

**City of Taylorsville
Planning Commission Meeting Minutes
March 9, 2021
Work Session – 6:30 p.m.
2600 West Taylorsville Blvd – Council Chambers**

Attendance:

Planning Commission

Marc McElreath
Kent Burggraaf
Don Quigley (Remote)
David Wright
Lynette Wendel
Gordon Willardson
Don Russell (Remote)



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: Doug Shupe, Travis Dahl, Eric Vandenacker, Susan Lund, R. Thompson, Brandon Grimes, Maxine Mehl, Don Becitling, Ruth Becitling, John Phillips, Susan Phillips, Ed Deffner, Karen Kwan. Colleen Kwan (Remote), J. Vandan (Remote)


BRIEFING SESSION – 6:00 P.M.

1. The briefing session to review the Agenda was conducted by **Mr. Jim Spung**. The Agenda consisted of election of the chairman and vice chairman for 2021, the Consent Agenda, a Zoning Map Amendment from R-1-10 to R-1-8 for the area bounded by: East of Hidden Cove Circle, Hidden Cove Drive, and Meadow View Drive; South of Murray-Taylorsville Blvd; and North and West of the Jordan River. Also on the Agenda is a 20-Lot Subdivision located at 3397 West and 3399 West 4700 South. **Mr. Spung** explained and answered questions concerning the Zoning Map Amendment and **Ms. Kerdolff** presented the 20-Lot Subdivision being planned for 3397 West and 3399 West 4700 South and answered Commissioners questions.

REGULAR SESSION – 7:00 P.M.



Commissioner McElreath welcomed those present, explained the procedures to be followed this evening and opened the regular session with the election of a Chairman and Vice Chairman for 2021.

2. [Election of Chairman and Vice Chairman for 2021.](#)  **Commissioner Wright** nominated **Commissioner Burggraaf** as Chairman, with **Commissioner Wendel** giving the Second. All Commissioners voted in favor. **Commissioner Quigley** nominated **Commissioner Wright** as Vice Chair with a Second by **Commissioner Russell**. All Commissioners voted in favor.

CONSENT AGENDA

3. Review/approval of Minutes for December 8, 2020.

MOTION: [Commissioner Wright](#) – I move to approve the Consent Agenda consisting of approval of the Minutes for December 8th, 2020.



SECOND: [Commissioner Burggraaf](#).

VOTE: All Commissioners voted in favor. Motion passes unanimously.






ZONING MAP AMENDMENT


4. File #12220 - Recommendation to the City Council for a Zoning Map Amendment from R-1-10 to R-1-8 for properties generally located in the area bounded by the following description: East of Hidden Cove Circle, Hidden Cove Drive, and Meadow View Drive; South of Murray-Taylorville Blvd; and North and West of the Jordan River. (Presented by Jim Spung, Senior Planner).


- 4.1  **Mr. Spung** said this is a continuation of a previous item heard on Dec 8, 2020 by the Planning Commission. The purpose of the zoning study is to address discrepancies between the existing zoning designations and the built condition of the neighborhood, more specifically related to minimum lot width and minimum lot area. He explained the Residential Analysis Map in detail, which shows the current zoning of R-1-10, R-1-40, and R-1-20. He showed the current General Plan Map and explained the General Plan is the policy-guiding document that the City uses to help with future development planning. In the General Plan, this particular area is designated as low density residential. The City of Taylorville initiated a zoning study several months ago to address a large number of discrepancies between the existing zoning designations and built condition of the neighborhoods. Several lots in the study area were created under Salt Lake County's jurisdiction or were established using an older set of development regulations. The development regulations have been amended overtime resulting in the creation of legal nonconforming lots. A "legal conforming lot" is a lot that does not meet the minimum lot area and/or dimensional standards in the zoning district in which it is located but complied with the standards at the time the lot was created. Staff's analysis finds that 28 percent of the existing lots currently zoned R-1-10 in the study area do not comply with the minimum lot dimensional standards in the zoning district. Staff recommends that the Planning Commission considers forwarding a recommendation to the City Council to amend the zoning designation for the study area from R-1-10 to R-1-8 to better align with the built condition of the area. This zoning change would lower the minimum lot size requirement from 10,000 square feet to 8,000 square feet and lower the minimum lot width requirement from 80 feet to 70 feet. The proposed change in zoning would better allow future developments to occur. Staff proposes to align the zoning with what is there today with the change to R-1-8. This act would help align a City-wide problem.
- 4.2 **DISCUSSION: Commissioner Wendel** said from her perspective, Staff is saying by changing the zoning they are looking to reconcile what is already built with the actual zone that applies across the board. **Mr. Spung** agreed that was correct. **Commissioner Wendel** recalled from reading the Staff Report that 28% of the homes in this particular area are non-compliant so what Staff is trying to do is bring them into compliance due to the unknown potential legal, administrative, evaluation processes that apply to a property owner when the property is not conforming to the City's zoning. **Mr. Spung** said that also is correct. He clarified that 28% of the lots in that one particular area are non-conforming and by changing the zoning from R-1-10 to R-1-8, there would still be 10 lots that don't meet the R-1-8 standards and would still be non-conforming and would need to be rezoned to R-1-6 to comply with the zoning and another 5 lots would need to be rezoned to R-1-7 to comply with the current zoning. Staff is not recommending changes from R-1-6 and R-1-7 in this area but felt going from 63 non-conforming lots to 10 or 11 is a win and does help clean up those discrepancies. **Commissioner Wendel** said she has gone into that neighborhood multiple times and noticed the characteristics of the neighborhood can come down to an R-1-5 zone, which is only 5,000 square feet, even though the zoning is proposed to be R-1-10. She said that in looking at the neighborhood it is not apparent which ones are 5,000, 8,000 or 10,000 square feet. According to Staff though, there is some significant differences already in that study area. **Mr. Spung** said not necessarily with the lot size because even those lots are still at least 8,000 square feet, but more with the lot width. **Commissioner Wendel** said that the way she perceives it is the width difference then as opposed to the lot sizes. **Mr. Spung** said there are several lots that are narrower than what R-1-8 would allow but the lot with the smallest area is 8,300 square feet and only has 65' of frontage. **Commissioner Wendel** that means Staff is looking for 80 feet of frontage then. **Mr. Spung** said it would be 70' in the R-1-8 zone. 


4.3 **SPEAKING: Commissioner McElreath** opened the meeting for public comments.



4.3.1 **Bob Ovalasso**. He spoke at the Dec 8th Planning Commission meeting on this subject. That he had sent an E-Mail to Mr. Spung on Dec 15th, not necessarily outlining a broad array of concerns but the one specific one he was most interested in was why this particular neighborhood is being targeted. That he had driven around the City and found developments with far less frontage, far less square less square footage lot size; two of which are directly on the opposite side of 4800 South where this proposed change is. He drove through the subdivision across from the elementary school on Canal Road and noted there was at least a hundred homes in there. Most of those don't have 10,000 square feet lots. They have less than the 70 to 80 foot of frontage that the neighborhood where he lives has. In fact, one of those neighborhoods on the north side of 4800 South he suspected had frontage to be no more than 40 feet. He felt it was alluded to by some of those residents that they were 5,000 to 7,200 square foot. His primary question was why this neighborhood was singled out when other neighborhoods relatively close and much larger neighborhoods a fair distance away that were built prior to 2012 when the City changed from R-1-8 to R-1-10. He wanted to know why the City is only looking at this one particular area and not approaching it from a City-wide change. This is a piece meal concept doesn't make sense to him as well as other guests attending the hearing this evening. He would like that answered. As he said at the December 8th meeting, he was not necessarily opposed to the open lots across from his house being included because they have not been maintained. The people who bought the house just to the west of that lot, had the intent to subdivide that open lot for two or three homes to be built. He had no problem with that but if the City is going to change that whole area to make that happen without regarding the rest of the City and its' needs then he would be in opposition. 


4.3.2 **Brandon Grimes** -  Lives on the lot next to the vacant lot. He noted his property was not on the original outlying non-compliant zone. He would like to know why the house next to his is not marked on the map. That lot has less frontage than he does. He wanted to know if this is then a spot zoning thing to get more homes into the vacant lot. He just wanted answers to what is driving this whole thing. 


4.3.3 **Jacqueline** (last name inaudible) - She has lived in this neighborhood for 24 years and during that time there has been flooding in some basements of existing homes. She has also noted a home in that area that seem to be sinking. They have made efforts to fix that by putting steel posts under the house in order to raise it back up. If the area is rezoned, she is concerned about someone building on the lot opposite to where she lives. One reason is that access in and out on 4800 South is very dangerous now. That is just one reason she questioned the safety issue of adding more homes in the area. She had concerns for those who would build their home on an unsafe lot. She was concerned that the rezoning may be being done in part to allow someone to build on the vacant lot and was not in favor of that for safety concerns. She did not mind two homes being built there but had reservations on the purpose of rezoning and how safe those homes may be. 


4.3.4 **Karen Kwan** said she had spoken to a number of neighbors, including those who are here tonight but also those who could not attend this evening.  She felt it was very important for the Commissioners to listen to the neighbors and residents who do not feel they have been heard enough. There is a concern on the number of houses. That no one is really thrilled by the fact that there was an application to put in three houses rather than two along with other changes proposed in this area. She wanted to know where those houses would be placed, for example will one be on the street with one behind, is there going to be an access road there and does that road also include traffic, not only on the street but also down to the undeveloped location especially that area next to a bird sanctuary. She asked if the smaller lots would mean a loss of per privacy by being in such close proximity. She wondered if they are going to be able to further subdivide from

an R-1-10 to an R-1-6 at some point and why have R-1-8's in some areas and R-1-6's in other areas? The neighbors are also worried about losing the view, which presently is very beautiful. They are worried about the stability of the land. There will be a need for a retaining wall in some parts. She also talked about the open space and wanted it in writing to make sure that stays that way. That the bird sanctuary continues to be protected. There are a lot of numbers in play, but numbers are not people. The people need to be taken care of. Nothing should happen without the resident's input. She was aware that the City gives time for citizens to have input but felt that time limit for input was insufficient. She advised that they oppose this action. She added that, "Just because you can do it doesn't mean that you should". She reiterated that she opposes this. 

4.3.5 **Ed Deffner** - Lives to the right of the study area.  He said he had the privilege to serve on the General Plan Committee in the beginning of the City incorporation process, along with some of the small area master plans, including the one for this area. He said he wanted to talk about the character of the neighborhood and to add input to keep the correct focus. He read from the 2000 General Plan elements regarding preserving open space, and allowing development which does not place an undue burden on those who already live in an area. It would also be a disservice to those residents currently living in the area to seek alternative new zoning that is not already currently established. He then referred to the Small Area Master Plan for that area which says to keep zoning as A-1 and A-2 as currently zoned without exception. It is preferred to have other lots at R-1-10 plus square foot. He summarized his comments to be emphasis on character of the area, talking about the exchange that happened with Ivory Homes where the City and the Community which he said he would address later. He asked that the openness be maintained. He did feel this change would affect the existing neighborhood character negatively, for example land values. A better recommendation might be to take the land that was exchanged in the Ivory development, wherein 2/3's of the Ivory Development lots are non-conforming, and zone them R-1-8. If that doesn't happen, another planner a few years down the road may say it is legal non-conforming and take the size down to R-1-5 or 6. Mr. Deffner was was very concerned about that happening. 

4.3.6 **Eric Vandenaeker**. Wanted to know how this proposal came about? When they were built, were they in compliance with the R-1-10 zoning at the time? Did the developer do something wrong and it is now an issue? Also, how does the City prevent this type of issue from happening again? 

4.3.7 **Ruth Beitling**. Her concern is in regards to the two-lot development going in off of 4800 South.  Her problem is when they were first hearing about this, they learned it was going to come into their neighborhood to start doing plumbing and hooking up sewer, etc. Since that time, the property must have been re-sold. They cut across 4800 South, which caused disruption for people living along there. She called numerous times to find out when it would be repaired and after months, it finally was. Her wanted to know if this will involve more construction and tearing up the street again the entire time.

4.3.8 **Ed Deffner**  added a comment to make sure the Commission knows he is definitely opposed to this proposal.

4.3.9 **Mr. Spung** added comments he received by E-Mail:

4.3.9.1 **Marilynn Acord** – "I am writing to express my concerns regarding the proposed zoning change for Taylor's Park Circle. As a life-long resident, I have seen a dramatic increase of traffic on 4800 South as well as the recently developed streets. In addition to the traffic flow being forced onto an already busy 4800 South, the only other alternative will be for the increased traffic to exit on to the way too small 1130 West. Besides overburdening the undeveloped feeder streets, my second concern is the proposed change for smaller lots.

When this development was first proposed, all new lots were limited to a certain size. Removing this restriction will not only devalue all current property owners, but the smaller lots would require residents to park vehicles on the street, adding to the already problematic traffic flow and limited ingress and egress. As a result, I am strongly against this proposal and will actively oppose it.” Signed: William and Marlynn Acord, 1021 W 4800 S.

4.3.9.2 **Karen Kwan** – “I’d like you to come to my neighborhood and see the street that is proposed to have three rather than two houses on it. It borders my backyard. Having three houses is going to make it very tight for driveways. I know you say that having one more house is consistent with the original plans but it is not consistent with the recent building. I want to be clear that I oppose having an extra house there.”

4.3.9.3 **Soren Simonsen:**

“Thank you for taking my call to discuss the rezoning recommendation that is being considered this evening by the Planning Commission.

I wanted to confirm my understanding that the rezoning from R-1-10 to R-1-8 does not affect the public and private parcels immediately adjacent to the Jordan River within the identified "study area", some of which are currently zoned R-1-40 and some of which are zoned OS (Open Space).


I would like to submit comments that the Jordan River Commission is neutral regarding the rezoning petition for the residential lots of the adjacent subdivision(s).


I would also like to submit the following comments regarding undeveloped parcels adjacent to the river, both public and private. It has been a long standing goal of the Jordan River Commission to preserve undeveloped open space along the Jordan River for its natural habitat and river function values, as well as to avoid future concerns associated with episodic flooding along this natural river corridor. Additionally, the Jordan River Commission has adopted a priority to develop trails and paths along both sides of the Jordan River where possible, and to preserve open space buffers between the river and areas of adjacent development. In this particular stretch of the Jordan River from approximately 4800 South to approximately 6400 South, these desired buffered setbacks would be a minimum of 200' where possible and ideally 300' or more.

I have attached a map for your reference, either as part of this action or for possible future consideration. This map includes a recommendation to update the Taylorsville General Plan and rezone four large properties — one of them owned by the State of Utah near the Rocky Mountain Power corridor, one private parcel identified on the original plat as a preserved open space lot, a small linear property owned by the State of Utah (this could be a future neighborhood trailhead), and the Little Confluence Park owned by Salt Lake County, identified in your General Plan map as "low density residential" and "high density residential" — to OS or "open space". Such an action would bring adjacent undeveloped parcels under more consistent open space zoning that more closely matches the current and future intended use, and also helps us achieve the Blueprint Jordan River vision for the Jordan River Parkway. This might also be a way to offset some concerns raised by some comments in your staff report about the additional "perceived" density being granted with the proposed residential "up zone" by providing future protection for currently undeveloped parcels in a manner that maintains or reduces the "net density" across the entire study area.

Please let me know if you have any questions or comments. Also, please note these recommendations have not been adopted by a formal action of the Jordan River Commission but are consistent with general recommendations of the Blueprint Jordan River (2008), and the Best Practices for River Oriented Development guidebook (2013), which have been previously adopted by Resolution of the Commission and its local and state government partners.

Thank you for your consideration". Soren Simonsen, Executive Director

- 4.4 **Commissioner McElreath** closed the public hearing and turned the time back to the Commission for discussion or a motion.
- 4.5 **Mr. Spung** asked for time and was granted same to answer some of the questions and concerns related during the public hearing portion of tonight's meeting.
- 4.5.1 The first question was "*Why this area and not the whole City*"? Answer is back in late Summer the City Administration approached Staff to look at the area of Redwood Road and the Jordan River, bounded by 4700 South, 4800 South and 5400 South. That is the reason for the larger area that the City Administration asked Staff to look at. In looking at that area, it was confusing because some of the area of doing a zoning analysis. In addition to that the Planning Department currently is performing a General Plan update that will affect the future vision of the City. Staff is also in the process of updating the Land Development Code. Given that those efforts were underway, the Planning Department identified this area as an Initial Phase 1 of a much larger study. Eventually the entire City will be looked at but that is very time intensive and will take a lot of hours. To make it so that it wasn't a year long project, Staff decided that this area would be a good start to review this type of analysis. In a different area Staff will be asking the same questions. The answer is that it has to start somewhere, and this was the area that the City Administration had guided Staff to. 
- 4.5.2 The second question is regarding a specific property (indicated on the map). **Commissioner Burggraaf** wanted to clarify a couple of comments suggesting that the actual development or desire to develop empty lots was the driving force. He asked Mr. Spung if that was correct. **Mr. Spung** said that was not true. The discussion with property owners with interest to subdivide occurred after the initial study had begun. **Commissioner Burggraaf** said development of any one lot wasn't the driving force in doing Staff's analysis then, to which **Mr. Spung** replied it was not.
- 4.5.3 **Mr. Spung** said that the next question was why a specific property owner was not included on the list initially in December. He said that is true because that list was of lot area and non-conforming is not necessarily the lot frontage. So, this lot doesn't conform based on lot frontage and that is why it wasn't included in December.
- 4.5.4 The immediate lot to the east was an irregular lot. It is more in line as a cul-de-sac type development where it is on a curve, so the frontage is much narrower. In that case, the frontage can be narrower but the lot width at the setback line has to be the 70' or 80' whichever the minimum is.
- 4.5.5 The next question referred to future development and how the City would insure that the building is safe. Staff's answer is that any proposals for any development must either go through a subdivision review process with all the City departments and then finally a building permit would be issued by the Building Department. This process will insure that any development is safe with regards to geo-technical design, drainage, storm water

management, etc. The City does have mechanisms in place to assure any future development is compliant with State, Local and Federal Codes for safety issues. 


4.5.6 **Commissioner Wendel** wanted to address the residents, thanking them for coming to this meeting. That she is as passionate about her neighborhood as they are about their's. She expressed appreciation for their patience during this study. She wanted to explain the role of the Planning Commission tonight. Mr. Spung is talking what the citizens are looking for regarding safety, the dirt, the flooding. All of those things are such valid and important concerns that need to be addressed with the City and to Administration and the Planning Departments. That tonight, unfortunately, as a Planning Commission, the scope is limited to, "Should we be making a positive recommendation to the City Council to change the zoning numbers". She was willing to let Mr. Spung continue to answer the questions so that the citizens feel like they have the resources of the City to address things in relationship to what the size of a house will be, what will it look like, how will it be planned, is it going to be a flood hazard, will there be the right fill dirt, etc. Those are questions related to the structures but those points of conversation regarding the safety of those developments will have to come at a later time. So, specifically to address Representative Kwan, she had such amazing questions and sees everything from a 30,000 ft view, which is also what **Commissioner Wendel** herself does but tonight it is at about 10' out of that 30,000, with what the authority of the Planning Commission has to address.



4.5.7 **Mr. Spung** clarified that the City has a Land Development Code which is essentially the real book for any development in the City, so the zoning designation really tells someone where they can do something and how big it can be but all the rules for development are already adopted in the Code. Today, if someone were to buy an R-1-10 lot they could submit a building permit and build a house with allowed certain setbacks and heights based on what is in the adopted Code today. The same applies for subdivisions. All those standards are already in place and that is what Staff reviews when a request is received by them for those types of things. If there is a subdivision request in the future, everyone within 300' of that property will get a mailed notice letting them know that. Just rest assured that there are standards in place that the City uses everyday to insure those developments comply with the Code, including flood plains and engineering standards, etc.

4.5.8 **Mr. Spung** continued with answering the questions. Next question was regarding the character of the area, where the gentlemen referenced the General Plan from 2000. Those were valid concerns. **Mr. Spung** would argue that the character is already established in this area. Potential for new development is limited to two, maybe three lots. Therefore, changing the zoning would not alter character unless people were going to start tearing down homes and re-subdividing properties. He did not feel that would be feasible in this neighborhood.

4.5.9 Next question was, "*How did we get here to begin with*"? Much of the area was developed prior to Taylorsville City even existing; having been done mostly under Salt Lake County jurisdiction, which was a completely different set of rules. When the City incorporated, much of those rules from the County were carried over and adopted at the City level and over the last 21 years the City has undergone several Code updates and rezonings. This area, just like most of the City was originally developed under a different set of rules. Today the rules are different and don't match current zoning.

4.5.10 Final question was, “How do we prevent this from happening again”? **Mr. Spung** said the answer is taking actions like this and having a Staff referral and the City taking a close look at neighborhoods and not being a City-wide rezone. In 2012, the whole City was rezoned and this was probably part of that effort. 




4.6 **DISCUSSION:** 


4.6.1 **Commissioner McElreath** had some questions also. One reference was made to Lot 2111 where there was concern about that lot, which is open space. It had documentation that it could not be built on. **Mr. Spung** was unsure of exactly which lot he was referencing but guessed it was either the State of Utah owned property or a privately owned lot. **Commissioner McElreath** asked Karen Kwan to return to the podium because she is the one who mentioned it. **Ms. Kwan** advised it is the privately owned property, the one behind the property in consideration tonight. **Mr. Spung** said the consideration tonight is the entire area marked on the map in bold. **Ms. Kwan** said she believed that area has a huge ravine and that is where dirt was put in and then the City had to come out and make sure the sewer lines were still okay. **Mr. Spung** said he could address that particular lot. Based on the recorded plat, that lot is open space and there are easements and restrictions thereon, i.e., flood plain issues. No development is allowed on that particular lot which is zoned R-1-40. That specific lot is not part of the rezone proposal. **Commissioner McElreath’s** second question concerned the loss of view and wondered how high homes being built there could be. **Mr. Spung** replied that the Code says 35’ tall maximum.


4.6.2 **Commissioner Quigley** said that there were two or three issues that make this more than emotional for some of the homeowners in the area and he expressed appreciation for them coming to tonight’s meeting and giving input. What he was seeing is that the City is looking at this through a lens. The City is looking at this as an opportunity to clean up random zoning issues that plague 28% of the home owners, which have been depicted on the displayed image in different colors. **Mr. Spung** said that lots with color are non-conforming and all those except for ten would become conforming with the proposed change.

4.6.2.1 **Commissioner Quigley** said that when those present in the meeting asked “Why Here?” he appreciated that Staff has to start somewhere. But that is a problem for people down the road. Right now, anytime someone sells a home an appraiser is going to call the City and say why is the lot non-conforming, to which the City must supply an explanation. It is just because these lots were developed during different stages of the City development process. It made sense to him to get this problem cleaned up.

4.6.2.2 The other issue he had was that some are wondering if it is really being driven by a particular lot or lot owners that want to develop three houses instead of two on a particular lot. He understood that seems to jump out. However, he believed that the bigger issue is more of a desire of the City to deal with a number of issues at once and probably moving forward will go through multiple neighborhoods in the City. He did not feel that it is really an issue of three houses versus two houses on particular lot.

- 4.6.2.3 That is why some of the concerns he heard expressed about the traffic on 4800 South was not impacted by there being three or two houses on that Bayport Lane location. The problem is 4800 South is becoming another east/west artery for people going to and leaving from work. They are finding that 4800 South does not have as heavy of traffic as does 4700 South or 5400 South.
- 4.6.2.4 However, the subject for discussion this evening is should the City take this step forward to rectify some problematic zoning issues. There is the problem of no one wanting change to occur in their neighborhood. He was supportive of what the City is proposing. He is a real estate professional and did not see this impacting lot value or property values, etc.
- 4.6.2.5 This area is generally built out with the exception of two or three lots. With existing building lot requirements in place, small size houses would not be allowed on this. His only concern was with the larger lot in order to accommodate three houses, one of the lots would have to be a flag lot to make it work. He asked Mr. Spung if he has had conversations with that property owner about making that third lot a flag lot.  **Mr. Spung** said that is a possible scenario but did not know if that is the only one. They could do a flag lot there under the R-1-10 zone as well. **Commissioner Quigley** said that is what he wanted to clarify, to make that an R-1-8 would not change the flag lot issue. **Mr. Spung** said as long as they meet the subdivision standards that is possible. **Commissioner Quigley** said then that the change Staff is proposing isn't going to change whether or not they can build a flag lot on there, regardless if the zoning change is made. **Mr. Spung** said he could not confirm that without actually seeing a design and there have been no applications received as of this date.
- 4.6.3 **Commissioner Wendel** asked to have the aerial view displayed to explain what is happening. That there have been no applications and tonight the proposal is just for the rezone. The City is only trying to remedy those homes in that area that are non-compliant. **Mr. Spung** said that was correct but did explain the problem with the lot having three or two homes. The flag lot procedure was also explained in detail. 
- 4.6.4 **Commissioner McElreath**  asked a question about what Mr. Deffner talked about during the public comments. Mr. Deffner had brought up the issue of General Plans that were done in 2000. He asked if Staff would consider that as they go through different areas with this proposal. His second question was Mr. Deffner also mentioned something about an Ivory subdivision and the number of homes in it versus the other parcel. **Mr. Spung** addressed the General Plan question saying that they did look at the current adopted and don't necessarily look at prior versions because those have been updated over the years. Therefore, the most current plan reflects the current policy of the City. The area being looked at now is currently in the General Plan as low density residential, so the R-1-8 zoning is consistent with that. With regard to the Ivory development, he did not know exactly what the boundaries are for that development but he felt essentially the thinking was why not rezone those retargeted areas and not the entire study area. Generally it is not policy to rezone one or two properties at a time because that could be deemed as spot zoning where a change is made to the permissions and allowances of one property owner where everyone in that same neighborhood doesn't have the same benefit. Normally, with residential zoning, there would need to be a larger area. In this case, you could slice and dice some properties to have a consistent zone, where the impact to the neighborhood is not negligible with rezoning everything from R-1-10 to R-1-8. Everything is already developed and in place. Unless you were going to buy four or five

properties, tear them all down and subdivide, it is not going to result in any traditional homes in this neighborhood, aside from the one or two properties that could develop in the future. 


4.6.5 **Commissioner Wright**  said what he sees taking place here right now is there is potential for four lots existing to be subdivided and potentially have houses added there. On the administrative side of it, he noted that the R-1-8 helps administratively, so that is his perspective going forward.

4.7 **MOTION: Commissioner Burggraaf** -  I move that we send a positive recommendation to the City Council for a zoning map amendment from R-1-10 to R-1-8 for properties generally located in the area bounded by the following description: East of Hidden Cove Circle, Hidden Cove Drive, and Meadow View Drive; South of Murray-Taylorsville Blvd; and North and West of the Jordan River as explained in the Staff Report under File 12220.

SECOND: Commissioner Quigley

Commissioner Wendel said she would be voting affirmative and wanted to explain why. The reason why is because there are 63 homes that are non-compliant and as Commissioner Wright said, versus the four potential homes that are going to be built, which lots are already zoned residential, with a difference of a couple thousand feet potentially on a couple of lots. The argument has come down to maybe one house in this conversation. With her professional background she is concerned for the 63 home owners who have non-compliant homes. Whether that means their property value, whether that means their ability to get loans, they have to be potentially an administrative and/or legal nightmare at some point for a home owner and that is 63 homes. She expressed compassion and excitement for the neighbor's concerns, those will be able to be addressed on one on one home issues but she needed to be responsible for the 63 home owners right now. **Commissioner Quigley** advised there has been a motion and a second, and a vote should be heard. **Commissioner McElreath** asked for a motion.


VOTE: Commissioner Wright – AYE, Commissioner McElreath – AYE, Commissioner Burggraaf – AYE, Commissioner Wendel – AYE, Commissioner Quigley – AYE, Commissioner Russell – AYE, and Commissioner Willardson – NAY.

Commissioner Willardson explained his NAY vote as follows: I have listened to all the people that are here and I would hope to have somebody like me up here if I was out there yelling about my neighborhood. We are talking about three properties really. Isn't that right Jim? There are three vacant ones. **Mr. Spung** – There is one vacant property. **Commissioner Willardson** - I don't see the sense in this. I think it is a waste of time myself. I'm with you guys out there in the neighborhood. That is what I would want in my neighborhood and I think the City should respond to that. 

Motion passes 6 to 1.

SUBDIVISION

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| <p>5. File #1S21 - Consideration of a Preliminary Plat for a 20-Lot Subdivision Located at 3397 W and 3399 W 4700 South. Applicant is Robert Thompson, Utah Land Company. (Presented by Karyn Kerdolff/GIS Planner)</p> |
|---|

5.1 **Ms. Kerdolff**  presented this item. She went over the Findings and Recommendations. The property is zoned RM-8, a multiple-family zone with a maximum density of eight units per acre. This proposed subdivision will have twenty units. The proposed subdivision meets the setback

requirements for the RM-8 zone. The two properties located at 3397 West and 3399 West 4700 South, combined are 110,207 square feet or 2.53 acres.

- 5.1.1 The setbacks for the RM-8 zone are: Front yard: 20 feet; Side Yard (abut a single-family residential district): 15 feet; Side Yard – (does not abut a single-family residential district): 8 feet; Rear Yard (Abut a single-family residential district): 20 feet; Rear Yard – (does not abut a single-family residential district): 15 feet.
- 5.1.2 The lots will be accessed from Simper Lane along a proposed public road. That road meets City standards for a public.
- 5.1.3 Compliance with all applicable codes is required prior to issuing final approval. Additionally, a few modifications/additions will be required for Final Plat approval including the following:
 - 5.1.3.1 A few clerical changes need to be made to the plat which have been outlined in the most recent version of the staff report as of this meeting date.
 - 5.1.3.2 Proposed address for all units.
 - 5.1.3.3 Updated copy of proposed Covenants, Conditions & Restrictions (CC&Rs).
 - 5.1.3.4 Units 13 or 13-16 are adjusted so that Unit 113 is compliant with setbacks.
 - 5.1.3.5 Parking stalls perpendicular to public street are removed.



5.2 **FINDINGS:**


- 5.2.1 This application was initiated by Robert Thompson, on behalf of Utah Land Company.
- 5.2.2 The properties under question are located at 3397 West and 3399 West 4700 South.
- 5.2.3 The property is zoned RM-8 (Multi-Family Residential District, maximum density of eight units per acre).
- 5.2.4 The applicant is requesting preliminary plat approval for a twenty-lot subdivision.
- 5.2.5 The proposed plat meets the required setbacks for the RM-8 zone.
- 5.2.6 All required documentation has been submitted by Robert Thompson or his team.

5.3 **REQUIREMENTS FOR FINAL APPROVAL:**


- 5.3.1 The original plat for 3397 West and 3399 West 4700 South is amended, if applicable.
- 5.3.2 The plat is recorded with Salt Lake County.
- 5.3.3 A Title Report that is less than 90 days old at time of recording is submitted.
- 5.3.4 The final plat is compliant with all applicable codes and ordinances.
- 5.3.5 The applicant will comply with the requirements of all reviewing agencies.
- 5.3.6 All applicable fees and bonds are paid prior to recording of the plat.
- 5.3.7 Notice any applicable Covenants, Conditions & Restrictions (CC&Rs) with the final plat.

5.4 **STAFF RECOMMENDATION:** Staff recommends that the Planning Commission approves the Preliminary Plat for a twenty (20) lot subdivision for the properties located at 3397 West and 3399 West 4700 South.


5.5 **APPLICANT ADDRESS:** Robert Thompson.  Mr. Thompson said that in working with Ms. Kerdolff, he finds that everything meets the City ordinance and conforms thereto. From a design standpoint, the driveways are a minimum of 35'. On other projects he has done, they were only 20'. There will be two parking stalls per unit, wherein each garage is two stalls. Then, the first 20' of the driveway consists of two more parking stalls and then there is an additional 15' also for additional parking. By making the driveway 35', it allows for more than adequate parking spaces per unit and works better for the odd shaped property.  For the rear yard, there is enough room to allow 40' to 50' for that purpose. Many people think these types of units are only meant for young people, which is not true. There are groups that because the housing prices are now so high, that they cannot afford to buy a single-family home right now. Also, there are people who

just don't want single family housing because they don't want the responsibility for maintenance. So, they would look at living in this type of unit for three to five years and either keep it or rent it out or sell it for the equity to buy a single-family home. It is also for empty nesters who are healthy enough to be able to climb the stairs because they are two-story units. He felt that the Temple being built close by will be a draw to that area as well. Right now, there are a lot of people who are aging in place and struggling with upkeep on the larger homes and lots. There just isn't a lot of places for them to downsize into right now. There will be a Home Owner's Association (HOA) for this project. The common area will be owned and maintained by the HOA. He felt this will be a great product, a really nice subdivision for the City, especially this particular area right off 4700 South. He asked if there were any questions. 

5.5.1 **Commissioner Russell** asked what the prices for these 20 units would be and **Mr. Thompson** replied that the price has been elevated due to the rise in lumber prices and other construction costs. He alluded that it would be similar to the homes in Muirhouse development by Hamlet Homes, which is around \$350,000. The main difference is these homes would be two story while Muirhouse is three-story mainly.


5.5.2 **Commissioner Wright** said Mr. Thompson had mentioned the driveway would be 35' but most were in the 25' range. **Mr. Thompson** said that 25' just shows to the sidewalk, there is a 5' sidewalk and 5' park strip. That is where the 35' comes into being. 

5.5.3 **Commissioner Wendel** said she loved the 40' back yards but was disappointed in not seeing more landscaping. That is not part of the application with the Commission, but she wondered if they would be willing to consider adding more landscaping such as trees along the 4700 South setback line. **Mr. Thompson** said those are private lots and not common area. Whenever there is common area, they are willing to do everything they can to achieve that. He anticipated that the owners of the private lots would add trees to create a buffer there. **Commissioner Wendel** asked if the cul-de-sac was a turn-around, to which **Mr. Thompson** said it was, especially for Fire Department use. **Commissioner Wendel** said she was looking to increase that common area as much as possible. **Mr. Thompson** said the specifications for the common area were prepared to meet what the City Engineer, Ben White, had said he wanted.

5.5.4 **Commissioner Wright** said he knows the Commission doesn't get into design issues on this particular part of the approval but he did notice that there was a retaining wall right next to the vinyl fence and it looked like it would be up in elevation where the cul-de-sac is located and the retaining wall would drop down and possibly impact the vinyl fence. **Mr. Thompson** said the fence would be on top of the wall. He cannot fence on the Canal Company's property. It is a pre-cut block that can set with the post inside. The retaining wall starts at about 1' and climbs to about 4' to meet the top of that back of sidewalk. That will go around the property and then start climbing up and then up along that cul-de-sac and then back down. **Commissioner Wright** said it had look as if there was a rock wall along that side. **Mr. Thompson** said that a rock wall would not provide enough protection to the cul-de-sac. That his engineer is working on a design for that but knew it cannot be a rock wall. There are other designs that would work but most of them are a pre-cast stack which is much more efficient and will not fail. **Commissioner Burggraaf** commented he was happy Mr. Thompson had said "vinyl fence" and not "chain-link" and asked that he not let anyone deter him from doing vinyl here. 

5.6 **Commissioner McElreath** opened the public hearing and asked if anyone wished to speak in favor or opposition to this proposal. **Ms. Kerdolff** advised she had received no comments and no one

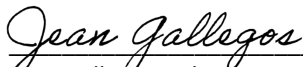
came forward to speak so **Commissioner McElreath** closed the public hearing and asked for Planning Commission discussion or a motion.

- 5.7 **MOTION:** **Commissioner Wendel** – I move that we approve File #1S21 for a twenty-lot subdivision located at 3397 West and 3399 West 4700 South based on the Findings and Requirements as stated in the Staff Report. 
- SECOND:** **Commissioner Russell**
- VOTE:** **Commissioner Wright** – AYE, **Commissioner McElreath** – AYE, **Commissioner Burggraaf** – AYE, **Commissioner Wendel** – AYE, **Commissioner Quigley** – AYE, **Commissioner Russell** – AYE, and **Commissioner Willardson** – AYE. Motion passes unanimously.

CITY COUNCIL MEETING DISCUSSION: **Commissioners Wright** and **Wendel** gave their reports on what transpired during the City Council meetings they attended. **City Councilman Ernest Burgess** also gave comments from his perspective on those meetings.

ADJOURNMENT: By motion of **Commissioner Burggraaf** the meeting was adjourned at 8:45 p.m.

These Minutes were prepared and submitted by:



Jean Gallegos, Admin Assistant and Recorder for:
City of Taylorsville Planning Commission

Approved in meeting held on: April 13, 2021