

**City of Taylorsville**  
**Planning Commission Meeting Minutes**  
**June 9, 2020**  
**Pre-meeting – 6:30 p.m. – Regular Session – 7:00 p.m.**  
**2600 West Taylorsville Blvd – Council Chambers**

---

**Attendance:**

**Planning Commission**

Marc McElreath – Chair  
Kent Burggraaf - Vice Chair  
Don Quigley  
Anna Barbieri  
Lynette Wendel  
David Wright  
Gordon Willardson  
Don Russell (Alternate)



**Community Development Staff**

Wayne Harper - Director  
Jim Spung – Senior Planner  
Karyn Kerdolff- GIS Planner  
Stephanie Shelman – Deputy City Attorney (Remote)  
Jean Gallegos – Admin Assistant/Recorder

**PRESENT:** Scott Brody, Eric Behunin, Becky Behunin, Lynda Battenfield, Zack Battenfield, Ron Breinholt, Ray Wood.

**BRIEFING SESSION** – 6:30 P.M.



1. The briefing session to review the Agenda was conducted by **Mr. Jim Spung**. The Agenda consisted of a site plan review for an exception request for placement of a building for Dutch Brothers Coffee at 3883 W 5400 S and a zoning map amendment for property at 4645 S 1175 W from R-1-10 to R-1-5. **Ms. Kerdolff** explained Staff's position regarding the request from Dutch Brothers Coffee and **Mr. Spung** explained the applicant's reasoning for requesting the zoning map amendment.

**REGULAR SESSION** – 7:00 P.M.



**CONSENT AGENDA**

2. Review/Approval of the Minutes for April 14, 2020.  
**MOTION:** **Commissioner Burggraaf** – I will make a motion to approve the Minutes for April 14, 2020 as presented.  
**SECOND:** **Commissioner Willardson**  
**VOTE:** All Commissioners present voted in favor. Motion passes unanimously. 

**SITE PLAN**

3. 29C20 - Consideration of a Request for an Exception for the Placement of the Building on the Site as Outlined in Taylorsville Municipal Code 3.23.170 (C). (Karyn Kerdolff/GIS Planner)

- 3.1 **Ms. Kerdolff** presented this item.  She advised the engineering team for this proposal came in on March 12, 2020 for review. After that discussion, the engineering team attempted to create a site plan with the building along the public street in order to satisfy the City's preference that drive-through lanes not be placed between the building and the street. The applicant informed the Development Director that due to site restrictions in Section 13.23.170(C) that could not be accommodated. Per Code, placement of the building beyond the required setback lines is discouraged and must be specifically approved by the Planning Commission if no other viable alternative exists (Ord 12-15, 7-11-2012). The proposed building is set back further than the 25- foot front setback. For the site plan to be approved, the proposed setback must specifically be approved by the Planning Commission. As stated in Code, the Planning Commission

can grant an exception if “no other viable alternative exists.” The applicant provided several site constraints and requested to appear before the Planning Commission to obtain approval for the location of the proposed building. The applicant proposes to have a much smaller building than the previous occupant (Arctic Circle) but intends to have the same layout as currently exists, maintaining the same traffic flow. They will need an exception for the conditional use.

- 3.1.1 If the proposed building was moved to be adjacent to the public street, the clients exiting the drive-thru would have a difficult time leaving the property. If the drive-thru ran west to east, clients would have to cross a lane of incoming traffic from one of the shopping center’s egresses/ingresses to exit the property. If the traffic in the drive-thru travel east to west, clients would not have to cross any incoming traffic. The building could not be placed too far to the west as this would block client’s view when exiting the drive-thru.
- 3.1.2 The site is above the grade of 5400 South. If the building was placed adjacent to the public street it would not be at grade but above it. The grade of the site diminishes the effect of placing the building near the public street. It does not allow for easier pedestrian access or increase the visual aesthetics of the streetscape, as drivers will be at grade with the retaining wall.
- 3.1.3 The proposed project exceeds the required queuing spaces specified I Code. However, the applicant has expressed that the proposed layout is the only configuration that meets Dutch Brothers Coffee internal requirements.
- 3.1.4 Staff understands the constraints placed on the applicant by the unique conditions found on this site and is disappointed that a compromise could not be found that created a viable project for the applicant and meets the building placement requirement. Staff requests that an exception be granted with caution, as to not promote setting buildings away from public streets.
- 3.1.5 **Ms. Kerdolff** showed an image of what the proposed structure would look like through examples of other similar structures done by Dutch Brothers in other sites throughout the Country.

**3.2 FINDINGS:**

- 3.2.1 This application was initiated by John Baker.
- 3.2.2 Applicant has applied for an administrative conditional use. For approval, the applicant will need Planning Commission to approve building being beyond 25 feet front setback.
- 3.2.3 The proposed building is an 862 square foot coffee kiosk, with no interior dining space.
- 3.2.4 This would be a completely new structure, replacing the existing Arctic Circle building.
- 3.2.5 There is one service window proposed.
- 3.2.6 Applicant claims several site constraints prohibit them from meeting the building placement requirement. These include: (a) Grading and topographical issues. (b) The location of egress and ingress to the shopping center.
- 3.2.7 Application is not compliant with Section 13.23.170(C), which requires buildings to not be setback beyond the required setbacks.

**3.3 STAFF RECOMMENDATION:** Staff recommends that the Planning Commission approves the placement of the building beyond the setback for the proposed building at 3883 West 5400 South.

**3.4 DISCUSSION:**

- 3.4.1 **Commissioner Burggraaf**  asked if there was anything else in the ordinance that defines “viable alternative”. **Ms. Kerdolff** said there were none that she could find. **Commissioner Burggraaf** advised that this might be an area in the ordinance that needs to be revisited. Since there is no definition for a viable alternative, there is no set standard for approval and in Section C it says that setback lines are discouraged. Essentially placing a building beyond those setback lines is discouraged. He wanted to know if Staff had any further information as far as a viable alternative and finding there was none suggested looking at the ordinance. That the Commission’s hands may be tied because the ordinance is very vague on this matter.  **Commissioner Barbieri** said what she read in Code was that the

Planning Commission can grant an exception if there are no other viable alternatives. She expressed she would be interested to see the placement of the building and if there truly is no other viable alternative. **Commissioner Burggraaf** said his point is what the standard for “viable” is. That is where he felt the Commission’s hands may be a little bit tied. Essentially what is being said is it is discouraged but the language is not very strongly worded and could be perceived in different ways.  **Commissioner Willardson** said that there are three accesses out of this site. One is around the back side and go out west by the Kearns Post Office, the other two ways are heading east. That is the only choices. He did not feel there was a conflict as to whether it is in the front or the back to access that. 

3.5 **Commissioner McElreath** asked to hear from the applicant and was informed he was attending remote. Initially the applicant could not be heard due to technical difficulties.  Eventually the connection was made to **Mr. John Baker**, who  then thanked the Commission for giving him the time this evening to speak.  He is one of the partners who owns the property, the other partner is Dean Spun (who was also on the phone). They have owned the property for three or four years and purchased it with a very specific intent and that project didn’t pan out. So, they have been actively trying to market the property for the last several years. The site has several physical characteristics which make development difficult. There were a couple of different projects come close to working out but in the end did not and all of them would have re-used the existing building and structure out there. What excited them about Dutch Brothers, in addition to it being a very popular brand, is that they planned to make the building and site much better than previous options having been considered. There were also a team of Dutch Brothers designers on the phone call tonight. **Mr. Baker** asked them to respond. One identified himself as **Nick Wecker**, from the architectural team and was on the call. Another person responding said he was **Dustin Hanlon**, with the architectural team along with Nick. **Mr. Baker** advised he would like the Dutch Brothers team to answer any questions the Commissioners may have, especially with regard to circulation and site layout. He said that in working with Dutch Brothers from the business side, unfortunately all of the iterations that they tried using the internal drive thru lane and wrapping the traffic differently was not acceptable for Dutch Brothers. It is a legitimate question for them to be able to walk you through the iterations that they attempted but at the end of the day, senior management at Dutch Brothers said they were sorry, but they could not accommodate that.  His opinion was that if they do not get the exception, they will pass on the project. There are topographical constraints involved with the property and he felt they have put forward the best alternative. That he appreciates the Code and Design Standards the City has but suggested the excellent new project would fully compensate. The company really wants to locate in Taylorsville and is very customer focused but will need the exception granted by the Planning Commission in order to do so. He then turned the time over to **Mr. Wecker**.

3.6 **Nick Wecker** thanked the Commission for the time to be heard this evening. He pointed out that the building location was selected after careful consideration of alternatives. Starting with trying to meet the building setbacks that are encouraged in the Code, they believe the site plan presented today is the best and most suitable option for Dutch Brothers with special consideration for integration with the shopping center, internal site flow within the center and within the drive thru then also special consideration to the grade of the site in relationship to the street. He pointed out that site is presently 6’ above the street grade and there presently is a retaining wall in place along the frontage that is not within the right of way. That change in grade definitely impacts the ability to incorporate the traditional pedestrian-oriented design measures that would be typically encouraged. Just because the building sits above the level of the street they would be unable to incorporate a direct pedestrian access there that is typically seen. Their design does incorporate pedestrian access from the northwest corner of the property and provides direct access to a covered patio area with separate service window for pedestrians which provides protection for the pedestrians on the site. In regard to compatibility with the shopping center, this design minimizes the potential for vehicle spill-over into the abutting property by maximizing the stacking space that is located internal to the site. All stacking is internal to the site and not along the street. This is also not inconsistent with the nearby development, including a Jimmy John’s that was constructed in the same center in 2014. That also does not meet the 25’ setback.  Lastly, he showed the building design elevations which he felt were aesthetically pleasing and eliminated the current eyesore created by the vacant Arctic Circle building. He asked if there were any questions. 

- 3.6.1 **Commissioner Quigley**, while looking at the site plan commented that he would like to hear more detail about the landscaping that would be put between 5400 South and the building. He asked if it would all be grass, or include trees, etc. That he had looked at the images from their Las Vegas store which did include trees.
- 3.6.2 **Mr. Wecker** advised they are proposing all new landscaping. He advised that some of the previously examples of other stores are outdated. They now have different building designers. The previous examples were shown because of time constraints in needing to show something as quickly as possible. In terms of landscaping, they will meet or exceed Code requirements, which will include street trees and shrubs on the corner. There was definitely an opportunity to have enhanced landscape design there, especially on what would be the northeast corner. The landscape design would be more enhanced than what was shown in the example images. **Commissioner Quigley** said that meant a combination of plantings and rock then. **Mr. Wecker** said yes, rocks, trees and shrubs that will meet or exceed the Code requirements, particularly for the northeast corner where there is the opportunity to make it a nice, welcoming entrance. 
- 3.6.3 **Commissioner Quigley** asked for the percentages for walk-up business and drive-thru as done by them, at which time the Site Acquisition Manager, **Linda Morris**, said the business is predominately drive-thru with some walk-up. They want to accommodate families and be able to have a place where they can convene. Right now due to Covid-19, the patio areas are closed in many areas. The reason for the single sidewalk up window was that they could still service people who want to get out of the cars and take a moment. Then the ones that want quick service can still utilize the drive-thru. They are very conscious of speed, quality and service and want to make sure that they are able to let people in the door and then let them out and the window just offers an extra way to get that attention and experience. She did not have the exact numbers in front of her but felt it was 25% or less is for the walk-up window because their business is predominately drive-thru. 
- 3.6.4 **Commissioner Wright**  said that what he has heard is that there are no alternative plans. That this is the best plan the applicants can come up with. Based on that assumption he expressed curiosity if it had ever been considered to possibly have less parking at the site. **Josh Hanlan** (architect) said he was part of the initial design of the site and explained the changes made to allow better flow. There is the need for employee parking as well as being able to provide parking for the customers and patrons. This will also allow for a good route to people facilitating the site for trash pick-up, while keeping them away from the drive-thru lane. **Commissioner Wright** said he was not sure that answered his question. What he wanted to know is if less parking was considered. **Mr. Hanlan** said that if they provide less parking it doesn't allow enough parking for both employees and patrons at the site. They are now at the bare minimum. That limits them down to about six cars thru the window.
- 3.6.5 **Ms. Chmielik** said from an operational standpoint at shift change there could be up to eight or ten employees on site. What is different about this company is they also employ interior coffee makers (brewisters). They also don't do a speaker box system but utilize runners. In order to maintain a high-quality experience, they change out each area of work every 15 to 20 minutes to make sure their people are giving the best service in each of those areas. In answer to the parking question, they don't want to have their staff have to look for parking elsewhere, which would start off their shift in the wrong manner. They want to allow them to have plenty of parking while still maintaining the walk-up window and option for the customers. 
- 3.6.6 **Commissioner Wendel** thanked the applicants for commenting on how important the customer experience is to them. She added that the Planning Commissioners also feel that way about the City residents. That is why she has concerns about using that grade as reason for not bringing the building forward. In her five years as a Planning Commissioner she has seen a dramatic difference in what the environment is when a building is brought to the sidewalk. Regardless if somebody is walking right at that same grade level or not, it does give the street experience that is looked for in having the building moved forward. She did not enjoy the outdoor seating area in restaurants where it is placed in close proximity to the drive-thru. She also is concerned with the customer

experience, concerned with the citizen experience and the street experience while driving down the street. She acknowledged that the back space to the south on this site will require a significant amount of re-investment and planning as a whole. She said the Commission has not yet seen the revision to the master plan regarding that entire area. She expressed concern about trying to make a decision on one kiosk business for a property that is that large. She addressed the parking saying that as a whole everyone is slaving to the automobile with the drive-thru and parking as opposed to the actual customer. 

3.6.7 **Ms. Chmielik** said they are very excited about coming to Taylorsville and have been doing this since 1992. That the kiosk is not a portable building but is a very pretty building. With that being said they have also opened company-wide about 400 stands and have learned a lot through that time about what works best for them operationally but also what works best for the community. One different thing about their business is people don't come to Dutch Brothers with the intent of having a nice quiet coffee experience. It is about interaction, about social time, so having the window closed to the brewsters and a small patio area, is not an invitation for people to stay around for long periods of time like typical coffee shops. They are asking them to come in after Covid-19 passes for a more interpersonal experience. The other thing about the environment thing for pedestrians, she did feel the window makes customers have a really inviting and safe space and they will also be very open to having them come, however, with Covid-19 they have seen that they are one of the only essential businesses still working because of the drive-thru. So, because they are able to offer a quick service drive-thru distancing window, she felt like the environment is definitely going to change pro-Covid-19 and they are trying to accommodate both scenarios. There will be bicycle racks and if there are other suggestions along that line they would be happy to take those into consideration as well.

3.6.8 **Commissioner Barbieri**  was concerned that the parking faces both of the streets and the cars face the street. More importantly too, the drive around goes right across the pedestrian walkway, so unless she is seeing that incorrectly, that walkway comes right up, and people will be driving around the corner to leave as there are pedestrians walking up to the kiosk. She felt that was not the best way to do that. There are other ways to situate the building to meet the needs of the City, the needs of a walkable place as well as the aesthetics. That eventually this has potential to have multi-use with residential, large commercial, small commercial, etc., but one of the main corners has the parking facing both streets. The drive around goes right across the pedestrian walkway. Eventually, this has potential but traffic going around the building does not meet the purpose of the area. There might be some other ways to accommodate Dutch Brothers and make it profitable for them.

3.6.9 **Commissioner Wright**  said that based on what the applicants say that this is the best for "them", the challenge for the City is it pulls it away from the setback and away from walkability.

This is not a walkable place.  If they stay with the walkability idea, they could potentially rather than bringing the whole building forward, bring just part of the building forward. 

He suggested having a low wall that mimics part of the building. Right now they have a stick stone on it a veneer type element. He suggested bringing that wall forward to continue the idea that the architecture is closer to the walk. **Commissioner Barbieri** asked if that would be on both 5400 South as well as the ingress/egress on the east side of the building. **Commissioner Wright** said that was a good question and he was not sure of the solidified idea on what that would be. He felt that on the ingress/egress from 5400 South it might be important to have the architecture next to 5400 South. He advised he was just trying to give some ideas. He felt the biggest concern was the walkability, that sets the precedent for the other areas along there if it allowed to be back then that important opportunity would be lost. He felt everyone wants it to be walkable. Right now this isn't really a walkable area along 5400 South. There is the wall that is right next to 5400 South, wherein nothing can be done with that because it is assumed to be a UDOT wall. He asked the applicant to step back a little bit and make a more inviting space that has some architectural feature up next to the wall that brings it a little bit closer in that fashion. He made clear he was not talking about a high wall but rather keeping with the lower wall. That gives the sense that it is really a part of the street and architecture of the building. **Commissioner Barbieri** said the whole feeling is that it is just one big parking lot.  Another lane of traffic so to speak on 5400 South.

**Commissioner Wright** said that is what he was thinking about by putting the low wall in front of that traffic lane. **Commissioner Barbieri** added that would buffer how much traffic was visible. **Commissioner Wright** advised there would be the UDOT wall, step back a little bit with some landscape area, have an architectural wall, step back from that a little bit and then there would be the drive turn radius and the building itself. It brings the architecture closer. **Commissioner Barbieri** said then what would be done with the sidewalk that comes right up through the drive-thru. **Commissioner Wright** said that would need to be modified. Right now it is right in the middle of the landscaped area, which helps from a grading standpoint. If it were brought back behind the wall, that would give the opportunity to have a landscape area in front of it to soften it a bit. Then to the next low wall, then to the sidewalk that comes right in. Another concern he had with this is the access on the site plan he is not really sure how the sidewalk comes up in and attaches to the sidewalk along 5400 South. They might look at that connection a little closer to tie that together better. Not only come up in but perhaps go back down. That may be pushing the issue a little bit there. He was just trying to work with the ideas submitted and bring the architectural out a bit by doing something else.  **Commissioner Burggraaf** and **Commissioner Quigley** said they would like to reserve their discussion time until after the public hearing.

- 3.6.9 **Commissioner McElreath** said that since the applicant had said there were two windows, one pedestrian and one vehicular, he wanted to know how the pedestrians would be able to access their window and if there was a pedestrian walkway proposed. **Mr. Harlan** (consulting engineer), addressed that saying the pedestrian access would tie in just to the right of the existing wall, just outside the limits of the driveway. It would work its' way around and then up to the site itself. **Commissioner McElreath** asked if it would cross over the drive-thru lane. **Mr. Harlan** said that was correct but that there would be signage alerting the drivers about the pedestrian crossing.



- 3.7 **Commissioner McElreath** opened the public hearing and since there was no response for comment nor receipt by Staff of written comments, closed the public hearing and opened the meeting for discussion by the Commissioners or a motion. 

3.8 **DISCUSSION:**

- 3.8.1 **Commissioner Burggraaf**  had a question for the legal department (who was on a remote connection). He said in looking at the ordinance there is not a clear prohibition about moving this back. It states placement of the building beyond the required setback line is discouraged and must be specifically approved by the Planning Commission if no other viable alternative exists. He felt that this portion of the Code needs to be revisited to fix it. This does not seem to have a direct prohibition and appears to give the Commission discretion, which in his mind seemed problematic legally because this is not an ordinance change, not a zone change, and in mind not a legislative but is an administrative decision. He asked for a legal opinion as to whether the

Commission actually has the ability to do anything other than give approval.  **Ms. Shelman** (Deputy City Attorney), said the language is intentionally broad to give a little leeway in decisions if there is no viable alternative. It is meant to allow a little "wobble room". **Commissioner Burggraaf** then asked who sets the standard for "viable" because the applicant has explained that it is not economically viable to switch it from what they have. **Ms. Shelman** said that is a question where the City might want to define the rule a little more but it is probably not going to be defined specifically in order to keep some flexibility in the ordinance. She said that the legal department can look at it. **Commissioner Burggraaf** said he recognizes that there can be aspirations for different language but that will come after this applicant is considered. Another point he wanted to make is he looked at Jimmy Johns which is right next door to this and noted that their setback is even further than what is being proposed in this application. He felt they have an appealing street facing side to their building, wherein there is a patio and landscaping that is in between the patio and the drive-thru area. He felt that gives some comfort to those sitting on the patio as opposed to sitting right next to the vehicles that are driving through. He said he was not sure how long Jimmy Johns had been there but guessed it was built in about 2014 and was approved that way. He said he understood why they wanted it that far back was probably because of the number of traffic lanes close by and wanting to provide a nice atmosphere to those sitting on the patio. This might be an experience where walkability needs to be buffered also to make the pedestrian traffic feel more comfortable about actually sitting down

and eating. He was concerned about the “viable” language and did not feel there were clearly defined parameters for determining whether it is or isn’t viable. He felt the “wobble room” was a dangerous area that if the Commission is saying no at this stage would cause issues for the City. For those reasons he was inclined to say that what they are proposing looks feasible especially when comparing it to the Jimmy Johns right next door. Also, in comparison to the rest of that building site that is not looking great and felt this was a way to start improving it. 

- 3.8.2 **Commissioner Quigley** said he agrees with Commissioner Burggraaf’s comments and had no problem voting in favor of the application.
- 3.8.3 **Commissioner Barbieri** asked how large the Arctic Circle building was in comparison to this kiosk and was informed by **Mr. Spung** that the kiosk is about half the size. She said, at least Jimmy John’s has landscaping against the street and it doesn’t look so overwhelming to walk past there. There are seven lanes of traffic on one side and a drive-thru on the other side of the sidewalk which makes it a little daunting. **Commissioner Wendel** asked if she meant by that it could be brought back further. **Commissioner Barbieri** said she still doesn’t understand why with such a small footprint of 800 square feet, there could not be a way to make it financially profitable for Dutch Brothers and keep the traffic off the sidewalk out front on 5400 South.
- 3.8.4 **Commissioner Wendel**  expressed her concern that anytime the Commission is not fully supportive of the walkability concept, it is being remiss. It is the Commission’s responsibility to make sure to provide safe walkable space. Just because something is not ideal at this time, doesn’t mean that is not the objective to fix that. **Commissioner Wendel** said that during her daily drive time in the City she always sees pedestrians walk in this area, even as unsafe and unattractive as it is. She plans to put out a plea to this business owner to take note of Commissioner Wright’s suggestions and help the Commission in that way to mitigate should this be approved as to what can be done to define a good compromising position from both the streetscape view, the pedestrian experience and supporting the objective to always maximize the opportunity in the City. The feed-back content offered by the Commissioners is because they all live here, understand it, and really want the applicant to be successful. 
- 3.9 **APPLICANT RESPONSE: Mr. John Baker** advised that the comments about trying to buffer and maintain more walkability are viable with the landscape area between the drive-thru and the sidewalk. He also liked the idea to stair step landscape features  because that is very attractive, whether it is done with shrubbery, plants, or as suggested landscape walls that tie the site back together. That can be done very attractively. He advised he has enjoyed listening to the dialog and focus of pedestrian orientation here. He advised he totally understands that and as a consumer he would especially welcome that type of design. He focused on the fact that there is really a drop off and discourages desirable pedestrian activity. That is particularly true on this side of the street going towards Bangerter Highway and all the improvements that way. He asked that Staff display the aerial image of that area. He said there is transitioning there from Jimmy John’s on a very hard surface that is not a real welcoming environment and then to cross a very scary intersection to continue eastbound. That is where this situation is different than if it were even on the other side of the street where there is not the same kind of topography and retaining walls, and all the necessary improvements that have been put in there. An appealing design here will go a long way to improve the aesthetics as people are walking but he did not honestly feel there would be as much foot traffic as there would be in other areas. The topography is a big thing for him as a land-owner. It is very real and he appreciates what the Commissioners are saying and he felt there was room to add some of the elements that have been suggested this evening and make some continuity between the building and the street. He advised they would be willing to look at that idea.
  - 3.9.1 **Commissioner Burggraaf** asked if there would be an issue if they extended that current walkway/pedestrian access all the way through the north side of the property line. His thought was that perhaps some people might opt to walk closer to the business as opposed to talking right against the street.  He felt that would give the business better exposure for foot traffic but also gives a nice buffer for pedestrians who don’t want to walk right along 5400 South. There may be feasibility in extending the sidewalk/pedestrian access all the way along 5400 South.

3.9.2 **Commissioner Wendel** added that for many people who have greater economic means, do not rely on the functionality to walk places. For that community there is a lot of pedestrian and public transportation bound people, so this is not just about making it attractive for walkers but saying that there are walkers that need to have this more attractive and safer. **Commissioner McElreath** added that he is supportive of this application and felt there have been good ideas thrown out by the Commissioners as well. He felt this will help that shopping center out and hopefully can spur other things to start happening there as well. 

3.10 **MOTION: Commissioner Quigley**  I move that we approve File #29C20 for the placement of Dutch Brothers Coffee kiosk beyond the setback based on the Findings in 1-6 with provisions stated by Staff, with an addition that we would require that sidewalk to continue all the way across the frontage of the property as has been suggested in our comments tonight and that also a recommendation that Staff would work with the architects to implement some of the architectural designs that were discussed tonight in the elevation moving from 5400 South up to the building, giving more of a steps in bringing the building as Commissioner Wright suggested. I would recognize that we would need to reflect that to the Minutes of this meeting for Staff to understand that but I think we are on that page. I hope that type of a motion is not too wordy. **Commissioner Barbieri** – I am writing. **Commissioner Burggraaf** - That is what we call speaking motion. **Commissioner Barbieri** – Adding that the sidewalk will continue east to the intersection and then have full landscaping on both the north and south sides of the walkway. **Commissioner Quigley** – That is correct. **Commissioner Burggraaf** – Mr. Chair. **Commissioner McElreath** – Commissioner Burggraaf. **Commissioner Burggraaf** - This isn't our decision, isn't a conditional use permit. **Commissioner Quigley** – No they are recommendations. **Commissioner Burggraaf** - I think as long as they are recommendations and not contingent, it is okay.  
**SECOND: Commissioner Burggraaf**  
**ROLL CALL VOTE: Commissioner Quigley** – AYE, **Commissioner Wright** – AYE, **Commissioner Barbieri** – AYE, **Commissioner McElreath** – AYE, **Commissioner Burggraaf** – AYE, **Commissioner Wendel** – AYE, **Commissioner Willardson** – AYE. Motion passes unanimously.

4. 6220 - Recommendation to the City Council for a Zoning Map Amendment for Property at 4645 South 1175 West from R-1-10 to R-1-5. (Jim Spung/Senior Planner)

**ZONING MAP AMENDMENT**

4.1 **Mr. Spung** presented this item.  Svetlana Bryner is requesting a zoning map amendment to rezone her property at 4645 South 1175 West from R-1-10 to R-1-5. The property is 16,988 square feet and currently includes a single-family dwelling originally constructed in 1970 with a building footprint of approximately 1,250 square feet. The lot also includes two detached accessory structures, the first one is approximately 50 square feet and the second approximately 1,250 square feet in size. The applicant's zoning map amendment request is consistent with the City's General Plan and would not allow for the creation of residential densities in excess of six dwelling units per acre. The applicant intends to subdivide in the future.

4.2 **FINDINGS:**

- 4.2.1 This application was initiated by Svetlana Bryner, property owner.
- 4.2.2 The applicant is requesting a zoning map amendment to rezone the property at 4645 South 1175 West (Parcel 21-02-377-006-0000) from R-1-10 to R-1-5.
- 4.2.3 The applicant has expressed interest in subdividing the property into two residential lots.
- 4.2.4 The subject property is within the "Low Density Residential" designation on the City's General Plan Proposed Land Use Map.
- 4.2.5 The proposed zoning map amendment is consistent with the adopted General Plan.
- 4.2.6 The City Council is the decision-making authority for a zoning map amendment request and may adopt or reject the amendment as it deems appropriate pursuant to Section 13.05.030 and other applicable sections of the Taylorsville City Code.

- 4.3 **STAFF RECOMMENDATION:** Staff recommends the Planning Commission sends a positive recommendation to the City Council to amend the zoning map for the property at 4645 South 1175 West from R-1-10 to R-1-5, based on the Findings in the Staff Report.
- 4.4 **APPLICANT ADDRESS:**  **Svetlana and Alex Bryner** (the applicants) were present and advised that the current structures on the property are in bad shape and they are working to remodel the house and fix up the structures to meet Code. **Ms. Bryner** advised that she is aware that the garage is in very bad shape and will probably need to be torn down. Her family's goal is to make the property better and they have done, and still are in the process of doing a lot of work to achieve that.  **Commissioner Burggraaf** asked what their future plans were for the existing home and Svetlana said they plan to keep it after their remodel is completed. She added that they have already spent \$50,000 on repairs in the house already and a new garage will be \$30,000 or more. She said they came to the neighborhood because they saw great potential in this house and that it would add to the quality of the neighborhood. That their intent was not to have a subdivision, just one new house on the back lot.
- 4.5 **Commissioner McElreath** opened the public hearing and asked if there were anyone wishing to speak.
- 4.6 **SPEAKING:**
- 4.6.1 **Eric Behunin** (lives four houses down from this site). He was not in favor of a zone change to R-1-5 as he felt it would decrease the value of his own home. He commented that the home being discussed this evening has been a concern for some time as it was previously allegedly a Meth house. The neighbors would love to see this turned into something beautiful. 
- 4.6.2 **Ron Breinholt** - (owns the house directly south).  He advised this particular house was originally owned by his grandpa who is now 90 years old. That the neighbors have fought the Meth house for many years and he felt it would be nice to demolish the house and rebuild. He added that the garage is in such bad shape that it could be pushed over with one hand. He has had discussions with the new owners over lot boundaries not being right. He would be very appreciative if the City could finally solve all these issues surrounding this property and have someone build a new home there who would be a good neighbor. 
- 4.6.3 **Ray Wood**. (lives behind this property). Mr. Wood is 84 years old and expressed that he would be in favor of demolishing all the present structures and start over with new ones. He felt that this rezone would definitely be good for the owners because they could have two lots and make a definite profit.
- 4.6.4 **Linda Battenfield**. She expressed concern with adding more traffic and density to their street and was not in favor of granting the rezone. 
- 4.6.5 **Becky Behunin**. She was in favor of letting the neighbors achieve their goal of upgrading their property and did not see the urgency to split the lot right now. She did not feel there needed to be any more density in their neighborhood and wanted to keep it as is. 
- 4.7 **DISCUSSION:**
- 4.7.1 **Commissioner Wendel** explained that she did understand the neighbor's emotions and empathized with wanting to keep something the same forever but property owners also have legal rights. With that in mind she encouraged the neighbors to communicate their concerns to these new property owners and try to work out something amicable. Legally the Commission must look at what it can approve and what it can deny. She appreciated the neighbors coming out this evening and expressing their concerns. That if there are problems on this property in the future, they should call the City's Code Enforcement Department which is listed on the City Web Page.

4.7.2 **Commissioner Quigley** said even though this proposal is for 5,000 square feet zoning because there is some contiguous 5,000 square feet or R-1-5 zoning, he still felt this looks like spot zoning and 1175 West which is known for its' big lots is kind of what makes that street unique and gives it character. He felt that the people who live on that street want to preserve that type of image and even though the streets may be a little busier than they would hope, it still basically is a good ole country lane and putting houses in the back of these larger lots would not benefit the neighbors. For those reasons he explained he could not support this request for a positive recommendation to City Council for a zoning change.

4.8 **MOTION:** **Commissioner Quigley** - I move that we send a negative recommendation to the City Council for File #6Z20 to amend the zoning map for the property at 4645 South 1175 West from R-1-10 to R-1-5 based upon the Findings as outlined in the Staff Report.  

**SECOND:** **Commissioner Willardson**

**DISCUSSION:** **Commissioner Burggraaf.**  This might be a much easier decision to make if the applicant was coming forward ready to move on their next phase.  We have had applicants who have come forward ready to subdivide, already having their site plan worked out on what they were going to do and it makes this type of decision much easier when that occurs. I would suggest to the applicant that just because we are making whatever decision we make at this point, that doesn't rule out the possibility of the applicant coming back and re-addressing this at a subsequent meeting.

**ROLL CALL VOTE:** **Commissioner Quigley – AYE, Commissioner Wright – AYE, Commissioner Barbieri – AYE, Commissioner McElreath – AYE, Commissioner Burggraaf – AYE, Commissioner Wendel – AYE, Commissioner Willardson – AYE. Motion passes unanimously.**

**CITY COUNCIL MEETING:** **Commissioner Barbieri** gave the report on the City Council meeting held on June 3, 2020.



**ADJOURNMENT:** By motion of **Commissioner Burggraaf**, the meeting was adjourned at 9:15 p.m.

These Minutes were prepared by:

*Jean Gallegos*

Jean Gallegos, Admin Assistant/Recorder for the  
Taylorsville City Planning Commission

Approved in meeting held on July 14, 2020.