing accessory structures on the property would also be removed to make way for two (2) new single family homes. If approved, the proposed density would be 5.3 units/acre which is slightly less density than the General Plan designation of medium density residential (which is in line with the re-zone request). Staff finds this proposed density is compatible with the existing conditions of the area. If the re-zone is approved along with the subdivision, the applicant would remove the three accessory buildings in the rear and subdivide the lot into three lots. He displayed on the screen the difference between the proposal generated on February 8, 2016 and the current proposal. The current proposal provides the necessary fire access hammerhead between Lots #1 and #2 and the private lane to the back lots. In addition, a two car garage is being proposed on Lot #1 behind the existing home. There currently is an existing garage attached to that home which will be removed to make way for the new private lane along the east border. Lots #2 and #3 will have access via the new private lane. Lot #1 will have access via an existing drive on the west side. **Mr. Spung** said that Staff has asked the applicant to include a few notes on the plat which include: "On Lot #2 to say that frontage faces north so that the home built on Lot #2 will be fronting the north. The private drive must maintain a 13'6" vertical clearance at all times. The private lane also serves as a fire lane, so no parking is permitted at any time. That "no parking" signage be installed along the private lane at a minimum spacing of every 30 feet. No City services or maintenance is to be provided for the private lane." (Which the applicant addressed with their proposed CC&R's.) 7:10:51

3.2 Findings of Fact:

- 3.2.1 The applicant is requesting to rezone property at 3475 W. 4700 S. from Single Family Residential (R-1-8) to Single Family Residential (R-1-6).
- 3.2.2 The subject property contains 24, 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.

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

3.3 DISCUSSION: **Commissioner Fink** asked if the "no parking" area including the hammerhead is clearly defined now, to which **Mr. Spung** replied that it was. **Commissioner Cochran** wanted to know where the parking area is for Lot #3. **Mr. Spung** said that Lots #2 and #3, under the building permit submittal must show a two car garage and two off street parking spaces. That won't be known until the building plans have been submitted to the building department. **Commissioner Fink** asked the applicant if the CC&R's being proposed would indicate there would be no parking in any of that area so that the people have accessibility to their property. **Mr. Lakey** said that the CC&R's would address that there would not be any parking on the private lane. It would provide for maintenance to be shared by Lot #2 and Lot #3 and for a 13'6" clearance overhead to be maintained. **Commissioner Cochran** commented that there are a lot of trees behind the main house and wanted to know how many of those would need to be removed. **Mr. Lakey** said probably all of them except for two or three that are closest to the existing home. **Commissioner Quigley** asked about the fence along the east side, wanting to know what type of fence that would be – chain link, cinderblock, etc. **Mr. Lakey** said there is an existing chain link fence in place and they would only anticipate running a vinyl fence through the back portion only. **Commissioner Cochran** added that it looks like there is a vinyl fence now towards the front of the property and the first approximately 40' is lower than the rest of the fence for visibility. **Mr. Lakey** advised that they are aware that any fence they propose must comply with City ordinances. The existing vinyl fence is the property of the owner on the east side.

SUBDIVISION

4. 1S16 – Ben Lakey, BNB Development - Consideration of a 3-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, B&B Development, has filed a subdivision application with the City of Taylorsville to subdivide the aforementioned property into three residential lots. The property is 24,568 square feet (0.564 acres) within the R-1-8 zoning district. There is an existing vacant single family dwelling on the property. The subject property is currently made up of four parcels. This item was presented to the Planning Commission on February 9, 2016 and was continued to a future meeting so a more specific plan could be presented. Since that date, the applicant has redesigned the proposed subdivision to address lot configurations, emergency access and turnaround, parking and building setbacks. This subdivision request also requires the applicant to re-zone the property from the single family R-1-8 zoning district (minimum lot size of 8,000 square feet) to the single family R-1-6 zoning district (minimum lot size of 6,000 square feet). The applicant has filed a re-zone application which is on the agenda tonight and will be reviewed by the Planning Commission as File #1Z16. This subdivision approval would be contingent on the applicant receiving approval from the City Council to re-zone the properties as previously indicated. 7:13:31 **Mr. Spung** added that before final approval is given, the existing utility pole must be taken into consideration so as not to interfere with the proposed private lane along the east property line.

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. The City' Land Development includes the following standards for a private lane: (1) Approved private lanes two lot maximum for access to residential dwelling structures shall have a twenty five foot right of way and a twenty foot minimum width paved surface; (2) Private lanes cannot access more than two residential dwellings; (3) The city engineer and Unified Fire Authority (UFA) shall have the authority to require an increase in the minimum access

widths where they are inadequate for fire or fire rescue operations; (4) The city engineer and UFA shall have the authority to require more than one access road based upon the potential for impairment of a single road by vehicle congestion, condition of terrain, climatic conditions, or other factors that could limit access; (5) Private lanes shall not be obstructed in any manner, including the parking of vehicles. The minimum widths and clearances shall be maintained at all times; (6) All private lanes shall be constructed to meet all applicable requirements related to culinary water and storm draining; (7) Whenever a subdivision is approved with a private lane, the final subdivision plat shall include a statement that no city maintenance is provided on the private lane.

- 4.1.2 **Section 13.21.100.P** of the Land Development Code states, "The requirements of this section [13.21.100] 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 have reviewed and approved the proposed 20 foot wide right of way and 20 foot wide paved access and modified hammer-head. The Unified Fire Authority also requires a vertical clearance be maintained of 13'6" above the private lane and modified hammer-head.
- 4.1.3 **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. The existing garage on Lot 1 will be removed to make way for the private drive; a new 2-car garage will be constructed serving Lot 1 to comply with the minimum parking requirements. Notes on the plat have been included which prohibits parking anywhere on the private lane and modified hammer-head. "No Parking" signs are to be placed every 30 feet along the private lane to notify residents and guests of this requirement.
- 4.1.4 **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.
- 4.1.5 **General Plan:** The City's General Plan map designation for this property is "Medium Density Residential" (MDR). 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 5.3 units per acre which is slightly less dense than the General Plan designation; however, staff finds this proposed density is compatible with the existing conditions of the area.
- 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, the property needs 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 and Unified Fire Authority have reviewed and approved 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 the preliminary subdivision plat for File 1S16 subject to the following conditions:
- 4.3.1 Prior to recording the final plat, the property is required to be re-zoned to the R-1-6 residential zoning district.
- 4.3.2 Developer is required to demonstrate compliance with all applicable City Codes and Ordinances prior to recording the plat amendment with Salt Lake County.
- 4.3.3 Comply with the requirements of all reviewing agencies.
- 4.3.4 Complete the technical review with Staff.
- 4.3.5 Staff is authorized to complete the final subdivision amendment review.
- 4.3.6 **[Added by Motion] Approval is contingent upon the zone change being approved by the City Council.**
- 4.3.7 **[Added by Motion] CC&R's addressing the private lane be recorded with Salt Lake County concurrent with final plat recording.**
- 4.4 **Commissioner Quigley** opened the public hearing portion of the meeting and asked for those wishing to speak.
- 4.4 **SPEAKING: Sheree Norman** (lives west of this site) She expressed that they are much happier now with there being no duplex in the front.
- 4.6 **Commissioner Quigley** closed the public hearing for this item and opened it up for discussion by the Commission or a motion.
- 4.7 **DISCUSSION: Commissioner Cochran** added that also to be determined is the location of the mail boxes for this site. **Mr. Lakey** advised that will be done in compliance with United States Postal Service ordinances.

- 4.8 **MOTION #1:** 7:28:48 Commissioner Barbieri - I move that we forward a positive recommendation to the City Council for File 1Z16 for Ben Lakey, B & B Development on 3475 West 4700 South for a zoning classification change on this site from R-1-8 to R-1-6, in accordance with Staff Recommendations.
SECOND: Commissioner Cochran.
VOTE: All Commissioners present voted in favor.
- 4.9 **MOTION #2:** Commissioner Fink - I move to approve File #1S16 with Staff Recommendations, adding #6 approval is contingent upon the zone change being approved by the City Council and #7 the CC&R's addressing the private lane be recorded with Salt Lake County concurrent with final plat recording.
SECOND: Commissioner Barbieri
VOTE: All Commissioners present voted in favor.

<u>TRAINING SESSION</u>

The training session was conducted by Mr. McGrath and included general overviews and discussion for topics such as:

1. What the Planning Commission's roles and responsibilities are.
2. Legal framework of land use regulation.
3. General Plan versus Land Development Code (the differences).
4. General Plan Map versus the Zoning Map. (the differences).
5. Planning Commission's relationships with the public, the Planning Department Staff, the City Council, the Board of Adjustment, and Economic Development.
6. When communities are given wide discretion ...and when the Commission and Staff are not.
7. He went over the Planning Commission reference material.
8. He defined what the Board of Adjustment is (including a definition of "Variance") and what it does.
9. What is involved with the General Plan and the Taylorsville Land Development Code.
10. The purpose of the Land Use Development Management Act (LUDMA).
11. He briefly explained zoning and the zoning map.

Mr. McGrath went on to explain that this is the first training session of several being planned for presentation to the Planning Commission members in the near future.

BUSINESS ITEM: None.

CITY COUNCIL MEETING DISCUSSION: Commissioner Wendel – February 17, 2016 and Commissioner Quigley – March 2, 2016. gave their presentations on what had transpired during their assigned City Council meetings. 8:16:10

ADJOURNMENT: By motion of Commissioner Cochran the meeting was adjourned at 8:30 p.m.

Respectfully submitted by:


 Jean Gallegos, Admin Asst/Recorder for the
 Planning Commission

These Minutes were reviewed and approved in the meeting held on April 12, 2016.