

**City of Taylorsville
Planning Commission Meeting Minutes
January 10, 2023
Regular Session – 7:00 p.m.
2600 West Taylorsville Blvd – Council Chambers**

Attendance:

Planning Commission

David Wright – Chair
Lynette Wendel – Vice Chair (Remote)
Don Quigley
Cindy Wilkey (Remote)
Don Russell
Marc McElreath
Gordon Willardson (Excused)
David Young (Alternate)

Community Development Staff

Jim Spung – Senior Planner
Jean Gallegos – Admin Assistant/Recorder



BRIEFING SESSION – 6:30 P.M.



Mr. Spung presented this item by explaining the items on the agenda tonight which is a public hearing and recommendation to the City Council for a zoning Text Amendment to Taylorsville Municipal Code Sections 13.07.020; 13.08.020; 13.08.020; 13.09.030; 13.10.020; 13.11.040; 13.26.080; and Chapter 13.36: Definitions, related to home occupation standards and answering Planning Commissioners questions.

Commissioner Young gave his report on the City Council Meeting he attended. 

REGULAR MEETING – 7:00 P.M.

CITIZENS/GUESTS PRESENT: Bob Knudsen

Consent Item

2. Review/approval of the Minutes for October 11, 2022.

MOTION: Commissioner Quigley – I move for approval of the Minutes for October 11, 2022, as presented.

SECOND: Commissioner Russell

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

Special Item

3. Election of New Chair/Vice-Chair for 2023.

Election was held at the end of the meeting, with **Commissioner Quigley** being elected Chair and **Commissioner Wilkey** as Vice Chair for 2023 and will be effective with the next Planning Commission meeting held.

Zoning Text Amendment

4. 3Z22 - Public Hearing and Recommendation to the City Council for a Zoning Text Amendment to Taylorsville Municipal code Sections 13.07.020; 13.08.020; 13.08.020; 13.09.030; 13.10.020; 13.11.040; 13.26.080; and Chapter 13.36: Definitions, Related to Home Occupation Standards. (Jim Spung/AICP/Senior Planner)

- 4.1 This item was presented by **Jim Spung**.  File #3Z22 is a revisit of the same item heard on Dec 13, 2022, wherein the Planning Commission needed clarification on some portions before making a decision. As a result, Staff has made revisions to the text which **Mr. Spung** went over during tonight's meeting.

Revisions about Vehicles and Trailers include:

- 4.1.1 Addressing the employees visiting the site of the home occupation. A new sentence has been included saying, "Offsite employees may visit the residence in accordance with 13.11.040 C(4). Letter B which says, "Excepting residential child daycare, preschools, and home instruction; home occupations shall have no more than two business related visitors per hour". Any employee would be subject to that same standard – no more than two per hour. Otherwise, they would be allowed on the site. **Commissioner Quigley** said that accomplished the intent of what had been discussed in that previous meeting and clarified that offsite employees can visit yet puts some teeth in the Code that if there is a neighbor who complains because there are a lot of cars on a regular basis then there is the ability to control that. This was apparently approved by Code Enforcement and seems to be a good solution.
- 4.1.2 **Mr. Spung** continued with the issue of trailers. That is the topic that was discussed at length with Code Enforcement and most of their complaints dealt with parking of trailers. He had initially asked them about potentially regulating home businesses based on the size of the trailers, size of the lots and allowing larger lots to have larger trailers. It is difficult to parse that out because people have trailers that aren't associated with the home occupation for personal use, so it is difficult to have a different set of rules for different intensive for trailers or vehicles because then the City has to ascertain if it is a business or personal vehicle. Staff prefers not to have that entanglement for simplicity. He then reviewed some of the redlines on the document.
- 4.1.3 Letter B was clarification for Code Enforcement that vehicles and trailers used in association with the home occupation must be parked in an approved off-street parking location (added: and shall not encroach or overhang on any sidewalk or pedestrian way). Letter E calls out tow trucks, tanker trucks, box vans, delivery vans and similar vehicles. Staff removed verbiage "that exceeds 10,000 pound gross vehicle weight ratings" by just saying they are prohibited and may not be stored onsite. Such vehicles may be located offsite in an approved storage location.  Letter F says "Only one trailer with no more than two axles" may be used in association with a home occupation. Letter G features an addition to The maximum body length of an enclosed trailer is 20 feet. The maximum body length of an open trailer is 16 feet. (added – "For purposes of this standard, trailer length does not include the trailer tongue". Letter H was added to say "Auto transport trailers designed to transport more than one vehicle or that exceed the body length requirements are prohibited and shall not be stored on-site. Such trailers may be located off-site in an approved storage location".

Revisions regarding child day care include:

- 4.1.4 "A residential child day care shall only be allowed in a detached single-family dwelling that fronts

on a public or private street with a minimum pavement width of 25 feet that has curb, gutter, and sidewalk – (added “The minimum 25-foot pavement width and curb, gutter, and sidewalk shall extend from the home occupation lot or parcel to the nearest through street with those same improvements”).

- 4.1.5 A residential child day care is not permitted on a flag lot.
- 4.1.6 A residential child day care is not permitted on a lot or parcel with an accessory dwelling unit (ADU).
- 4.1.7 A residential child day care shall not generate more than 24 cumulative vehicular stops per day, including child drop-off and pick-up. Drop-off and pick-up shall not occur in the public right-of-way.

Revisions regarding “Impact” definitions:

- 4.1.8 “Low-Impact Residential” Instruction
 - 4.1.8.1 (Changed). “Low-impact residential instruction is the instruction of four or fewer children at any given time”.
 - 4.1.8.2 (Existing). All sessions combined shall not generate more than 24 cumulative vehicular stops per day, including drop-off and pick-up. Drop-off and pick-up shall not occur in the public right-of-way.
- 4.1.9 “High-Impact Residential” Instruction
 - 4.1.9.1 “High-impact residential instruction is the instruction of five or more children at any given time”.
 - 4.1.9.2 (Existing) A maximum of 12 children per session is allowed. A single session shall not exceed four consecutive hours per day and individuals shall not attend more than one session per day.
 - 4.1.9.3 High-impact residential instruction shall only be allowed in a detached single-family dwelling that fronts on a public or private street with a minimum pavement width of 25 feet that has curb, gutter, and sidewalk. (Added – “The minimum 25-foot pavement width and curb, gutter, and sidewalk shall extend from the home occupation lot or parcel to the nearest through street with those same improvements”).
 - 4.1.9.4 (Changed) High-impact residential instruction is not permitted on a flag lot.
 - 4.1.9.5 (Changed) High-impact residential instruction is not permitted on a lot or parcel with an accessory dwelling unit (ADU).

Home Occupations Not Allowed.

- 4.1.10 The following uses are not allowed as home occupations:
 - 4.1.10.1 Any use that requires or utilizes chemicals or hazardous materials in excess of volumes allowed by the International Fire Code in a residential setting.
 - 4.1.10.2 Auto body or fender work.
 - 4.1.10.3 Auto, truck, diesel, boat, trailer, or motorcycle repair or services at the residence.
 - 4.1.10.4 Furniture or cabinet making.
 - 4.1.10.5 Junkyards, storage, or recycling yards.
 - 4.1.10.6 Law mower, small engine, or motor repair or services.
 - 4.1.10.7 Major appliance repair (washers, dryers, refrigerators, etc.)
 - 4.1.10.8 Manufacture or sale of explosives or similar products.
 - 4.1.10.9 Medical clinics and laboratories.
 - 4.1.11.10 Mortuaries or crematoriums.

- 4.1.11.20 Reiki type therapy.
- 4.1.11.21 Sexually oriented businesses.
- 4.1.11.22 Short term rental.
- 4.1.11.23 Vehicle sales or rental exceeding (added): “one on-site vehicle at any given time”.
- 4.1.11.24 Vehicle towing or impound operations.
- 4.1.11.25 Welding or ironworks.
- 4.1.11.26 Any other use that would produce traffic, light, glare, noise, fumes, odor, or vibration that will diminish the residential character of the neighborhood.

4.2 **DISCUSSION:**

- 4.2.1  **Commissioner McElreath** asked about the tow trucks and wanted to know if it only applies to a home-based business. **Mr. Spung** said that was correct. That as part of the larger Code update these standards will probably be mirrored therein and make them just general residential standards for any residence anywhere, even if there is no home occupation involved. But right now, the standards are only for home occupations.
- 4.2.2 **Commissioner Quigley**  expressed concerns about both paragraph Letters B and E. His memory was there was discussion about trying to force them to park their service vehicles elsewhere, particularly of concern being food trucks parking in front of the residence. He did not see any language in this change that talks about that. It does say, “in an approved off-street parking”. His concern was what the definition of that was. He wondered if that would help with the concern of having the service vehicles parking in front of a residential home. He also wondered if it is somewhat addressed in paragraph E where it talks about box and delivery vans and if there was a difference in the verbiage – one being referred to as “stored” and the other as “parked”. With that someone could say they are parked there today but it is not being stored. That could mean someone is parking their food truck every night in their driveway, which could be very unattractive to the neighborhood and yet fall under the definition of not being stored.
- 4.2.3 **Mr. Spung** answered the question of what an approved off-street parking location is, as being any area of the lot that allows parking. Generally speaking that would be a paved surface in the front, side or rear yard or in a garage. It basically is to say no parking is allowed in landscaping, on dirt or gravel, etc. He addressed the second question about the location of the parking. He did talk to Code Enforcement about that and it was their opinion that if there was a requirement for any home occupation vehicle or trailer to be required to park on the side or behind, that it would be difficult for most of them to comply with that standard. They either simply don’t have anywhere on the side of the home or behind it to park. The intent was to avoid creating that problem for those businesses it was decided it best to say they must be in an approved location but not necessarily on the side or behind the house. Regarding the terminology of “stored” or “parked”, he felt it was a good idea for Letter E to replace “stored” with “parked” for clarity. Staff could make that edit easily if the Commission agrees to it. **Commissioner Quigley** advised his only concern was substituting the word “parked” with “stored” is you have a contradiction because it says it is okay for a box van or delivery van to be parked out front but in Letter E it is saying that they cannot park them on site. It is a conflict because “out front” is “onsite”. There are vehicles identified in Letter E that aren’t allowed as a home occupation but any vehicles that are allowed can be parked onsite.  **Commissioner Quigley** asked if “food trucks” could be included in that language. **Mr. Spung** said they could do that but he asked Code Enforcement about food trucks and they advised they hadn’t seen many during their daily travels. He asked them about the signage question in having business vehicles with big racks or obnoxious signage advertising the business and that was something they hadn’t seen much of either. They also have not had

complaints about that. Staff and Code Enforcement felt if it isn't an issue, don't regulate it. If it becomes a problem, it can be added then. **Commissioner Quigley** said while he saw the point for that but was concerned because the reason for the revision is trying to look ahead and even though it has not been a problem to date, it is obvious that the food truck industry is growing and particularly in neighborhoods with different demographics might become a problem in the future. His point was it might be better to fix it now during this revision, rather than later but would rely on Staff's professionalism for that answer.  **Mr. Spung** said he would like to leave that answer up to the City Council when they conduct their review of this change. It would be a very simple change to make to add food trucks to Letter E. **Commissioner Wilkey**  suggested adding food trucks here and see if the City Council eliminates it. She wanted to be more proactive on what the Commission thinks should be included.

- 4.2.4 **Commissioner McElreath** asked if box vans were defined. **Mr. Spung** said that a Google search of any of those terms would give several examples thereof. That a "box van" would be like a UPS truck or a U-Haul truck. He suggested including some images to help clarify what they might be. However, it would not be all inclusive because there are so many varieties of vehicles.  Staff would like to defer to Code Enforcement to make the determination on individual instances.  That, aside from tow trucks, the City doesn't receive many complaints in this regard. **Commissioner McElreath** felt it is fine the way it is, and **Commissioner Wright** agreed with that. 

- 4.2.5 **Mr. Spung** continued on to say there had been a sentence added to Letter G which says, "*For purposes of this standard, trailer length does not include the trailer tongue*".  **Mr. Spung** said that Code Enforcement has expressed issues and the following sentence was added in that regard as Letter H, "*Auto transport trailers designed to transport more than one vehicle or that exceed the body length requirements are prohibited and shall not be stored on-site. (he advised that could be clarified by just saying "parked" instead of "stored". Such trailers may be located off-site in an approved storage location*". Another concern for Code Enforcement is apparently there are problems with double-decker car trailers that are pulled by big trucks and are not suitable for residential neighborhoods. Therefore, that was added in the not allowed section. **Commissioner Young** said he has seen the double decker trailers but there are also others that are single layer trailers. He understood why they would not be allowed for a business but would be for personal homeowners to use for hauling ATVs, etc. He wondered if that was being considered. **Mr. Spung** advised that for right now this just involves home occupations and wouldn't address private recreational use.  That issue can be discussed when doing the larger re-write of the Code update is done and right now it just involves a business registered to a house.

- 4.2.6 **Mr. Spung** said the next portion is related to daycares, preschools and other high intensity home occupations which involve instruction.  There was a lot of discussion during the last meeting about the location requirements for where these are and are not allowed. He read existing sentence #2, "A residential child day care/preschool home instruction with five or more kids, shall only be allowed in a detached single-family dwelling that fronts on a public or private street with a minimum pavement width of 25 feet that has curb, gutter, and sidewalk. (added) "*The minimum 25-foot pavement width and curb, gutter, and sidewalk shall extend from the home occupation lot or parcel to the nearest through street with those same improvements*".  That answers the question if they install curb, gutter, and sidewalk in front of their home, would they then be allowed to have that business. The answer is no because those improvements must connect to

the next through street with curb, gutter, and sidewalk. He displayed a map showing areas of the City that don't have sidewalks, which turn out to be older residential areas and generally don't have through streets or the high traffic volume. **Commissioner Wilkey** asked if there is an older area of town that was built prior to Taylorsville incorporating where curb, gutter, and sidewalks was not required but now the requirement would be instituted for this requirement in order to operate a daycare. She wanted to know if there were an argument that indicates grandfathering would apply to not need those requirements for a new daycare because of pre-existing conditions.



Mr. Spung addressed the grandfathering issue by saying, if they have an existing daycare or pre-school, etc., then they could certainly continue that use even after this change is adopted but anyone currently having that use that wants to start a new business would not be eligible for grandfathering conditions based on this standard. The City's view on that is that the character of those areas are generally more rural in nature, a little bit older, and people generally don't want a lot of traffic anyway. Daycares and pre-schools generate quite a bit of traffic. Another concern is the safety and access involved. There are presently a couple of daycares that are on a dead end street on the City's east side which present safety concerns, for example for emergency vehicles. **Commissioner Wilkey** said that she supports this change but is trying to anticipate what the residents are going to say. Like if the City requires curb, gutter and sidewalk their question might

be why has the City not made those improvements for them.  **Mr. Spung** advised that in his experience he has noted that people who live in these particular areas do not want curb, gutter and sidewalk, so if the City were to say they were going to do that, there would probably be push-back by the citizens in not wanting that to be done in order to stay rural. For all new applications for daycares/pre-schools, surrounding neighbors are notified by letter of that intent in order to allow for them to respond to Staff either in favor or opposition. **Mr. Spung** said that during his conversations with City Administration, other Staff members, and citizens in the community, it was determined that there are several areas of the City where a daycare is a great idea and could be facilitated and infrastructure supports that type of intensity of use. But there are other areas of the City that would not support that type of use. The biggest question is the intensity and number of children involved to generate the number of trips dropping off and picking up. The intent is to let the citizens know that the City hears their concerns and understands that each area is different and have Code standards reflect what is appropriate in the neighborhoods. 

- 4.2.7 **Mr. Spung** advised that he would bring up with the City Council, the issue of food trucks being "parked" or "stored" on private property and high intensity instruction uses. **Commissioner Wright** asked Mr. Spung if there needed to be a public hearing tonight, to which he replied that the public hearing was already done but since the notice was advertised as a public hearing, it could be opened up tonight for comment.

- 4.2.8 **Commissioner Quigley** commented that the Planning Commission recently approved a daycare on Player's Ridge that did not have curb, gutter and sidewalk and wanted to know if that would have been approved with this change in place. **Mr. Spung** said it would not. That along with no curb, gutter and sidewalk, it is in an Accessory Dwelling Unit and is within 150' of another existing daycare; none of which would be allowed under this change. He explained that Staff's goal is to listen to citizens and understand their views and base the Code on what is best for the neighborhoods. **Commissioner Quigley** advised he just wanted to make that a point of record that the Commission recently approved a daycare that under this new Code, would not have been approved. 

- 4.3 **Commissioner Wright** opened the public hearing and because no one came forward to speak, closed the public hearing and opened the meeting up to the Commission for discussion or a motion. 
- 4.4 **MOTION:** Commissioner Quigley – I move that we send a positive recommendation to the City Council for File #8Z22/DCA-00029802022 for an amendment to the Land Development code Sections 13.07.020; 1308.020; 13.09.030; 13.10.020; 13.11.040; 1326.080; and Chapter 13.36: Definitions, Related to Home Occupation Standards, as provided in Exhibit A, based on the Findings outlined in the Staff Report and with recommendations per Commission discussion as noted.
SECOND: Commissioner Russell
VOTE: Commissioner Young – AYE, Commissioner McElreath – AYE, Commissioner Russell – AYE, Commissioner Quigley – AYE, Commissioner Wendel – AYE, Commissioner Wilkey – AYE, Commissioner Wright – AYE.

Other Matters

5. Planning Commission Review of the Taylorsville Land Development Code Update Project – Chapter 13.01: General Provisions. (Jim Spung/AICP/Senior Planner)

- 5.1  **Mr. Spung** opened a discussion of Chapter 13.01 of the Taylorsville Land Development Code update project. He discussed the purpose and need for having such a document  He conducted his review of Chapter 13.01 – General Provisions, explained what had been added to the Code, the reasons in so doing and answered Commissioner's questions. There was a lengthy discussion following and **Mr. Spung** explained that they would be reviewing individual chapters in the next few weeks during work sessions before a review draft of the document is made. A few of the bigger changes coming to the new Code include defining Brew Pubs, to see if they fit within this City, to establish a more streamlined appeal process and establish the need/means to build meaningful places, which include aesthetics and beauty themes to identify this City. **Mr. Spung** suggested that adding purpose statements would be really helpful and have been included throughout the Code document. That he had taken notes of their comments tonight, which will be incorporated into the next work session for clarity. Chapter 2 is the next one up for review and will be presented at the next work session. **Commissioner Wright** suggested they take more time in reviewing Chapter 2 during the next work session. That it is more important to get it right than fast. He wanted to make sure the general ideas they forward are sound.
- 5.2 **Mr. Spung** advised that the table is easier to read than the numerous pages of footnotes. He explained how to use the links he had incorporated into the tables to make it easier to navigate.
- 5.3 Election of the Planning Commission Chairman and Vice Chairman for 2023/2024 was held at the beginning of the meeting and will be effective on the next Planning Commission meeting held. By vote of the Commission, Commissioner Don Quigley was elected Chairman and Commissioner Wilkey was elected Vice Chairman.
- 5.4 **Commissioner Quigley** thanked Commissioners Wright and Wendel for their service and insight as Chairman/Vice Chairman this past year. 
- 5.5 **Mr. Spung** advised that the City Attorney, Tracy Cowdell will be conducting a training session with the Commissioners before the hearing they will be attending on February 8th, 2023, regarding the possible revocation of an established conditional use permit.

CITY COUNCIL MEETING DISCUSSION: (Was done in the pre-meeting)

ADJOURNMENT: By motion of **Commissioner Quigley**, the meeting was adjourned at 08:30 PM.

These Minutes were prepared and presented by:

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

Approved in meeting held on May 9, 2023.