

Planning Commission Work Meeting Minutes

Thursday, January 8, 2015

City Council Chambers

220 East Morris Avenue

Time 6:32 p.m.

Commission Members Present:

Holly Carson
Jeremy Carter
Mark Kindred
Carly Klein
Rachel Lauritzen
Portia Mila
Brandon Dalton

Staff Members Present:

Michael Florence, Community Development Director
Francis Lilly, Deputy Director
Hayley Pratt, City Planner

Discussion Items

Item 1

Deputy Director, Francis Lilly, identified the first agenda item as density bonus provisions. He explained that staff was working on an update to the zoning code for the Transit Oriented Development (TOD) Zone, which contained provisions for a density bonus. The issue was referenced in previous meetings, however, staff was waiting to take action until they completed their update of the residential design standards and could determine how the effectiveness of the density bonus would be altered. Staff considered the residential design standards to be robust and meaningful and expected them to have a positive impact on the environment of the City, particularly for larger scale buildings. Mr. Lilly explained that the TOD discussion was in response to the issue with the Millcreek Townhomes regarding the appropriate density. Staff created a rough draft proposal to break up Transit Oriented Development Overlays. The proposal would treat the corridor area differently from the transit oriented neighborhoods. There was discussion about the possibility of establishing a maximum density of 16 units per acre in the corridor. It was recognized, however, that a maximum density may not be necessary.

Mr. Lilly presented the draft proposal and identified potential neighborhood areas in the TOD on a map displayed. The proposal would be refined and eventually presented to the Commission for approval. Mr. Lilly stated that decisions would be made on a parcel-by-parcel basis. He explained that rather than setting a limit on the area density, staff was proposing to break the TOD up into commercial areas and high density residential without setting a limit on the residential areas. Staff desired feedback from the Commission regarding the proposed modification.

In response to a question from Commissioner Lauritzen, Mr. Lilly confirmed that the subject neighborhoods would be those within one-quarter mile of the Trax stations.

Commissioner Carter asked about the overall size of the area and the goals of the TOD. Mr. Lilly explained that the City is currently working on a Downtown Master Plan that will divide the area into different zone types. The master plan was expected to be presented mid-year. Mr. Lilly explained that the TOD overlay for the area will likely be eliminated and replaced by smaller TOD nodes.

There was discussion regarding potential development off of 3030 South. The City Council did not find the context of the small neighborhood to be appropriate for the area. For this reason it was not approved. It also resulted in staff taking a closer look at the density issue.

Mr. Lilly remarked that the City Council likes the idea of residential housing in the area but it will have to be housing that is transformative in the neighborhood.

Staff welcomed additional comments or concerns from the Commission, now or in the future.

Item 2

Deputy Director, Michael Florence, introduced the second item on the agenda and stated that he had had been working with Roy VanHaus on a home occupation application. The Home Occupation Ordinance, 17.06.130, states that “home occupations use shall be clearly incidental and secondary to the use of the dwelling for residential purposes and shall not change the character of the residential dwelling or the neighborhood in which it is located”. Mr. Florence explained that the ordinance contains restrictions on home occupations. These include limiting the business use to 20% of the dwelling’s floor area, restricting use of the yard area (excepting daycare businesses), requiring accessory buildings to be separate from the dwelling as long as the intent of the accessory building remains intact, and allowing no more than 10% of the accessory building to be used for the home occupation.

Mr. Florence explained that Mr. VanHaus would like to open a home occupation to manufacture granola, which would require the installation of a commercial kitchen according to State Agricultural Division standards. Mr. VanHaus has an existing accessory building on the property of which 168 square feet could be converted to a commercial kitchen. The Department of Agriculture would require a number of items to be installed including a three compartment sink with dual drain boards, a hand sink, utility sink, a clean room for processing, specific lighting, equipment, and food contact surfaces that need to be clean and safe, food and equipment storage in clean, dry areas that are at least six inches from the floor, proper ventilation, bulk food storage in appropriate containers, backflow prevention, sewage disposal, a water source from a public drinking source, and a plumbing system installed according to the International Plumbing Code.

Mr. Florence stated that 168 square feet would actually equate to approximately 21% of the accessory building’s floor area, which exceeds the code requirement.

Mr. Florence asked the Commission to provide feedback on the possible modification of the ordinance and not on this application specifically. He commented that a commercial kitchen use

could be added to the home occupation ordinance, and if so, the floor space percentage would have to be increased for an accessory building. Mr. VanHaus' proposal would require additional conditions not included in the ordinance, since his accessory building would become a commercial building.

Staff researched the home occupation ordinances of neighboring cities and discovered that Salt Lake County allows 25% of the floor space to be used, however, they specified that only tools, equipment, or electrical apparatus that are commonly used as an accessory to or in conjunction with residential uses are allowed to be part of the home business. Salt Lake City strictly prohibits commercial bakeries as home occupations. Murray and Taylorsville do not allow the use of an accessory building as part of the home occupation at all, while West Valley City ordinances only address the floor area of the home.

In response to a question from the Commission, Mr. Florence stated that if a person would like to open a home office, they simply need a home occupation and business license. Any other home occupation requires a Conditional Use permit. The ordinance currently allows the following: dressmaker, milliner, or seamstress; barber or beauty shop; consultant services; home craft sale; dance instruction; music instruction; artist, writers or authors; architect; data processing; sales rep; janitorial service; real estate office; day care; home garden and produce sales; and wholesale or retail sales of good except as incidental to the permitted home occupation.

Commissioner Lauritzen asked staff for the any reasons for not allowing this type of home occupation. She felt that allowing a higher percentage in the accessory building would be a logical option.

Mr. Florence stated that the 10% requirement specified in the ordinance was what the Planning Commission and City Council decided in 2008, which was the last time the ordinance was updated. The purpose of that number was to preserve the integrity of the residential neighborhood. It was noted that the primary use of these dwellings should be residential homes to the extent possible.

Commissioner Carson commented that there was discussion regarding a home beauty salon many years ago where this was an issue. In the end, the applicant was restricted with regard to traffic and allowed only one automobile at a time. Mr. Florence confirmed that similar conditions would be put in place for this matter as well. Business hours, employees, and commercial vehicle use would also be restricted.

It was concluded that allowing a higher percentage in the accessory building would not be an issue and would be a logical adjustment in this case. The real concern was whether a commercial kitchen should be included as a home occupation as it would be more commercial than residential.

Commissioner Carter asked if there were currently any other commercial kitchens within city limits. Staff confirmed that there were none they were aware of. There was no precedent on which to base their decision. In response to a question raised by Commissioner Klein,

Mr. Florence stated that they had no knowledge of why home bakeries were prohibited in Salt Lake City, but it was something that could be researched further.

The Regular Planning Commission Meeting was scheduled to begin, so the discussion was continued until the conclusion of the Regular Meeting.

The Planning Commission Work Meeting adjourned at 7:02 p.m.

The Planning Commission Work Meeting resumed after the adjournment of the Regular Meeting at 7:14 p.m.

Upon returning to the subject, Commissioner Lauritzen requested that staff obtain more information regarding what other cities have done in these types of situations, what were successful options, and provide a list of reasons for and against the proposed modification to the Home Occupation Ordinance.

Commissioner Kindred remarked that having a mix of uses could be beneficial for a neighborhood as long as it doesn't create too much noise or traffic or some other nuisance.

City Planner, Hayley Pratt, commented that an adjacent city's ordinances limited what an applicant could put in the home occupation and specified that they should include things that would normally be found in a residence. Therefore, if the applicant were installing commercial sized sinks or mixers it would be acceptable. She also stated that the Fire Department had concerns with installing a commercial kitchen. Granola production may not be dangerous, but modifying the ordinance could open the door to other commercial kitchens with greater hazard potential.

In response to a question posed by Commissioner Carter, Mr. Florence commented that there were currently approximately 200 home occupation licenses currently in the City. This number remained fairly consistent.

Commissioner Lauritzen asked that staff present further research and information regarding the issue. The matter was to be discussed again at the February 5 Work Meeting.

The Planning Commission Work Meeting adjourned at 7:24 p.m.

*Planning Commission Regular Meeting Minutes
Thursday, January 8, 2015
City Council Chambers
220 East Morris Avenue
Time 7:03 p.m.*

Commission Members Present: Rachael Lauritzen, Presiding
Holly Carson
Jeremy Carter
Brandon Dalton
Carly Klein
Portia Mila
Mark Kindred

Staff Members Present: Michael Florence, Community Development Director
Francis Lilly, Deputy Director
Hayley Pratt, City Planner
Paul Roberts, City Attorney

Moment of Reflection: Chair Lauritzen

Pledge of Allegiance: Commissioner Klein

Motion to Approve the Agenda: Commissioner Kindred

Second the motion: Commissioner Mila

Vote: Unanimous

New Business

There was no new business.

Continuing Business

There was no continuing business.

Commission Business

Election of Planning Commission Chair

Motion to nominate Rachael Lauritzen as Planning Commission Chair for 2015.

Motion: Commissioner Carson

Second the motion: Commissioner Kindred

Ballot vote: **Unanimous**

Approval of the December 4, 2014, Planning Commission Meeting Minutes.

Motion to Approve: **Commissioner Klein**

Second the motion: **Commissioner Carter**

Vote: **Unanimous**

Staff Business – Information Items

Community Development Director, Michael Florence, asked the Commission for feedback on the type of training they would like to receive from staff in the upcoming year. Suggestions included training on Conditional Use Permits, Utah property and zoning laws, land unit developments and PUD ordinances, and Transit Oriented Development. There was also interest in presentations regarding major figures in city planning, visiting sites of approved developments, and research into attracting large businesses to the City.

Adjournment

Motion to Adjourn: **Commissioner Carson**

Second: **Commissioner Kindred**

Vote: **Unanimous**

The Planning Commission Meeting adjourned at approximately 7:14 p.m.



Michael Florence
Community Development Director



For Planning Commission

PLANNING COMMISSION MEETING
DATE: ~~02/25~~ 8 JAN 2014

Please sign and pass on, thank you.

NAME

ADDRESS

REPRESENTING

Ray Vando

211 E. Claybourne

Rep
