



## Planning and Development Services

2001 S. State Street N3-600 • Salt Lake City, UT 84190-4050

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<https://msd.utah.gov/agendas/>

# Magna Planning Commission

## Public Meeting Agenda

**Thursday, November 10, 2022 6:30 P.M.**

### Location

Magna Webster Center  
8952 West Magna Main Street  
Magna, Utah

*UPON REQUEST, WITH 5 WORKING DAYS NOTICE, REASONABLE ACCOMMODATIONS FOR QUALIFIED INDIVIDUALS MAY BE PROVIDED. PLEASE CONTACT WENDY GURR AT 385-468-6707. TTY USERS SHOULD CALL 711.*

The Planning Commission Public Meeting is a public forum where, depending on the agenda item, the Planning Commission may receive comment and recommendations from applicants, the public, applicable agencies and MSD staff regarding land use applications and other items on the Commission's agenda. In addition, it is where the Planning Commission takes action on these items, which may include: approval, approval with conditions, denial, continuance or recommendation to other bodies as applicable.

### **BUSINESS MEETING**

- 1) Approval of the October 13, 2022 Planning Commission Meeting Minutes. (Motion/Voting)
- 2) Other Business Items. (As Needed)

### **LAND USE APPLICATION(S)**

**RWD2022-000631** – D.R. Horton is requesting approval of the proposed 4100 South Road Dedication Preliminary Plat. **Total Acreage:** .221 acres. **Location:** 4100 South 8400 West. **Zone:** P-C. **Planner:** Shad Cook (Motion/Voting)

**PUD2022-000675** - D.R. Horton is requesting approval of the proposed Gateway to Little Valley Phase 5B Preliminary Plat. **Total Acreage:** 12.529 acres. **Location:** 4000 South 8400 West. **Zone:** P-C. **Planner:** Shad Cook (Motion/Voting)

**CUP2022-000691** – Christina Robles is requesting Conditional use approval for a home daycare. **Acres:** 0.17. **Location:** 7212 West Majestic Way. **Zone:** R-1-6. **Planner:** Justin Smith (Motion/Voting)

**PUBLIC HEARING(S)**

**REZ2022-000725** – Joe Colosimo is requesting approval to rezone 1.72 acres of property from the A-1 (Agriculture) zone to the R-M (Residential) zone. **Location:** 2802 South 7200 West. **Planner:** Justin Smith (Motion/Voting)

**ADJOURN**

# Rules of Conduct for Planning Commission Meetings

## PROCEDURE FOR PUBLIC COMMENT

1. Any person or entity may appear in person or be represented by an authorized agent at any meeting of the Commission.
2. Unless altered by the Chair, the order of the procedure on an application shall be:
  - a. The supporting agency staff will introduce the application, including staff's recommendations and a summary of pertinent written comments and reports concerning the application
  - b. The applicant will be allowed up to 15 minutes to make their presentation.
  - c. The Community Council representative can present their comments as applicable.
  - d. Where applicable, persons in favor of, or not opposed to, the application will be invited to speak.
  - e. Where applicable, persons opposing the application, in whole or in part will be invited to speak.
  - f. Where applicable, the applicant will be allowed 5 minutes to provide concluding statements.
  - g. Surrebuttals may be allowed at the discretion of the Chair.

## CONDUCT FOR APPLICANTS AND THE PUBLIC

1. Speakers will be called to the podium by the Chair.
2. Each speaker, before talking, shall give his or her name and address.
3. All comments should be directed to the Commissioners, not to the staff or to members of the audience.
4. For items where there are several people wishing to speak, the Chair may impose a time limit, usually 3 minutes per person, or 5 minutes for a group spokesperson. If a time limit is imposed on any member or spokesperson of the public, then the same time limit is imposed on other members or spokespersons of the public, respectively.
5. Unless otherwise allowed by the Chair, no questions shall be asked by the speaker or Commission Members.
6. Only one speaker is permitted before the Commission at a time.
7. The discussion must be confined to essential points stated in the application bearing on the desirability or undesirability of the application.
8. The Chair may cease any presentation or information that has already been presented and acknowledge that it has been noted in the public record.
9. No personal attacks shall be indulged in by either side, and such action shall be sufficient cause for stopping the speaker from proceeding.
10. No applause or public outbursts shall be permitted.
11. The Chair or supporting agency staff may request police support to remove offending individuals who refuse to abide by these rules.
12. After the public comment portion of a meeting or hearing has concluded, the discussion will be limited to the Planning Commission and Staff.



GREATER SALT LAKE  
**Municipal Services  
District**

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**Files # CUP2022-000691**

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## Conditional Use Summary

**Public Body:** Magna Planning Commission

**Meeting Date:** November 10, 2022

**Parcel ID:** 14-33-281-040-0000

**Current Zone:** R-1-6

**Property Address:** 7212 W Majestic Way

**Request:** Conditional Use for a Home Day Care

**Applicant Name:** Christina Robles

**MSD Planner:** Justin Smith

**MSD Planning Staff Recommendation:** Planning Commission Approval

### PROJECT SUMMARY

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The applicant, Christina Robles, is applying for a conditional use for a home day care. Per section 19.04.293 of the Magna Code, conditional use approval is required for home day care when subject to R430-90 of the Utah Health Regulations rather than R430-50. This means the applicant intends to have a capacity of over 8 children, but not more than 16.

### SITE & ZONE DESCRIPTION

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The property is located on the corner of Majestic Way and 7200 W. The properties to the east are located in West Valley City while the properties to the north, east, and south are zoned R-1-6 and are single family homes. The R-1-6 zone allows for home day cares as either a permitted or conditional use subject to a few factors.



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### ISSUES OF CONCERN/PROPOSED MITIGATION

No issues of concern are identified at this time. All agency reviewers have given an “ok” to the conceptual review with additional information and revisions being required for technical review and final approval.

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### PLANNING STAFF ANALYSIS

The R-1-6 zone is intended for single family homes, but does allow for home day cares as either a permitted or conditional use depending on Utah Health Department regulations regarding capacity (number of children being cared for at any given time). The regulations differentiate between home day cares of 8 or fewer children, and 9-16 children.

#### Parking

The home has four off street parking spaces. The required parking for a dwelling under Chapter 19.80 is two, which leaves 2 off street parking spots which exceeds what it is required.

### **Landscaping**

No landscape plan has been provided and Chapter 19.77 exempts single family homes from the requirements of the landscaping chapter.

### **Signage**

Signage is not allowed for at home day cares with the exception of a name plate. No sign has been proposed as part of this conditional use.

### **Conditional Use**

The proposed conditional use applies to the provisions of the zoning ordinance with parking and the home day care requirements.

The proposed home day care exceeds parking requirements and exceeds the required minimum right-of-way.

### **Review Criteria**

The criteria that planning staff can review for at home day cares is limited by Utah State law and the criteria that can be reviewed is laid out in Chapter 19.04.293. The home day care must comply with health department noise regulations, the play yard must be located in the rear yard, the lot must contain one on-site parking space as well as an additional on-site parking space for each additional employee that does not live in the home, and no signage other than a nameplate sign.

The Planning Commission is the decision making body for conditional use permits. If approval is granted for this conditional use then the projet will advance into the technical review phase who will then review the project based on compliance with the code.

MSD staff has reviewed the application and has found that the proposal with staff recommendations is consistent with the surrounding land uses. Full compliance with required ordinances and policies will be verified through the subsequent technical review process before the issuance of the Land Use permit, and license inspection process. Staff finds that the application meets, or will meet with conditions, all required standards of the ordinance necessary for preliminary approval by the Planning Commission.

### **PLANNING STAFF RECOMMENDATION**

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**Based on the findings stated above, the MSD Planning Staff recommends that the Magna Planning Commission grant approval for the conditional use for a home day care with the following conditions:**

- 1. The applicant be required to comply with the requirements of the R-1-6 Zone.**
- 2. The applicant be required to comply with the requirements of Chapter 19.04.293.**
- 3. The applicant be required to comply with the requirements from all reviewing agencies.**
- 4. The applicant be required to comply with off-street parking requirements.**

#### **ATTACHMENTS:**

- A. Site Plan



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**Files # REZ2022-000725**

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## Rezone Request Summary and Recommendation

**Public Body:** Magna Planning Commission

**Meeting Date:** November 10, 2022

**Parcel ID:** 14-28-226-013-0000

**Current Zone:** A-1

**Property Address:** 2802 S 7200 W

**Request:** Rezone from A-1 to R-M

**Applicant Name:** Joe Colosimo

**MSD Planner:** Justin Smith

**MSD Planning Staff Recommendation:** Planning Commission Recommendation

### PROJECT SUMMARY

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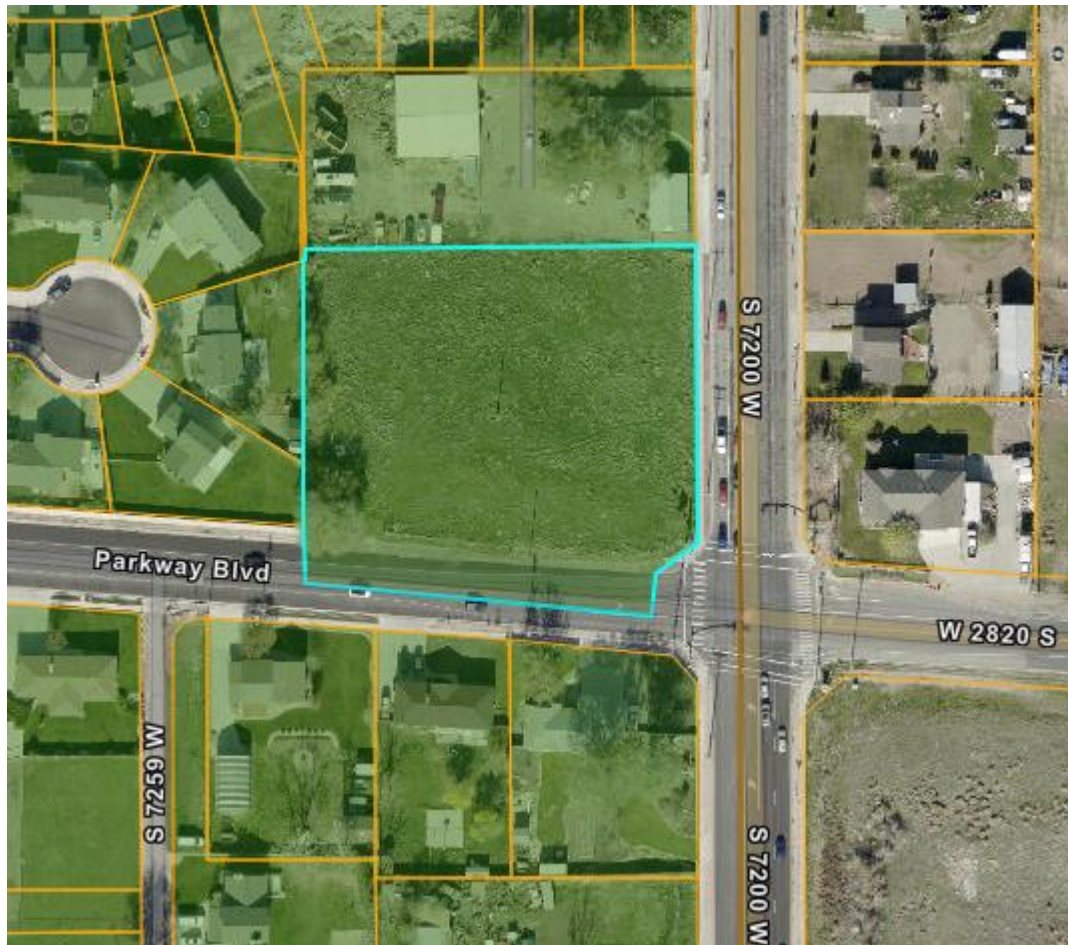
The applicant, Joe Colosimo, is requesting a zone change from the current zone A-1 to the R-M zone. The purpose of this rezone is to subdivide the lot into 14 lots for single family housing.

### SITE & ZONE DESCRIPTION

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The rezone involves a 1.72 acre parcel at the corner of Parkway Boulevard and 7200 W. This lot is currently vacant and undeveloped. The lot borders A-1 zones to the north, south, and west. The lots to the east, across 7200 W, are located within West Valley City limits.

The A-1 zone is intended for agricultural uses but does allow for residential uses. The R-M zone is a medium density residential use that allows for up to 7 units per acre for single family homes, with higher densities allowed for duplexes, triplexes, and multi-family buildings. However, the proposed model zoning ordinance to be considered later this year has more flexibility for different building types in the R-M zone, which will accommodate the density shown on the applicant's preliminary design.



### PLANNING STAFF ANALYSIS

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This parcel is in an area that is designated for residential mixed use in the Magna General Plan. This designation calls for a mix of single-family housing and duplexes for a blended density of 5 units per acre. A blended density means that some neighborhoods may be higher than 5 units per acre while others may be lower. The applicant's plan is consistent with the R-M zone, but the density proposed in his preliminary plan may be too high at 14 units for 1.72 acres. If the planning commission is comfortable with the applicant's preliminary plan and proposed density, a recommendation could be forwarded to the Council of approval of an R-1-4 zone under the current code. Conversely, the planning commission could recommend approval of the R-M zone with conditions as proposed and allow future applications to be made under the new code (when adopted).

The applicant is proposing manufactured single family homes on each of the lots. The applicant is also seeking a zoning condition that would limit this parcel to having only single family homes with the R-M zone designation.



The applicant has submitted photos of similar manufactured home subdivisions to illustrate what this neighborhood could potentially look like. Landscaping and off street parking are not required for a rezone application and would be considered at the time of a land use application.

**PLANNING STAFF RECOMMENDATION**

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**The MSD Planning Staff recommends that the Magna Planning Commission recommend that the Magna Council approve the rezone.**

**ATTACHMENTS:**

- A. Site Plan
- B. Narrative
- C. Legal Descriptions