City of Taylorsville
Planning Commission Meeting Minutes
March 12, 2024
Pre-meeting – 6:00 p.m. / Regular Session – 6:30 p.m.
2600 West Taylorsville Blvd – Council Chambers

Attendance-

Planning Commission	**Community Development Staff**
Cindy Wilkey – Chair	Jim Spung – Senior Planner
Don Russell (Arrived at 6:37 p.m.)	Terryne Bergeson - Planner
Marc McElreath	Jamie Brooks – City Recorder
Don Quigley	
Gordon Willardson	
David Wright	
David Young (Electronically as of 6:10 p.m.)	

Excused: Lynnette Wendel
Citizen's/Guest's Present: Ernest Burgess

BRIEFING SESSION – 6:00 P.M.

1. Senior Planner Jim Spung briefly reviewed the agenda.

Chair Wilkey pointed out that during the February 27th meeting, resident Paula Nelson had also expressed concerns about traffic in her cul-de-sac, specifically regarding the safety of children in the area. The Chair asked that those concerns be added to the minutes of that meeting.

Planner Terryne Bergeson reviewed File No. #1SI-RA-000420-2024 explaining that during inspections of this home under construction, staff noticed that the amount of concrete in the front of the property exceeded city standards. The builder was asked to submit a revised site plan and the future homeowner reached out to the city to explain that the extra concrete was needed due to their daughter's wheelchair.

Commissioner McElreath wondered how the non-compliant concrete was poured with no one realizing that it did not meet city requirements. Ms. Bergeson responded that the builder had deviated from the approved plans and the discrepancy was noted upon inspection.

Commissioner Wright wondered how much concrete was really needed in this situation. He pointed out that an accessible parking stall was 8' wide with a 12' aisle next to it. This appeared to be much more than that.

Chair Wilkey stated that she was familiar with the homeowners and knew that they had four other homes. She wondered if they intended to make the same changes to the

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driveways of the other homes. Ms. Bergeson responded that they had not mentioned any plans for other homes.

Commissioner Quigley wondered if they intended to reside at the subject house or if they would continue to reside in one of their existing houses.

Commissioner Wright felt the amount of concrete poured at this home was an egregious over-step. While he agreed that accommodation was appropriate, this far exceeded what was necessary.

Ms. Bergeson pointed out that it was up to the applicant to provide justification for the requested accommodation. They had not provided anything beyond the documents included with the staff report.

Commissioner Quigley wondered if the Jasper family intended to occupy the home, and how many drivers there were in the family. It appeared to him that their goal was to obtain additional off-street parking for the home. He hoped the applicant would be in attendance at the regular meeting.

Commissioner Wright then reported on the March 6, City Council meeting, during which there were no planning matters discussed.

The briefing session concluded at 6:29 p.m.

GENERAL MEETING – 6:30 P.M.

Chair Wilkey opened the general meeting at 6:30 p.m. and read the welcome statement. A roll call was conducted wherein all commissioners were present except Commissioner Russell and Commissioner Young, both of whom arrived shortly thereafter (Commissioner Young via Zoom).

CONSENT AGENDA

2.	Review/Approval of the Minutes for the February 27, 2024 Planning Commission meeting.

Chair Wilkey asked that Paula Nelson's additional concerns expressed during the public hearing (regarding safety of neighborhood children and a potential for increased traffic) be added to the minutes. City Recorder Jamie Brooks responded that she would add those comments.

MOTION: Commissioner Wright moved to approve the minutes from the February 27, 2024 meeting as amended. The motion was seconded by Commissioner McElreath.

Commissioner Willardson: Aye
Commissioner Russell: Absent

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Commissioner Quigley: **Aye**
Commissioner McElreath: **Aye**
Commissioner Wright: **Aye**
Chair Wilkey: **Aye**
Commissioner Young: **N/A**

Motion passes 5-0

Chair Wilkey pointed out that Commissioner Wendel had been excused and that Commissioner Young might be in attendance later in the meeting via Zoom. As it turned out, Commissioner Young was present electronically but the city recorder was unaware and therefore did not call for his vote.

REASONABLE ACCOMODATION

3.	Consideration to Grant a Request for a Reasonable Accommodation for the Property Located at 4729 South Turnberry Cove in Taylorsville, Utah. (1S124 / Terryne Bergeson, Planner

Planner Terryne Bergeson explained that Brad Reynolds Construction company had been constructing a single-family home on Lot 12 of the Meadows on 48th subdivision. City staff was onsite for a building inspection and determined that the paved area of the driveway, park strips, and width of curb cut for the driveway exceeded what was illustrated on the approved plans. City staff reviewed Land Development Code standards and discussed the deviations with the builder and future homeowner. The applicant explained that additional pavement was installed to accommodate the special needs of their daughter. Taylorsville Land Development Code designated the Planning Commission as the Land Use Authority with the responsibility to review and issue approve or deny requests for reasonable accommodations. The applicant had submitted the reasonable accommodation application with documents to review with the request.

Adjacent Land Uses

North	South	East	West
Residential (R-1-8)	Residential (R-1-8)	Mobile Home (MH)	Residential (R-1-8)

This type of application did not have any requirements for public noticing or a public hearing.

Site plan and photos (Exhibits G, H) showed the areas of pavement in the park strip and front yard. Per standards for park strips in Section 13.25.010(C)(3), paved pedestrian pathways were encouraged and counted toward the 75% pavement limit for park strips. Subsection 6 of the park strip ordinance allowed flexibility for site-specific conditions and allowed the department director to modify the standards. Park strips were fully paved and integrated into the driveway. During the review process it was stated that the park strip pavement was installed to accommodate the special access ramps used on

transportation vehicles. Staff reviewed the new site plan and the director granted approval to allow the existing park strip concrete to remain.

The Taylorsville Land Development Code provided standards for residential development in single-family zones, including off-street parking requirements that limited the percentage of area that could be covered by a paved surface. Section 13.20.050(C) states: *The maximum area of hard surface for the purpose of parking vehicles on a residential lot shall be restricted to not more than twenty percent (20%) of the front yard excluding the driveway providing access to the primary attached or detached garage…*

The pavement limitation standard was intended to preserve the residential character of neighborhoods. The standards worked together to allow a certain percentage to be impervious surface, coupled with other requirements for the remainder of the area to be landscaped which helped to create a neighborhood aesthetic. The limit on pavement also contributed to mitigating storm water runoff and could help to reduce the urban heat island effect in neighborhoods. For the subject property, the home had a 1,065 square foot driveway leading to a three-car garage. The front yard area (excluding a portion as described above) was 1,313 square feet. Per development standards the property could have up to 263 square feet of additional pavement, which when applied to the site plan would be about the same area as paving from the driveway to the north property line, providing space for an additional vehicle and access to the paved side yard.

As stated in the summary, the deviation from site plans was noticed when city staff was conducting an inspection and the property owner (Brad Reynolds Construction) submitted updated plans to illustrate and seek approval for existing conditions. The "requested" site plan (Exhibit G) shows green hatching that was the originally approved paved area. The red outline added represents what is existing. Site photos compared to the existing site plan show that the curb cut which is currently at the property line is proposed to be restored to the originally approved width. No reduction in the amount of pavement in the front yard is proposed. The area that extends to the south of driveway puts the total area of concrete for the front yard area at 54.1%. During the review the applicant explained their circumstances and that their daughter required transportation services provided by specialized vehicles (Exhibit E). The extra concrete was poured to ensure adequate space for the vehicles to be able to maneuver in and out of the driveway. Aside from circular driveways, the Land Development Code did not provide criteria to allow an exception to the amount of pavement that was allowed on residential properties.

The applicant was requesting that the Planning Commission consider increasing the allowed paved area on this property to be increased from 20% of the front yard area to 54.1%. Staff reviewed the proposal and requested comments from the city engineer relating to storm water retention and there were no concerns with stormwater runoff. Staff felt that the request did not meet the criteria for prohibited accommodation as it was not seeking to waive a requirement, but to increase the limit of pavement, which was reflected in the conditions of approval. The relevant definitions and criteria were listed below.

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13.39.190 *REASONABLE ACCOMMODATION: A change in a rule, policy, practice, or service necessary to afford a person equal opportunity to use and enjoy a dwelling. As used in this definition:*

A. "Reasonable" means a requested accommodation will not undermine the legitimate purposes of existing zoning regulations notwithstanding the benefit that the accommodation would provide to a person with a disability.

B. "Necessary" means the applicant must show that, but for the accommodation, one or more persons with a disability likely will be denied an equal opportunity to enjoy housing of their choice.

C. "Equal opportunity" means achieving equal results as between a person with a disability and a nondisabled person.

13.11.070(G)(4) *Prohibited Accommodations: The requested accommodation must relate to the use of the property so that it may be enjoyed as other similarly situated properties. An example would include a reduction in setback requirements for the installation of handicapped accessibility improvements. An accommodation cannot be granted to waive a zoning requirement, general setback reduction requests not related to the occupants, increase the profitability of the facility, or increase the maximum number of unrelated occupants above eight (8) plus two (2) additional persons acting as house parents or guardians.*

Approval of this request would not impact the number of dwelling units and had no impact on the low- density residential designation. The request aligned with Goal 7.3 in the current General Plan which identified the importance of housing that met the needs "for residents of all income levels, age groups, and abilities".

Findings

1. Brad Reynolds Construction is building a home for the Jasper family at 4729 S Turnberry Cove in Taylorsville, Utah.
2. The subject property is zoned R-1-8.
3. The property is designated as low-density residential in the Taylorsville General Plan.
4. Site plan illustrates paved area that exceeds the 20% paved area limits for front yards in a single-family zone and paved park strips.
5. The increased pavement area was installed to accommodate specialized transportation vehicles for a member of the family.
6. Per Section 13.25.010(C)(6), the director has modified the standards for park strip landscaping to address site-specific conditions.
7. Todd Jasper has submitted a reasonable accommodation application to allow an increase in paved area from 20% to 54.1% for the front yard of the subject property.
8. 13.03.030(A)(3)(c)(5) designates the Planning Commission as the Land Use Authority to review and make decisions related to reasonable accommodations.

Staff recommended that the Planning Commission review the staff report and supporting documents and determine if the request should be granted. The Planning Commission may find that some percentage of concrete other than 54.1% is appropriate, as reflected in the potential motions contained in the staff report.

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Commissioner Wright wondered why the Director had approved the concrete on the park strip. Ms. Bergeson responded that he believed it was necessary to accommodate the vehicles used to transport the homeowner's daughter.

As it did not appear that the applicant was in the room, Chair Wilkey asked if he or the developer were online. Ms. Bergeson responded that they were not.

Chair Wilkey wished for more information from the applicant: do they plan to occupy the home? Would it be his daughter's primary residence? What are their plans for parking?

Commissioner Quigley pointed out that part of the reason this item was before the Planning Commission was to determine if the accommodation was reasonable. However, there was no one present to explain what was necessary under the circumstances and to advocate for the applicant's position. How could they make a decision without that input? He said he understood the need to widen the walkway, but it appeared they had paved the entire front yard, which seemed excessive.

Ms. Bergeson pointed out that the matter could be tabled if the Commission did not feel comfortable voting without additional input from the homeowners.

If the matter were to be tabled, Commissioner Wright said he would want to see where the cars would be parked, what the accessibility issue really was, etc. He did not understand the need to be able to turn around in their own driveway when there was plenty of room to do so in the cul-de-sac. Without that information, he saw no "compelling reason to say yes."

Chair Wilkey wished to get more information before approving the request. However, Commissioner McElreath preferred to move forward as he felt he had sufficient information to make a decision.

MOTION: Commissioner McElreath moved to approve File #1SI-24 – SI-RA-000420-2024, a Request for a Reasonable Accommodation to allow the limit of the paved area in the front yard, excluding the driveway providing access to the garage, be increased from 20% to 54.1% for the property located at 4729 South Turnberry Cove in Taylorsville, Utah, subject to the findings and conditions in the staff report. The motion was seconded by Commissioner Willardson.

Commissioner Quigley:	**NAY**
Commissioner McElreath:	**AYE**
Chair Wilkey:	**AYE**
Commissioner Willardson:	**AYE**
Commissioner Wendel:	**ABSENT**
Commissioner Wright:	**NAY**

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Commissioner Russell: **AYE**
Commissioner Young: **AYE**

Motion passed 5-2

CITY COUNCIL MEETING DISCUSSION

Commissioner Wright provided this report during the 6:00 p.m. briefing.

ADJOURNMENT

MOTION: Commissioner McElreath moved to adjourn. The motion was seconded by Commissioner Willardson. The motion passed unanimously and Chair Wilkey declared the meeting adjourned at 6:55 p.m.

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Jamie Brooks, City Recorder

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