

**City of Taylorsville
Planning Commission Meeting Minutes
September 8, 2020
Pre-meeting – 6:00 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
Lynette Wendel
David Wright
Anna Barbieri
Gordon Willardson
Don Russell (Alternate) - Excused

Community Development Staff

Wayne Harper – Director/Economic/Community Dev
Jim Spung – Senior Planner
Stephanie Shelman – Deputy City Attorney
Jean Gallegos – Admin Assistant/Recorder

BRIEFING SESSION - 6:00 p.m.

1. The briefing session to review the Agenda was conducted by Jim Spung. On the Agenda was a conditional use to operate a crematory, embalming facility, one for the expansion of an auto, light trucks, RV, all-terrain vehicle dealership (used) – sales and service agency. Also, a general plan map amendment from business park to medium-density mixed-use at 4202 S Riverboat Road; a zoning map amendment from Industrial (ID) to Mixed-Use (MU) at 4202 S Riverboat Road. There are two zoning text amendments; one to amend Chapter 13.20.020, R-1 and R-1 Districts, Table of Setbacks, building Heights, Off Street Parking and Section 13.26.080, Standards for Permanent Signs Allowed Without a Permit. The last item is to amendment to Chapter 13.21.070; Drainage Systems; and Section 13.21.080; High Water Table Areas. **Mr. Spung** explained all his items and answered Commissioner’s questions.

REGULAR SESSION – 7:00 P.M.

CONDITIONAL USES

- | |
|--|
| 2. 37C20 - Consideration of a Conditional Use Permit for the Operation and Construction of a “Crematory, Embalming Facility” at 4306 South Redwood Road. (Jim Spung/AICP/Senior Planner) |
|--|

- 2.1 **Mr. Spung** presented this item. B.J. Lund, representing the property owner, Ron McDougal, is requesting a conditional use permit to operate a “crematory, embalming facility” on the property at 4306 South Redwood Road. The property is zoned Boulevard Commercial (BC), Section 13.08.020 of the City Code requires non-administrative conditional use approval for this land use in the BC zoning district.
 - 2.1.1 The property is 0.45 acres (19,602 square feet) and is currently developed as a single-family dwelling. If the conditional use permit is approved, the applicant is proposing to remove the existing structure(s) and build a new cremation and banquet facility that would operate in conjunction with the McDougal Funeral Home immediately to the south.
 - 2.1.2 Pursuant to Section 13.33.030(C), this proposal also requires site plan review and approval by the City. Applicable City departments and referral agencies have reviewed and given general approval of the preliminary site plan. Several technical details will be addressed during the final review process (i.e., stormwater management, trash/refuse enclosure details, lighting/photometric plan, utility plan,

landscaping/irrigation plan). The applicant will be required to meet the minimum standards adopted by review agencies prior to site plan approval.

- 2.1.3 Pursuant to Section 13.23.200, the applicant is required to obtain Planning Commission approval to authorize operation between the hours of 10:00 P.M. and 6:00 A.M. when such facility is located within 250 feet of a residential zoning district.

- 2.1.3.1 The banquet area would be available to families during the Funeral Home daily business hours, generally 8:00 a.m. to 6:00 p.m. There could possibly be occasions where it would need to be used during evening hours.

- 2.1.3.2 The crematory retort would open daily from 8:00 a.m. to 12:00 p.m., 4:00 p.m. and 8:00 p.m., finishing around 11:00 p.m. Would only rarely be used 11:00 p.m. to 8:00 a.m.

- 2.1.4 Pursuant to Section 13.24.080, the Planning Commission is responsible for establishing off-street parking requirements. The applicant is proposing to construct 34 parking spaces to accommodate the new facility. The proposed assembly/gathering area will have capacity to accommodate approximately 80 persons. The proposed parking count would result in a parking ratio of 1 parking space per 2 seats in the main assembly area. This exceeds the minimum threshold established nation-wide for similar uses (1 parking space per 4 seats in the main assembly area). The applicant is preparing a shared parking agreement to allow cross-parking arrangements between the new facility and the existing funeral home operation to the south.

- 2.1.5 Overall, staff finds that the preliminary review of the land use and site plan satisfy the general requirements of the Code.

- 2.1.6 No public comments were received regarding the public notice of this meeting sent Sept 5, 2020.

2.2 **FINDINGS:**

- 2.2.1 This application was initiated by B.J. Lund, representing Ron McDougal, property owner.
- 2.2.2 The applicant is requesting a non-administrative conditional use approval to operate a "crematory, embalming facility" on the property at 4306 S. Redwood Road.
- 2.2.3 The proposed land use requires Planning Commission review and approval prior to operation.
- 2.2.4 The subject property is within the "Community Commercial" designation in the City's General Plan Proposed Land Use Map.
- 2.2.5 The current zoning map designation is Boulevard Commercial (BC).
- 2.2.6 The proposed land use and site plan generally comply with the requirements of the City Code and review agency standards.
- 2.2.7 the applicant is requesting Planning Commission approval for extended hours of operation for a commercial use within 250 feet of a residential district, pursuant to Section 13.23.200.
- 2.2.8 Pursuant to Section 13.24.080, the Planning Commission is responsible for establishing off-street parking requirements.
- 2.2.9 Staff recommends the Planning Commission establish a minimum off-street vehicle parking ratio of 1 parking space per 4 seats in the main assembly area.
- 2.2.10 Staff is currently reviewing a lot-line adjustment request to relocate the property line between the subject property and the existing McDougal Funeral Home Facility.
- 2.2.11 Applicable City departments and referral agencies have reviewed and given general approval of the land use and the site plan. Several technical details related to the site plan will be addressed during the final review process (i.e., stormwater management, trash/refuse enclosure details, lighting/photometric plan, utility plan, landscaping/irrigation plan).

2.3 **STAFF RECOMMENDATION:** Recommend approval.

2.4 **APPLICANT ADDRESS** – **Mr. Lund** complimented Staff on doing a good job of explaining this proposal. He did comment that the facility is only for cremation and there will be no embalming performed at this site. **Commissioner Wendel** said this allows for a lot of parking and was concerned the amount of landscaping might suffer because of that. **Mr. Lund** said this was deferred to the owner, who felt that sometimes there would be a need for a lot of parking and they wanted to be sure to have enough to accommodate that. **Commissioner Wendel** agreed but just wanted to make sure there was enough landscaping. **Commissioner Quigley** complimented the owners for a very welcome business to the City. He felt the landscaping is always amazing. He said he lives in this neighborhood and did have a concern about the smell problem accompanying this use and wanted to know if the new equipment would address that. There is a crematory across the street from this which has older equipment and the smell is problematic when in use. **Benj Becker** (remote) (In the development partnership) advised that this newer equipment burns everything, so there is no smell involved. The other crematorium admittedly uses older equipment. **Mr. Becker** advised their machines meet regulations by the funeral regulation board and maintain the equipment regularly. **Commissioner Burggraaf** said the Planning Commission determines the amount of parking needed. If that number is lessened, then the landscaping could be upgraded, and a lesser amount of parking would make the site look better. Lowering the amount of parking stalls from the 34 would not be a requirement for today's approval, just a suggestion. **Commissioner Barbieri** added they might look at combining the two different lots and buildings, which would make the landscaping look like one center and be beautiful. She also was okay with less parking. **Commissioner Wendel** suggested the possibility of adding veterinary services for pets. **Mr. McDougal** said that was not being contemplated at this time but would be a useful consideration in the future. **Mr. McDougal** also noted that other funeral homes would be using this service at their facility. **Commissioner McElreath** asked if the hours of operation referencing 11:00 p.m. to 8:00 a.m. would be for public services and **Mr. McDougal** advised that would only be for their staff in using the crematorium and the need to have any public in attendance would be very rare.

2.5 **SPEAKING:** **Mr. Spung** advised he had received one E-Mail from Richard and Mar Jene Wilcock which said: "As I cannot attend the subject meeting this evening at 7:00 PM, I offer the following comments in regard to the Conditional Use Permit request:

Although furnace or 'Retort' manufacturers claim their products meet all federal, state and county requirements, there is nothing in my brief research including contacting the Utah Division of Air Quality that states monitoring of these pieces of equipment (Incinerators) and their operation ever takes place. The State does not, the County does not, and I assume the City of Taylorsville does not. If that's the case, how do we as residents know what we may be breathing? Some of my research indicated four odors from a crematorium may be caused by the burning of foreign materials, i.e. body bags or temporary caskets. Obviously, if those materials are caustic, the exhaust from burning them will also be caustic. I also know implants such as pacemakers may explode if not removed.

I know also there are consequences of mercury poisoning caused when dental filings of certain materials used predominantly in the nineties are burned. Although the total national amount is relatively small, they are certainly compounded when I live close to not one but two crematorium facilities. I live a few hundred feet from IPS Mortuary and Crematory. Now I will live a few hundred feet from McDougal Crematory, if approved. I'm caught in the middle; downwind from both you might say. I often smell burnt toast or coffee grounds, something I eat for breakfast everyday. NOT!

We know based on air quality monitors which measure pollutants and particulate matter how bad the air quality is if we choose to go outside. It would be interesting to have one of these monitors installed near IPS. Let's know what pollutants and particulates we are breathing.

How many Crematory facilities should Taylorsville City have? How many in one mile? How far apart should they be?

Until Taylorsville City does more research and can show they are measuring and monitoring the air quality 'at the stack' of such crematory facilities, I am against the continuation of allowing this conditional use permit.

Signed/ Richard & Mar Jene Wilcock"

- 2.6 **Commissioner McElreath** closed the public hearing and opened the meeting for discussion or a motion by the Planning Commissioners. **Commissioner Barbieri** said she would not mind the applicant responding to some of the questions from Mr. Wilcock. **Mr. Becker** responded by saying they had responded to Mr. Wilcock giving him some data as information. He outlined the change in design of the new equipment, which doesn't have the residual smell and burns everything completely because it runs at such a high temperature of 1800 degrees and burns from the top and bottom simultaneously. He said the neighbors will not even know it is being run. Also, that they closely monitor the equipment so there can be quick response in the event a problem arises. **Mr. Becker** said they had responded to the E-Mail from Mr. Wilcox and felt they had answered his questions. **Commissioner Wendel** asked him to explain how often or in what way the Utah Division of Air Quality does measurements or would be monitoring this. **Mr. Becker** said that all the information pertaining to the new equipment will be furnished to that agency so they can register it in their data base and monitor it closely. He added that they already have that information because there are other mortuaries that have bought these new machines and registered with the State, so if there are any issues, they will go ahead and investigate. McDougal Funeral Home is licensed with the Utah Funeral Board and is a member of the Utah Funeral Directors.

- 2.7 **MOTION: Commissioner Burggraaf - I move that we approve File 37C20, a non-administrative conditional use permit to operate a crematory/embalming facility at 4306 South Redwood Road, based on Findings in the Staff Report, with the added decision that they have at least 20 parking stalls and approve the hours of operation as proposed. 1:25:30**
SECOND: Commissioner Quigley.
VOTE: Commissioner Barbieri – AYE, Commissioner Wright – AYE, Commissioner Quigley – AYE, Commissioner McElreath – AYE, Commissioner Burggraaf – AYE, Commissioner Wendel – AYE, Commissioner Willardson – AYE. Motion passes unanimously.

1:26:08

- | |
|--|
| <p>3. 42C20 – Nick Markosian (owner) Consideration of a Conditional Use Permit for the Expansion of an "Auto, Light Trucks, RV, All-Terrain Vehicle Dealership (Used) – Sales and Service Agency" at 4238 South Redwood Road. (Jim Spung/AICP/Senior Planner)</p> |
|--|

- 3.1 **Mr. Spung** presented this item. Mr. Markosian is requesting a conditional use permit amendment to expand the "Auto, Light Trucks, RV, All-Terrain Vehicle Dealership (Used) – Sales and Service Agency" operation at 4238 South Redwood Road. The property is zoned Boulevard Commercial (BC). Section 13.08.020 of the City Code requires non-administrative conditional use approval for this land use in the BC zoning districts. This land use was originally approved by the Planning Commission in October 9, 2012.
- 3.1.1 The property is 3.21 acres (139,828 square feet) and is currently developed as a used auto sales and service facility. If the conditional use permit amendment is approved, the applicant is proposing to construct three new service bays.
- 3.1.2 Pursuant to Section 13.33.030(C), this proposal also requires site plan review and approval by the City. Applicable City departments and referral agencies have reviewed and given general approval of the preliminary site plan submitted by the applicant. Several technical details will be addressed during the final review process (i.e., parking layout and striping, storm water management, trash/refuse enclosure details, lighting/photometric plan, landscaping/irrigation plan). The applicant will be required to meet the minimum standards adopted by the City and review agencies prior to

site plan approval. The applicant is required to obtain a building permit from the City of Taylorsville and any other required permits and authorizations from applicable entities prior to commencing construction.

- 3.1.3 Adequate parking on this site is a concern. A recent site visit confirmed that areas designated for landscaping were being used for vehicle parking – primarily within the 12-foot landscape area along the western property line. Staff is concerned that approving the expansion of service operation capacity may increase the number of vehicles on-site; however, the site appears to not have adequate parking to service current capacity and operations. The applicant is proposing to remove the existing landscape area along the western property line and replace it with additional asphalt and parking; however, it is not confirmed that additional parking will absorb the increased demand by the expansion. Staff recommends the Planning Commission consider these constraints and ask the applicant to provide more details regarding the proposed site layout and expansion and how current and future parking demand will be met.
- 3.1.4 Regarding landscaping, Chapter 13.25 includes required landscaping standards for commercial properties. There are two seemingly conflicting standards in this section that require staff interpretation. Section 13.25.020(B)(2) says, “Areas not visible from the street shall have one landscape area in the amount of one hundred square feet for every seventy-five linear feet of property line not visible from the public right of way. Section 13.25.020 (E) says, “Adjacent to Residential Districts: A minimum ten foot (10’) width of landscaping shall be provided on an applicant’s property, including a combination of trees and shrubs (evergreen and deciduous), and ground covers shall be provided to create a buffer for the adjacent residential district.” While one standard allows landscaping to be consolidated and relocated to more visible areas of the site, another standard requires a minimum 10-foot landscape buffer between commercial uses and adjacent residential zoning districts. The City’s legal department’s opinion is that because there is an existing 8’ high block wall around the adjacent perimeter, the added 10’ of buffering would be of no benefit because back residents would not see it. 1:30:34 Therefore, Staff has deferred to Section 13.25.020(B)(2) as previously noted, which says, “***Areas not visible from the street shall have one landscape area in the amount of one hundred (100) square feet for every seventy five (75) linear feet of property line not visible from the public right of way.***” The Applicant is proposing to install more landscaping in the middle of the site and elsewhere. Also, any trees displaced during this renovation would be moved to other areas on the site. Staff still has a concern with the amount of parking on site in that there is a high demand for parking and wanted to know if the expanded operation would need more parking. 1:30:42
- 3.1.5 **Mr. Spung** showed the proposed elevations, reviewed the Findings, and advised that the land use meets both the General Plan and Zoning Ordinance conditions.

3.2 **FINDINGS:**

- 3.2.1 This application was initiated by Nick Markosian, property owner.
- 3.2.2 The applicant is requesting a non-administrative conditional use permit amendment to expand the “Auto, Light Trucks, RV, All-Terrain Vehicle Dealership (Used) – Sale and Service Agency” operation at 4238 South Redwood Road. The Planning Commission has the authority to establish the minimum parking requirements for an auto dealership. The current proposal includes 232 parking stalls, with 71 stalls of which being for the sales and service area.
- 3.2.3 The proposed land use requires Planning Commission review and approval.
- 3.2.4 The subject property is within the “Community Commercial” designation in the City’s General Plan Proposed Land Use Map.
- 3.2.5 The current zoning map designation is Boulevard Commercial (BC).
- 3.2.6 The proposed land use and site plan generally comply with the requirements of the City Code and review agency standards.

- 3.2.7 Pursuant to Section 13.24.080, the Planning Commission is responsible for establishing off-street parking requirements.
- 3.2.8 Staff recommends the Planning Commission consults with the applicant to provide more details regarding the proposed site layout and expansion and how current and future parking demand will be met.
- 3.2.9 Applicable City departments and referral agencies have reviewed and given general approval of the land use and site plan. Several technical details related to the site plan will be addressed during the final review process (i.e. parking layout and striping, stormwater management, trash/refuse enclosure details, lighting/photometric plan, landscaping/irrigation plan).

3.3 **STAFF RECOMMENDATION:** Recommends approval as outlined in the Staff Report.

3.4 **APPLICANT ADDRESS:** **1:34:41 Nick Markosian** said he appreciates the concerns expressed regarding parking and admitted it would be very tight. This site provides for other locations they own to utilize these facilities while getting vehicles ready for re-sale and to provide service to customers for vehicles previously bought at Markosian dealerships. The problem is having cars needing refurbishing service sitting in the lot and this expansion would help ease that.

3.4.1 **Commissioner Willardson** asked what the ratio was for that and **Mr. Markosian** said it is about 12 vehicles to be reconditioned for re-sale per day and since they only service vehicles purchased at Markosian locations, servicing vehicles for customers would vary, according to need but probably around 130 per month. They have sold about 3000 vehicles, for which they have provided warrantee service. There are currently ten bays being utilized, which includes two in the renovated service station area on the north end. **1:36:58 Mr. Markosian** said that it is essential to good business to keep the cars moving. He was hopeful that by expanding the facility, it will shorten the turn-around time considerably.

3.4.2 **Commissioner McElreath** asked for clarification as to if most of the cars being serviced were those being prepared for re-sale and follow-up service on cars previously purchased at Markosian Auto, to which **Mr. Markosian** said that was correct. And added that he had to sell his Meineke franchise that was in the south end because his business became too busy to also accommodate that. **1:37:51**

3.4.3 **Commissioner Wendel** said she is excited that this business is doing so well and asked how many bays were to be added and **Mr. Markosian** said it would be eight more. She asked if it were his assertion that by doubling the capacity for repair, it would reduce the number of cars on the lot. **1:38:38 Mr. Markosian** said that it would neither decrease nor increase it, just make the whole operation move more fluidly. **1:38:51 Commissioner Wendel** commented that this will be quite an investment on the part of Markosian Auto, just with counting the expense of relocating the landscaping/trees, it will be very costly, let alone constructing more service bays and adding additional parking. **Commissioner Wendel** wanted assurance that all this will be adequate because he has struggled in the past to not park vehicles on the landscape area and even with moving some of the landscaping to other areas, it is still going to be tight. **Mr. Markosian** said he did not know how to answer that other than they would be able to sell more cars. **1:38:56** That during their busiest times he would have the cars to be serviced dropped off at the Ogden location and transported to other sites when room becomes available. Also, that they have two other locations, which do less volume, and could easily handle any overflow experienced on this site. Also available for consideration is the possibility of buying an off-site location just for the newer cars being sold out of. **1:40:51**

3.4.4 **Commissioner Burggraaf** commented he was glad to hear that Markosian Auto is doing so well with their business in Taylorsville. However, he was concerned about eliminating landscaping that really doesn't exist because they have never complied with the previous approval fully, which included increasing landscaping. He wanted assurance that they will keep their word regarding landscaping.

He felt it was problematic to consider a decision to help this move along when they did not comply with the City ordinance requiring landscaping. He alluded to what Commissioner Wendel said about their ability to facilitate what business they do have. **1:42:02** He was in favor of keeping the landscaping. He said the original conditional use permit allowed for tandem parking up front, but the aerial shot does not show much utilization of tandem parking. **Mr. Markosian** said that their inventory throughout the year will ebb and flow based mostly on demand and on car prices, with their biggest sales time being at tax time. He said if that aerial picture was taken during the summer, business was very slow but during winter and early spring, the tandem parking will be fully utilized. It looks like the increase in stalls would be about eight and not parking cars in spaces that are not marked as stalls. **1:43:33 Commissioner Burggraaf** then asked how much the tandem parking would impact the decision on the number of parking spaces needed. He wondered if the applicant needed eight more bays to deal with the increased capacity while still maintaining the emergency access responsibly. He said he was just trying to figure out the profit the additional stalls would generate. **1:43:45** That factors in when deciding on how much parking is needed, He wanted to know how he came about the number of increasing the number of stalls to eight to accommodate the increase of eight new bays. **Mr. Markosian** said his organization averages about 230 cars a month and the industry standard is to have a 30-day supply of cars on the front line ready to sell. That means there needs to be a back log of cars that are waiting **1:45:21** to get into the shop, having bought them elsewhere and transporting them here. They have found the function to be much better in one centralized location and that is why they have chosen to pursue this option. **Commissioner Burggraaf** said that essentially conditional use permits are permitted uses that the Commission can put conditions on to mitigate. He said in this instance he is concerned about there being too many vehicles on the lot to where emergency vehicles could not gain access. His inclination was to add a condition that says vehicles will not be parked where there is not a marked parking stall. The ordinance says that but by adding this condition it makes the need to follow it very explicit, which is really to address the access of emergency vehicles. He felt that was essential to Mr. Markosian in preserving his assets properly. **1:48:18 Mr. Markosian** agreed that would be doing him a favor and he would not be opposed to that at all.

3.4.5 **Commissioner Quigley** brought up the lack of care, mostly in the form of weeds, in the area out front along the sidewalk. **Mr. Markosian** said that he has had one of his employees taking care of that area but has since hired a professional landscaper, so it will get better. **Commissioner Quigley** thanked him and said the goal is to favorably attract people to Taylorsville.

3.4.6 **Commissioner Barbieri** complimented Mr. Markosian on doing a nice job with his site and suggested also adding some landscaping along the north property line to finish it off. She felt it was a good idea to blend the structures into one nice project. She added that Markosian Auto has a good name in the City. She also suggested that the upcoming Redwood Road Beautification Project should help him make this a very nice site.

3.4.7 **Commissioner Wright** asked about the trees on the proposed plan **1:53:41** and suggested it might be easier to just plant new trees rather than try to relocate the existing ones as that is very difficult to do and achieve good results.

3.4.8 **Commissioner McElreath** commented on the importance of maintaining the emergency access and having cars parked everywhere is not good for business.

3.4.9 **Commissioner Willardson** thanked Mr. Markosian for bringing this business to Taylorsville and was supportive of adding more bays because it would increase his business.

3.5 **SPEAKING:** **Commissioner McElreath** opened the public hearing. **1:56:34** One member of the audience wanted to know how to verify the property line between this site and their property to this south of this and was directed by **Mr. Spung** and **Commissioner McElreath** to hire a Surveyor to make a study and/or contact

the Salt Lake County Recorder's Office for that information. **Commissioner Burggraaf** advised that Salt Lake County's data is based on GIS information and is not always precise and she would need a study better made by a Surveyor. She was given directions to go to Salt Lake County to obtain the information she wants.

3.6 **Commissioner McElreath** closed the public hearing and opened it up for discussion by the Commission or a motion.

3.7 **MOTION: 2:00:10 Commissioner Burggraaf** – I move that we approve File #42C20, a Conditional Use Permit Amendment for the Expansion of an "Auto Light Trucks, RV, All-Terrain Vehicle Dealership (Used) – Sales and Service Agency" at 4238 South Redwood Road, based on the Findings as outlined in the Staff Report, with the added condition that all vehicles are parked in designated parking stalls to allow for proper emergency access. This approval also includes all conditions of the original Conditional Use Permit approved in 2012.

SECOND: Commissioner Willardson

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

Point of Clarification: Commissioner Burggraaf – I assume with approval of the conditional use that because they presented the eight additional stalls, that is essentially the number being approved tonight. **Mr. Spung** - That is correct if that is what you want tonight. **Commissioner Burggraaf** - I think we wouldn't have approved it otherwise and the eight stalls is what we are looking for. **2:02:15**

GENERAL PLAN MAP AMENDMENT

4. 2G20 - Recommendation to the City Council for a General Plan Map Amendment for the Property Located at 4202 South Riverboat Road from "Business Park" to "Medium-Density Mixed-Use". Jim Spung/AICP/Senior Planner

4.1 **Mr. Spung** presented this item. Ivory Development is requesting to change the proposed land use map designation in the City's General Plan for the property at 4202 S. Riverboat Road from "Business Park" to "Medium-Density Mixed-Use." The applicant is seeking this General Plan Map amendment with the intention to develop 142 townhome units, two commercial buildings each with a 20,000 square foot footprint, a fitness/daycare center, a playground, and a multi-purpose field.

4.1.1 This item was presented to the Planning Commission on May 12, 2020 and was tabled with the following motion, *"I move that we table File 2G20 until we get further information regarding the small area studies that have either been proposed to City Council or intended to be completed in the near future and that we would strongly encourage the applicant to continue to have discussions with Staff and to advance some of their thoughts and processes based on tonight's discussion."*

4.1.2 The subject property is within one of several designated master plan study areas currently underway as part of a larger General Plan update effort. The City has contracted with a firm to lead a master planning effort to provide a detailed analysis and recommendation for this area (and others) to provide a preferred scenario for development. Since the "draft" master plan has not been reviewed and approved by the City Council yet, this application is being reviewed strictly on the merits of current policy and the adopted Taylorsville General Plan.

4.1.3 **Commissioner Burggraaf** wanted to know some other mixed uses that would be allowed with this approval. **Mr. Spung** reviewed the entire lists of uses that would be allowed and displayed it on the screen. **Commissioner Burggraaf** then asked if this were approved, would it allow residential mixed use to which **Mr. Spung** replied it would. That the current zoning is more permissive as to use but does not include residential.

Mr. Spung then reviewed the following Findings.

4.2 FINDINGS:

- 4.2.1 This application was initiated by Bryon Prince on behalf of Ivory Development.
- 4.2.2 The applicant is requesting to amend the proposed Land Use Map in the General Plan for the property at 4202 S. Riverboat Road (Parcel 21-02-226-007-0000) from “Business Park” to “Medium-Density Mixed-Use.”
- 4.2.3 A possible development scenario includes 142 townhome units, two commercial buildings each with a 20,000 square foot footprint, a stand-alone fitness/daycare center, a playground, and a multi-purpose field.
- 4.2.4 The subject property is within the Industrial (ID) zoning district.
- 4.2.5 The proposed General Plan Map amendment is not consistent with the current Industrial (ID) zoning designation.
- 4.2.6 The City Council is the decision-making authority for a General Plan Map amendment request and may adopt or reject the amendment as it deems appropriate pursuant to Chapter 13.06 and other applicable sections of the Taylorsville City Code.

4.3 STAFF RECOMMENDATION: Staff proposes the Planning Commission send a negative recommendation to the City Council to amend the proposed Land Use Map in the General Plan for the property at 4202 S. Riverboat Road (Parcel 21-02-226-007-0000) from “Business Park” to “Medium-Density Mixed-Use,” based on the Findings as outlined in this Staff Report.

4.4 APPLICANT ADDRESS: **Bryon Prince**, and one other gentleman (Mr. Eastwood) representing Ivory Development. **Mr. Prince** thanked City Staff for their presentation this evening and said he would gladly answer any questions the Commissioners may have. He displayed an aerial view of the site facing to the south, which showed challenges of the property for development, including the existing golf course and the river. That the City of Taylorsville had rezoned it years ago to “Industrial” and the owners have been marketing it as that for years, with no positive results. One of the main reasons for that is there just isn’t the demand for more office space in the City. **2:04:20** The property owners want to develop the property, not to get rid of commercial uses entirely but to revise it to a better plan. They have no intention of proposing one thing and then come up with something else entirely. They have financing approved for the project through Zion’s Bank. Ivory is proposing an office use at the south end and town homes to the north. The 142 town homes would be really nice and have a larger footprint than usual. He displayed an image of what they would look like. The price range for those would be in the moderate range and would generate about \$20,000 with the proposed 400+ residents, per year in direct sales taxes to the City and a significant amount of property tax revenue as well. Another great amenity is the proposed fitness center/child-care facility as the option for working parents to choose high quality affordable child-care in this area, which is presently not existent as well as a fitness center for adult tenants. The applicants explained that they had contacted the Fire Authority representative, Tom Smolka, about the problem with only having one access, and he said if all new structures were equipped with sprinklers, the need for the second access could be averted. He showed those in attendance a copy of their traffic study.

4.4.1 **Commissioner Quigley** said he was impressed with the idea of the child-care facility but wondered what the impact of this project on local schools would be and where the children would attend school. **Mr. Prince** said he has not discussed these issues with anyone yet.

4.4.2 **Commissioner Wendel** commented that school populations are shrinking, with some schools actually being closed. She wanted to know why the applicant is asking for a zone change instead of working with the Planning Commission on an SSD Zone for this site. She felt it was a beautiful product for Taylorsville and could more easily come to fruition that way. **Mr. Prince** said at time, they were looking into some sort of development agreement tied to the property instead.

- 4.4.3 **Commissioner Burggraaf** advised that he uses the Jordan River trail on a regular basis because he lives in the neighborhood just west of the proposed development. He would like to see this type of project on this site. He liked the conceptual design and felt the SSD zone would assure that the City of Taylorsville and the Planning Commission would actually get what is being proposed. He wanted to make sure the applicant was aware that the cost of obtaining an SSD zoning was more than a normal zone change. He felt a General Plan change as is being proposed tonight would not guarantee the project would happen as proposed. **Mr. Prince** wanted to know what an SSD zone was and **Mr. Spung** explained an SSD zone is an acronym for a “site specific development” district. This language is from Section 13.19.010 explaining the purpose of the district, “The SSD Zone is created to establish the enabling legislation and procedure for developing site specific development within the City. The SSD District designation is provided in order to allow the most efficient and creative development of lands that have unique or unusual characteristics. The SSD District is intended to be used for development when it can be shown that no other zone classification would be adequate or appropriate for reasonable development. The SSD District is used when the uses on a specific parcel of property are appropriate for the location but may not be appropriate for a community wide land use ordinance.”
- 4.4.4 **Commissioner Barbieri** said it has been her dream to see this piece of land developed. That there have been projects proposed and approved and changed in mid-stream. She felt an SSD would be a chance to move this forward. She especially liked the inclusion of the day care center and believed it would fill up very fast due to the urgent need for that type service in this area.
- 4.4.5 **Commissioner Quigley** commented that he has lived in this neighborhood for years, with only single-family dwellings allowed. Then Salt Lake County added a large amount of high density just prior to the City incorporating, which negatively impacted the neighborhood and schools. He felt strongly that the SSD was the best option for this piece of property and said he really liked the applicant’s presentation, especially the day care portion. He expressed that he was glad Ivory Development, which is a very reputable company, is the entity working on this project. That this is one of the last green spaces available in Taylorsville and that while he understood the challenges this presents, he felt Ivory would do a great job. Therefore, he would support this being done by them with the SSD zoning. **2:51:06**
- 4.4.6 **Commissioner Willardson** expressed concern that the units would be high-priced and the average Taylorsville citizen could not afford to live there. **Mr. Prince** advised that the average yearly wage for Taylorsville was \$65,000, so it would be affordable.
- 4.4.7 **Commissioner McElreath** said he was excited to hear this proposal which would include the developer being amenable to installing fire sprinkler systems throughout.
- 4.4.8 **Commissioner Wright** added that the Commission is trusting in Ivory to give them the correct information regarding this project and felt what is being proposed looks fantastic for this area.
- 4.5 **Commissioner McElreath** opened the public hearing for this item and because no one came forward to speak in favor or opposition, and Staff had received no E-Mail comments, closed the public hearing and opened the meeting up for discussion or a motion by the Planning Commission.
- 4.6 **DISCUSSION:**
- 4.6.1 **Commissioner Burggraaf** said he has concerns **2:54:17** wherein the Commission had dealt with this in May and he felt bad that the Commission is making the decision being made tonight. The SSD option was discussed in that prior meeting and if an apology is appropriate, then he said he would extend it if for some reason the Commission was not clear enough about its’ desire pertaining to this

site during that meeting with the developer and land owner. His other concern was even having to recommend the SSD because that creates another administrative hurdle and cost up front. He said he was not sure what the City really desires for this parcel. He has the sense that there may be different visions about what should go there but unfortunately what is being presented tonight is the wrong proposal and because of that he is looking at a negative recommendation to the City Council. 2:55:48

4.6.2 **Commissioner Wright** said he was in the same realm as Commissioner Burggraaf in his feelings. He too felt the Commission could have pushed the issue of the SSD a little more, which may have gotten it to a point where there could be an approval right now and felt the Commission may been relying on some sort of information from the other planning efforts to come back and help us but tonight he was in line with others on the Commission with the feeling that the approaches brought forward which looks fantastic but does not meet the stringency that goes along with the SSD, where there is more control by the Commission with what takes place there. He felt this could even be a better concept by using the SSD. 2:57:19

4.7 **MOTION:** Commissioner Wendel – I will make a motion. The motion is really not negative for the developers but rather an opportunity to get the best effort possible. I move that we send a negative recommendation to the City Council for a General Plan map amendment for the property located at 4202 South Riverboat Road from “Business Park” to Medium-Density Mixed-Use”, File #2G20, based on Findings in the Staff Report.

SECOND: Commissioner Willardson

VOTE: Commissioner Barbieri – AYE, Commissioner Wright – AYE, Commissioner Quigley – AYE, Commissioner McElreath – AYE, Commissioner Burggraaf – AYE, Commissioner Wendel – AYE, Commissioner Willardson – AYE. Motion passes unanimously. 2:58:53

Commissioner Wendel – For clarification from Staff, should the applicant want to start working with Staff for an SSD, do they have to wait for this to go to City Council at this point or is it an option to work with this application in a variation or withdraw it. Mr. Spung said he would have to look at the specific language of the Code. Commissioner Burggraaf – Point of Clarification – Based on Commissioner Wendel’s statement, in the event they do nothing, would it proceed to the next City Council meeting for consideration? Mr. Spung said he thought that was the case but would have to check with the Council Coordinator to see which agenda it could go on. Commissioner Burggraaf said he was apparently being a little too specific and just meant a future City Council meeting. Mr. Spung said, yes, it would be sooner rather than later. Commissioner Burggraaf said there is also the possibility that the City Council could reverse this situation. 3:00:17

ZONING MAP AMENDMENT

- | |
|---|
| <p>5. 8Z20 - Recommendation to the City Council for a Zoning Map Amendment for the Property Located at 4202 South Riverboat Road from “Industrial (ID)” to “Mixed-Use (MU).” Jim Spung/AICP/Senior Planner)</p> |
|---|

5.3 **Mr. Spung** presented this item. He stated that this is a similar request for the same property as Item #4 but is for a rezone from Industrial to Mixed Use. A negative recommendation is suggested because this change is not consistent with the adopted General Plan.

5.4 **FINDINGS:**

5.4.1. This application was initiated by Bryon Prince on behalf of Ivory Development.

5.4.2 The applicant is requesting a zoning Map amendment to rezoning the property at 4202 S. Riverboat Road (Parcel 21-02-226-007-0000) from Industrial (ID) to Mixed-Use (MU).

- 5.4.3 The proposed concept plan includes 142 townhome units, two commercial buildings each with 20,000 square foot footprint, a stand-alone fitness/daycare center, a playground, and a multi-purpose field.
- 5.4.4 The subject property is within the “Business Park” designation in the City’s General Plan Proposed Land Use Map.
- 5.4.5 The proposed zoning Map amendment is not consistent with the adopted General Plan.
- 5.4.6 The proposed concept plan does not comply with the Mixed-Use (MU) zoning district development standards established in Section 13.23.260 of the Taylorsville Land Development Code.
- 5.4.7 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.
- 5.5 **STAFF RECOMMENDATION:** Staff recommends the Planning Commission send a negative recommendation to the City Council for File #8Z20 to amend the Zoning Map for the property at 4202 S. Riverboat Road from Industrial (ID) to Mixed-Use (MU), based on the Findings as outlined in the Staff Report.
- 5.6 **Commissioner McElreath** opened the public hearing and since no one came forward to speak in favor or opposition, closed the public hearing and opened it for discussion or a motion by the Planning Commission.
- 5.7 **MOTION:** Commissioner Wendel - I will make a motion. I move that we send a negative recommendation to the City Council for a zoning amendment for the property at 4202 South Riverboat Road from Industrial (ID) to Mixed-Use (MU), File #8Z20, based on the Findings in the Staff Report.
SECOND: Commissioner Barbieri
VOTE: Commissioner Barbieri – AYE, Commissioner Wright – AYE, Commissioner Quigley – AYE, Commissioner McElreath – AYE, Commissioner Burggraaf – AYE, Commissioner Wendel – AYE, Commissioner Willardson – AYE. Motion passes unanimously.

ZONING TEXT AMENDMENTS

- 6. 10Z20 - Recommendation to the City Council for a Zoning Text Amendment to the Taylorsville Municipal Code Sections 13.20.020; R-1 and R-2 Districts Table of Setbacks, Building Heights, Off-Street Parking; and Section 13.26.080, Standards for Permanent Signs allowed Without a Permit. Jim Spung/AICP/Senior Planner 3:05:09

- 6.1 **Mr. Spung** presented this item. The proposed amendment will make changes to the Taylorsville Municipal Code as follows:
 - 6.1.1 Section 13.20.020: Reduce the minimum rear yard building setback for primary structures in the R-1-10, R-1-8 R-1-7, R-1-6, R-1-5, R-2-10, and R-2-8 zoning districts from 20 feet to 15 feet.
 - 6.1.2 Section 13.26.080: Increase the maximum height for flagpoles in commercial and industrial zoning districts from 60 feet, or the maximum height of a structure allowed in the zoning district, whichever is less, to a fixed 80-foot maximum. It would also place the maximum height in the residential districts at a maximum of 35 feet.
- 6.2 **FINDINGS:**
 - 6.2.1 This application was initiated by the City of Taylorsville
 - 6.2.2 The City is requesting a text amendment to the Taylorsville Municipal Code Sections 13.20.020; R-1 and R-2 Districts Table of Setbacks, Building Heights, Off-Street Parking; and Section 13.26.080: Standards for Permanent Signs Allowed Without Permit.

- 6.2.3 The proposed amendments will make the following changes to the Taylorsville Municipal Code:
 - 6.2.3.1. Section 13.20.020: Reduce the minimum rear yard building setback for primary structures in the R-1-10, R-1-8, R-1-7, R-1-6, R-1-5, R-2-10, and R-2-8 zoning districts , whichever is less, to a fixed 80-foot maximum.
 - 6.2.3.2 Section 13.26.080: Increase the maximum height for flagpoles in commercial and industrial zoning districts from 60 feet, or the maximum height of a structure allowed in the zoning district, whichever is less, to a fixed 80-foot maximum.
- 6.2.4 The City Council is the final decision-making authority for a text amendment to the Taylorsville Municipal Code.

6.3 **STAFF RECOMMENDATION:** Staff recommends a positive recommendation to the City Council.

6.4 **DISCUSSION:** Commissioner Quigley felt this was a good change for the City. 3:11:06 One challenge Taylorsville has faced is the out-migration from the City with people wanting to obtain larger houses. With this change they will more readily be able to add on to their existing structure and stay in Taylorsville.

Commissioner McElreath asked how the Commission would feel about moving the flagpole height from 80' to 100' in commercial areas because Macey's Grocery Store is coming in and requesting a higher height for their flagpole of 100' plus to accommodate a larger flag. Mr. Spung said to bear in mind that change would then apply to any commercial site not just Macey's. Commissioner Burggraaf said he would agree with this change. Commissioner Wendel said this appears to be out of whack with other buildings in Taylorsville not being over three stories tall which makes it look huge comparatively, especially when placed against the one-story structure which is currently Macey's. Commissioner Burggraaf said he agreed with Commissioner McElreath's point that the flagpole and the size of the American Flag needed to be bigger. Commissioner Wendel said she did not disagree with that, but her point was that it was all subjective to the size of the buildings in contrast. She felt if the buildings were taller, the extra height on the flagpole would not seem such a contrast. 3:14:30

6.5 **SPEAKING:** Commissioner McElreath opened the public hearing and because there was no one wishing to speak or comments received by Staff, closed the public hearing and opened the meeting up for discussion or a motion by the Commission.

6.6 **MOTION:** Commissioner Berggraaf – 3:15:40 - I move that we send a positive recommendation to the City Council for File #10Z20, regarding the proposed text amendment to the Taylorsville Municipal Code, Sections 13.20.020; R-1 and R-2 Districts Table of Setbacks, Building Heights, Off Street Parking; and Section 13.26.080: Standards for Permanent Signs Allowed Without a Permit. This is based on the Findings in the Staff Report with one amendment being that the flag height be changed from 60 feet to 100 feet in commercial zones. 3:16:47

SECOND: Commissioner Wright

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

- 7. 11Z20 - Recommendation to the City Council for a Zoning Text Amendment to the Taylorsville Municipal Code Sections 13.21.070: Drainage Systems; and Section 13.21.080: High Water Table Areas. Jim Spung/AICP/Senior Planner.

7.1 Mr. Spung presented this item. The City of Taylorsville is requesting a text amendment to the Taylorsville Municipal Code, Section 13.21.070: Drainage Systems; and Section 13.21.080: High Water Table Areas. Following are the proposed amendments: Section 13.21.070: Replaces specific language regarding stormwater runoff with a general reference to Title 17: Storm Drainage and Flood Control Development. Section 13.21.080: Re-words and clarifies the responsible party for stormwater facilities located on private property. This clarifies that any storm water located on private property is the responsibility of the property

owner unless there is some other written agreement in place and the City is not responsible for that storm water.

Every three to five years, the City receives a new storm drain permit from the State of Utah. Changes to storm water requirements often accompany the new permit. The requested change to Title 13 is to streamline the municipal code so that all storm water provisions are included in one place – Title 17. This change will also minimize the possibilities of conflicting ordinances by only having the storm water criteria in one place. An update to the storm water regulations in Title 17 will be presented in a future meeting.

7.2 FINDINGS:

- 7.2.1 This application was initiated by the City of Taylorsville.
- 7.2.2 The City is requesting a text amendment to the Taylorsville Municipal Code Sections 13.21.070: Drainage Systems; and Section 13.21.080: High Water Table Areas.
- 7.2.3 This amendment aligns City storm drain permit standards with the State of Utah provisions.
- 7.2.4 The City is in the process of updating Title 17: Storm Drainage and Flood Control Development to align City policy with State legislation.
- 7.2.5 The City Council is the final decision-making authority for a text amendment to the Taylorsville Municipal Code.

7.3 STAFF RECOMMENDATION: Staff recommends a positive recommendation to the City Council.

7.4 DISCUSSION: Commissioner Burggraaf said the way it was worded in sub part E and speaking to the way Mr. Spung just explained it is that the private property owner would be responsible unless there was a written agreement to the contrary. But the reality is, the way it is worded, even if there is a written agreement to the contrary, the private property owner is responsible. He wondered if that were the intent that it doesn't matter if there is an agreement that the ordinance would still hold the private property owner responsible 3:20:26 for the ground water. He clarified that by citing that first clause, "notwithstanding a written agreement to the contrary", indicates that even if there is a written agreement to the contrary, maintenance of ground water and storm water shall be the responsibility of the property owner. Mr. Spung clarified that specific language was drafted by the City Engineer, so it made sense to the City Engineer apparently. However, Mr. Spung agreed with Commissioner Burggraaf's interpretation that it would be the responsibility of the private property owner, unless there was some sort of agreement in place. Commissioner Burggraaf said the way Mr. Spung had just stated it is not the way it is worded in the text amendment verbiage, having said "unless there is some other agreement". That is flopping it conditionally and he felt it should be reviewed by the Legal Department for clarity of the intent of the language before it is forwarded to the City Council and make contingent upon review of that specific language. To be clear, Commissioner Burggraaf clarified the content by saying private property owners are responsible unless there is a separate agreement in place which makes someone else responsible. Mr. Spung said he would consult with the City Engineer and make sure the Legal Department is in agreeance that the language matches the intent. Mr. Harper concurred with that action and thanked Commissioner Burggraaf for catching that before it went further.

7.5 Commissioner McElreath opened the public hearing and because no one came forward to speak, closed the public hearing and opened the meeting for discussion of a motion by the Commission.

7.6 MOTION – Commissioner Barbieri – I move that we table to the next available Planning Commission meeting Item 11Z20 a text amendment to the Taylorsville Municipal Code, Sections 13.21.070: Drainage Systems; and Section 13.21.080: High Water Table Areas, on the condition it be reviewed by the Legal Department for proper content. 3:23:30

SECOND: Commissioner Wright.

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

CITY COUNCIL MEETING DISCUSSION: Commissioners gave their reports for the following City Council meeting: Aug 19, 2020 (Commissioner Burggraaf); September 2, 2020 (Commissioner Barbieri); September 16 (Commissioner Quigley)

ADJOURNMENT: By motion of **Commissioner Burggraaf**, the meeting was adjourned at 9:36 p.m.

These Minutes were prepared by Jean Gallegos and approved by the Planning Commission in their meeting on Nov 10, 2020.



Jean Gallegos/Admin Asst/Recorder for the
Taylorsville City Planning Commission