

**MINUTES OF THE HOLLADAY CITY
PLANNING COMMISSION MEETING**

**Tuesday, April 10, 2007
5:00 p.m.
Holladay Municipal Center
4580 South 2300 East**

ATTENDANCE

Planning Commission Members:

Jim Palmer, Chair
Gene Carr (excused at 9:05 p.m.)
Howard Diederich
Richard Kimball, Alternate
Brad Scott

City Staff:

Paul Allred, Community Development Director
Alma Haskell, City Planner
Clarence Kemp, City Engineer

1. Pre-Meeting/Field Trip.

1.1 Highland Care Center Conditional Use Renew – 01-2-28-02 – 4279 S. Highland Drive.

1.2 Collier Subdivision – 07-1-06 – 1886 E. Osage Orange.

1.3 VanderVeur Stream Setback Exception – 06-9-04 – 4775 S. Holladay Blvd.

1.4 Johnson Garage Conditional Use Permit – 07-2-04 – 5965 S. Holladay Blvd.

1.5 Woodruff Cove Rezone – 05-1-11-01 – 2045 East 6065 South.

The Planning Commission conducted a field trip and visited each of the above properties.

Chairman Jim Palmer called the meeting to order at 7:08 p.m. and read the Commission statement. Commissioner Palmer remarked that the Highland Health Care Conditional Use was withdrawn. The intent of the applicant was to resubmit it at a future date.

2. Agenda/Decision Items.

2.1 VanderVeur Stream Setback Exception – 06-09-04 – 4775 South Holladay Blvd.

(19:11:16) City Planner, Alma Haskell, presented the staff report and stated that the request was determined to be acceptable by the various departments that reviewed it. The codes required 100 feet from the stream unless the Planning Commission, City Engineer, and all other entities governing streams give their consent to go closer. The City Engineer consented to 50 feet. The State of Utah Department of Natural Resources only required that the applicant stabilize the bank and do certain plantings there. There were no provisions for wetlands since it was not deemed to be a wetland by the State or the Army Corps of Engineers. There were no codes prohibiting the

removal of the vegetation that was taken out. The applicants would be required to reinstall vegetation along the stream to the standards of the Department of Natural Resources. The application was continued from November of last year. At that time there were five points listed by the Planning Commission and staff that needed to be resolved. The five points contained in the staff report were reviewed and discussed. Staff recommended approval of the exception allowing the proposed home to be constructed no closer than 50 feet from the stream based on the findings and requirements contained in the staff report.

(19:17:40) The applicant, Andrew VanderVeur, thanked staff for their support and help. He recalled that the meeting held last November was challenging and he did not think they were prepared at the time. Since then they had done their homework. He spoke with Chuck Williams from the State Division of Natural Resources who was on site the previous Friday. He was pleased with what he saw and determined that they were in compliance. Mr. VanderVeur reported that he and his wife purchased the property as a building lot. There was a lot of public concern about not wanting to have a structure built on the site. He explained that it was purchased as a building lot and they planned to build a beautiful home on it. He thought the concerns raised previously had been addressed and all necessary approvals had been obtained.

(19:19:44) Commissioner Palmer remarked that the Commission walked the site earlier and noticed several survey markers. It was confirmed that the property line dispute had been resolved.

Commissioner Palmer recalled that when the application was last heard, the structure itself was discussed. At that time the City was under a moratorium for the zoning ordinance itself. The moratorium had since expired and the City's zoning ordinance was updated for residential areas. As a result, the construction of any home on the site would be governed by the ordinance. Approval would take place at the staff level. Tonight the Commission was dealing with the single issue of building within the stream setback. Anytime a structure is within 100 feet of Spring Creek there were additional review cycles. The City Engineer would have to look at it from an engineering perspective. The second requirement would be a review from the Planning Commission. The ordinance required approval from both entities for any construction within the 100-foot buffer area along the creek.

Commissioner Palmer opened the meeting to public comment.

(19:23:05) Holly Richards gave her address as 2470 Kentucky Avenue. She thanked Community Development Director, Paul Allred, and Alma Haskell for their hard work. She made it clear that she harbored no ill will toward the VanderVeurs or anyone associated with the issue. She simply wanted the best for the City. She was worried about the future of Holladay and what the implications of granting the 50-foot exception would be. She thought it set a clear precedent toward building closer to the creek. She was aware of neighbors on her street that had made additions to their homes on the creek who had to adhere to the 100-foot setback. She acknowledged that there were homes within the current setback limit and some that were not. She recognized that Holladay incorporated in order to have control over growth and development. If one argues that the exception should be granted because other homes are built close to the creek, she would argue that in order to keep building consistent in Holladay, new

homes should be no larger than the largest home in the immediate area. She believed the codes were written to protect the citizens. It was her understanding that the Planning Commission may make a determination not to grant the exception. There also must be a hardship in order to consider a setback exception. She was unsure what the hardship was in this case. She thought the Planning Commission had a responsibility to represent the desires of the citizens and not just the individual. She asked that they seriously consider rejecting the setback exception because of the precedent it would set.

Commissioner Palmer read the written comments that were submitted and made part of the record. All individuals who submitted comment forms were opposed to the request.

(19:32:27) Clark Richards gave his address as 2470 Kentucky Avenue. He expressed appreciation to staff. He commented that the community was built around water. He believed what was allowed on upper Kentucky Avenue with the Kodiak property was a mistake. He thought it had a huge impact on the stream and the message sent to the community was that they don't care about the waterway. Mr. Richards thought it was important to remember that the variances are there for a reason. He couldn't imagine why anything should ever be built closer to the stream than 100-feet. He wondered where the line would be drawn and thought now was the time for tough-mindedness. He asked for the serious consideration of the Planning Commission as to what the standards are.

(19:35:28) Sharon Christensen gave her address as 2490 East Kentucky Avenue and noted that she was acquainted with the VanderVeurs. She had lived at least 100 feet away from Spring Creek for 20 years. They bought their home because of the creek and it had broken her heart to see it die. When they moved in, there was a lot of bird life and the stream sustained fish. Since then it had become sterile. She explained that a stream is an ecosystem and asked that the City stop hurting the stream.

(19:36:45) David Wright gave his address as 5220 Holladay Boulevard. He remembered years ago when there were trout in the stream and ducks and geese. Now it seemed to be a dead stream because it hadn't been looked after. As a retired chemical engineer, he had worked back east for many years for large chemical companies making often toxic chemicals. He found himself on the other side of the fence on many occasions trying to defend what they were doing. He often ran into "eco-fanatics" who he claimed were not qualified. He looked around and realized that everything needs water. He thought water should be considered sacred and protected. Rather than decreasing the setbacks, he thought they should be increased. He pointed out that there were thousands of creatures that no longer exist on the earth because of man. He thought it was a step in the wrong direction to decrease the setback. Mr. Wright also submitted written comments that were made part of the record. As a chemical engineer he had seen chemicals in building materials leach off, flake off, and migrate into the soil. He also noticed that the water level in the creek presently was perhaps only a couple of inches below the ground level on the other side of the wall. He explained that even if someone dug a hole, the water table on the other side of the wall would be very close to the stream. He pointed out that run off and flooding had increased throughout the Country because of global warming and the lack of foliage. As a result, he thought more flooding could be expected. Codes, in his opinion, were in place to protect the water and future owners.

(19:41:29) Steve Doxey gave his address as 2430 Kentucky Avenue and expressed appreciation to the Commission. He thought there was an incorrect perception of what happened at the State Engineer level. He represented Joan Ammott in the proceedings in front of the State Engineer. Originally, the VanderVeurs had applied for a stream alteration permit to reroute the stream from the Ammott property onto their property, making it even closer to the proposed structure. Mr. Doxey protested vigorously against that. On the same application, the State Engineer allowed them to repair the broken stream bank. He did not think the decision of the State Engineer should be overstated. He simply authorized the VanderVeurs to repair the broken stream bank and denied the stream alteration permit on every other basis. Mr. Doxey remarked that simply because someone has the consent of the City Engineer did not mean the Planning Commission was required to grant an exception under the ordinance. He asked that the Commission make its decision based on the facts and their judgment as to whether the natural stream environment would be adequately preserved if the exception were granted. He recommended that if an exception were granted that no accessory structures be allowed within that portion. He thought another purpose of the ordinance was to protect the City from potential liability. If any exception were granted, he recommended an agreement be entered into whereby the applicants would indemnify the City against future damage claims arising out of a future flood situation. He urged the City Engineer to look carefully at the soils report and verify the location of the water table.

(19:46:40) John Buxbaum gave his address as 4600 Holladay Boulevard. He identified himself as a friend of the VanderVeurs. He had known them for over 15 years and found them to be socially responsible. He could not imagine them constructing a home in an area where there was an implied high risk of flooding. He expected that they had examined the issues with great care and would act responsibly.

(19:50:20) Karen Cannon gave her address as 4785 Holladay Boulevard. Her brother and his wife lived next door at 4787 Holladay Boulevard. She reported that their homes were 25 to 30 feet from the creek and they had lived there for 45 years. During that time she had never seen the creek flood. The only thing that ever flooded was the irrigation ditch, which had killed a lot of the environment. She thought the VanderVeurs had been very responsible. Prior to the VanderVeurs purchasing the property, there were tall weeds on the site. The VanderVeurs had since cleaned up the site and repaired the creek bed. She didn't think the VanderVeurs should be punished for cleaning up the site. She believed what they were proposing would improve the area.

(19:53:10) Kate Johnson gave her address as 2542 Kentucky Avenue. She was relieved to see that only one house was proposed on the site. Her concern was for the creek. She had lived along the creek for the past 20 years and had seen a lot of things happen that had been very disappointing. Her top priority was to preserve one of the few waterways left in Holladay. She thought keeping the home further from the creek would benefit everyone.

(19:55:10) Becky Anderson gave her address as 2830 East Layman View Court next to the VanderVeur's current home. She was in favor of the proposed setback. Based on the information she had heard tonight, it appeared that the property had been thoroughly reviewed

and a determination made that what was proposed would not damage Spring Creek. She had heard arguments that the house did not fit in. Ms. Anderson believed that what made Holladay unique was the diversity of residences. She knew from living next door to the applicants that their house was very understated and they take very good care of it. She had found them to be great neighbors. She recommended the proposed setbacks be approved. With regard to flooding, she was confident that the VanderVeurs had reviewed the issue thoroughly and agreed to assume that risk.

(19:56:50) Dick Livingston gave his address as 4787 Holladay Boulevard. He was a long-time resident and stated that flooding occurred when the irrigation water and creek waters met. His home had never been affected because it was substantially higher than the creek. He was in favor of granting the variance discussed. He doubted flooding would ever be a problem.

(19:59:45) Sterling Tholen gave his address as 4882 South 1130 West. He had worked with a number of cities throughout the Valley and didn't always agree with what they recommended. He, however, put a lot of respect into the things they recommend. He had known Mr. VanderVeur for many years and believed staff had reviewed the situation thoroughly and used good judgment.

(20:02:10) Steve Luzak was present representing Kodiak America. As a property owner in Holladay, he had a few concerns about the negative comments about the 50-foot setback. He remarked that a majority of the homes built on Spring Creek had had an opportunity to build closer. If there was no opportunity for a variance, a good portion of the homes on the stream, if torn down or remodeled, could not be rebuilt because of the distance between the stream and the street. He had built homes in various areas and stated that Holladay was one of very few cities with a 100-foot setback requirement. Even in watershed areas they were allowed to build 20 feet from a stream bank. He was in favor of granting the 50-foot exception.

There were no further public comments. Commissioner Palmer closed the public hearing.

Commissioner Palmer explained that the term variance was very specific and required five technical hardship criteria to be met. Determination was a function of the Board of Adjustment rather than the Planning Commission. The purpose tonight was to deal with the exception zone adjacent to the creek.

Commissioner Diederich referred to City Engineer, Clarence Kemp's comments and remarked that apparently the initial plans would have encroached beyond the 50-foot setback. He realized the lot was unique and asked if there was any leeway to meet halfway. Commissioner Palmer responded that the ordinance says that both the Planning Commission and the City Engineer need to grant consent. The City Engineer had granted consent to go as close as 50 feet from the south bank. He confirmed that the Commission required the encroachment be 50 feet, any other distance up to 100 feet, or denial of the request altogether. If denied, the setback would remain at 100 feet.

(20:09:55) In response to a question raised by Commissioner Diederich, Mr. Kemp advised those present that Spring Creek runs year round. During the irrigation season it is intercepted in whole

and runs down an irrigation system. He explained that Spring Creek was a source rather than an irrigation conveyance. Holliday Water Company controlled the water rights coming out of Spring Creek. It was not regulated because it was a spring source, however, it was less prone to dramatic changes or fluctuations. Commissioner Scott explained that the water that comes out of the creek goes into the tanks and Holliday Water maintains the flow.

Commissioner Diederich asked if the applicants had looked at other options as a halfway gesture in meeting both the requirement and the restriction. Mr. Haskell's understanding was that the original house plan was drawn without knowledge of the ordinance or before it was acted on. That would have fit within the 50 feet. The applicant was now trying to determine whether an exception would be granted prior to moving forward with further design.

(20:12:31) Mr. VanderVeur remarked that before they purchased the lot they obtained approval that it would be acceptable to go within 50 feet. They then made an offer on the property and later had the opportunity to purchase the lot next door. The two lots were combined and the home design was changed to be in a U-shaped configuration. They would be several hundred feet from any home. He saw no reason for concern and agreed to release the City from liability. He noted that they just spent thousands of dollars to design the plan based on the preliminary approval. Mr. VanderVeur stated that it would be impossible for him to put a desirable home on the property and conform to the 100-foot setback requirement.

Commissioner Palmer clarified that the applicant would be willing to indemnify the City in the event of flooding and restore the area graded up to the stream.

Mr. Kemp explained that flooding was controlled by the City's ordinances. It was a building permit issue that would be addressed as part of the building permit process. It involved consideration of the 50-foot setback. The issue of groundwater was also addressed. Mr. Kemp clarified that the ordinances were very specific about groundwater and the ability to construct within two-feet of the groundwater table. When he was told anecdotally what the groundwater depth was, he specifically requested it be in writing from a geo-technical engineer. He stated that that also would be addressed as part of the building permit phase.

Commissioner Carr asked Mr. Kemp if his analysis included wildlife and habitat. Mr. Kemp responded that it did only in very subjective terms. The 50-foot requirement was a relatively arbitrary standard. His own personal opinion was not to go any closer than 50 feet regardless of the terrain. He believed the intent of the ordinances was to have 50 feet as a bare minimum to maintain the uniqueness of Holladay. He thought the wildlife and riparian issues should be considered by the Planning Commission in trying to protect the natural habitat.

(20:23:51) Commissioner Palmer referred to the letter from the State Department of Natural Resources and clarified that relocation or diversion of the channel from its existing course would be allowed. Similarly, no changes to the channel's cross section would be allowed.

The map of the subject properties was referred to.

(20:30:04) *Commissioner Scott moved to approve agenda item 2.1 with the following modifications:*

1. *The setback shall be 55 feet or more from the south edge of the creek.*
2. *The State of Utah inspection of improvements shall be obtained to verify compliance with Stream Channel Alteration Permit Number 06-57-41SA before 'power to panel' clearance is given on any building permit.*
3. *Verify to City Engineer's satisfaction that any proposed basement construction will not disturb the high ground watermark before building permit is issued.*
4. *The property owner will indemnify Holladay City against future flood liability.*
5. *There shall be no ancillary structures or construction including paving and flat work on grade within the 55-foot boundary from the home to the stream.*
6. *Best Management Practices are to be followed to prevent pollution of water that may enter the irrigation or stream system during construction.*

Commissioner Kimball seconded the motion.

The intent of the motion was to have nothing constructed within the 55-foot area but instead to revegetate it and return it to its natural state.

Vote on motion: Richard Kimball-Aye, Brad Scott-Aye, Gene Carr-Aye, Howard Diederich-Aye, Jim Palmer-Aye. The motion passed.

2.2 Woodruff Cove Rezone – 05-1-11-01 – 2045 East 6065 South.

Mr. Allred presented the staff report and stated that the matter involved a rezone petition. The proposed change in zoning was from R-1-10 to R-2-10 where the lots would be 10,000 square feet with two units on them. The acreage in question was slightly more than one-half acre and was located on the far south end of the City. A preliminary plat was originally approved for a couple of homes on the property. It was apparent to Mr. Allred that the property was appropriate for a total of four units rather than two. There was similar density on the existing street with commercial zoning to the south. The request was not to include zoning that was out of character for the area. He remarked that State law had changed. In this case, the zoning was compatible with what surrounded it. Staff believed it was a land use that would fit in well. Mr. Allred believed single-family development was actually less attractive than twin homes because of the mixed-use nature of the neighborhood. He did not believe the additional units would have a negative impact on the existing street.

Mr. Haskell reported that half of a cul-de-sac was already dedicated to the City with the currently approved plat. Since it was not required to be built until the other half is dedicated, there was a fire turnaround incorporated into that part of the cul-de-sac along with a hammerhead turnaround configuration. The staff findings were reviewed.

(20:44:15) Mr. Allred thought in this case, there were good reasons listed in the staff report confirming R-2 as a good use for the area.

The applicant, Darlene Batatian, gave her address as 3316 South Monte Verde Drive. She was present representing Dustin Smith, the property owner. She expressed appreciation to the planning staff for the time spent reviewing the subdivision plat. Ms. Batatian reported that she worked on the Salt Lake County planning staff as the County's Geologist. She also served on the Land Use Review Team and reviewed a number of commercial and residential developments. She would not have submitted the request if she did not believe it was a suitable and reasonable request for the site. She reported that the site was located in the middle of a mixed-use area. The lot presently had not been cared for. Formerly a burned out residence was located on the property. The new homes would be attractively designed and landscaped. She thought they would be an improvement to the street. They worked extensively with staff to figure out a way to end the street in a way that would be compatible with the street standards and be immediately usable. Ultimately, there should be a cul-de-sac at the end. If they were to give the City half of a cul-de-sac now it could not be used as an emergency turnaround. Instead, they agreed to dedicate the space of the cul-de-sac so that if the property to the north were developed, the City would already have the property necessary for the cul-de-sac. The intent was to build a usable fire turnaround that meets their standards. That way when the cul-de-sac goes in, additional landscaping would not have to be removed.

(20:48:34) Ms. Batatian reported that Salt Lake City Public Utilities asked that they put an 8-inch diameter water line up Highland Drive at considerable expense. The upgraded water service would facilitate any future development along the street. It was a public water line that was available to the residents along the street. She confirmed that installation of the water line was an economic burden and some cost recovery would help. She recognized there may be some opposition to the proposal, however, she asked that the Planning Commission and residents consider the existing uses in the area. It was noted that the homes would be individually owned. Setback issues were discussed.

(20:52:13) Commissioner Diederich asked how much green space had been left on the property. Ms. Batatian responded that they left quite a bit. The homes were well set back from the cul-de-sac and had adhered to the rear and side yard setbacks. Mr. Haskell confirmed that if the property were rezoned R-2-10, at the building permit phase they would have to ensure that the applicants have at least 40% of the lot retained in landscaping.

Commissioner Palmer invited public comment.

Dave Bollinger was not present but submitted written comments, which were read and made part of the record. He objected to the proposal.

(20:53:50) Lester Taylor lived west of the proposed area. He thought building twin homes would devalue the neighborhood. He also expressed concern for the wildlife in the area and worried about flooding from the irrigation laterals. With the additional proposed units he worried about potential parking and traffic problems. Water line issues were discussed.

Mr. Taylor was not opposed to two single-family dwellings on the property but did not approve of what was proposed.

(20:59:10) David Chisholm gave his address as 6018 La Tour Street. He was opposed to twin homes in the area because of potential traffic. He lived at the end of a dead end street just one house away from the proposed site. If four homes go in, there would be a minimum of eight cars. He was concerned about his neighbors being able to get in and out of their driveways and with congestion on a dead end street. Even though there would be half a cul-de-sac, it could easily become congested. The water lines were identified as all being private. Each home would have its own separate line.

(21:00:30) Bill Carpenter gave his address as 2015 East 6060 South. He reported that currently there were eight homes on the dead end street. He characterized the street as being segregated from the commercial and condominium uses. A petition was circulated among residents on the street and nearly everyone was opposed to the rezone. They had no problem with the prospect of two single-family residences. The petition was submitted and made part of the record.

(21:02:15) Kelly Wright gave his address as 2020 East 6060 South just west of the lot in question. He was opposed to the rezone. He stated that the uses along the street were separated from the multi-family and commercial uses. Parking issues were identified. He thought the zoning should remain unchanged.

Commissioner Palmer read a letter from Henry Bolinder who resided at 2045 East 6060 South, which was made part of the record.

Another letter from Cottonwood Village HOA Association President, Jason Tunson, was read and made part of the record.

There were no further public comments. Commissioner Palmer closed the public hearing.

Commissioner Carr was excused from the remainder of the meeting.

(21:06:15) Commissioner Diederich thought the general plan contained contradictory statements. He understood the need to meet the low-density requirements but also understood the need for open space. He tended not to be in favor of the rezone. He was troubled by the promises made by the previous owner. The person who acquired the property intended to use it for a specific purpose and as a result, the use was changing. His inclination was to deny the rezone. If the City Council believed it was something they overlooked, they could deal with that.

Commissioner Scott agreed. He thought to zone the property R2-10 would be rezoning the other area available for R2-10 as well. He believed the result would be the creation of more traffic than he would like to see in the area. He recognized that the property was intended and sold for single-family development. He didn't want to see any more multi-family housing developed in the area.

Commissioner Diederich agreed. With respect to sprawl, he questioned where they would draw the line.

Commissioner Kimball agreed. He thought the traffic situation was already a problem.

Commissioner Palmer had similar concerns. Primarily around 6060 South itself, the homes were zoned R-1-10. He recognized, however, that there were several existing duplexes in the area that had been grandfathered in. He thought if they were to start R-2-10 at the end of the street, they would set the City up for the entire area to be the same. He thought the infrastructure improvements could set the stage for future improvements toward maintaining the area as single-family. Currently, it was in transition with half single-family and half duplex. With regard to traffic, he viewed the road as substandard. He also didn't want to make the traffic situation accessing Highland Drive any worse.

(21:10:32) Commissioner Palmer's concerns about Highland Drive didn't bother Commissioner Scott because of the location. He was more concerned with setting a precedent for R-2-10 in the area.

Commissioner Diederich moved to recommend the Council not approve the request for a rezone and continue with the existing zone. Commissioner Scott seconded the motion.

Commissioner Palmer reported that the application would next go to the City Council who would hold a separate public hearing. They would then make the decision to approve or deny the request.

Vote on motion: Richard Kimball-Aye, Brad Scott-Aye, Howard Diederich-Aye, Jim Palmer-Aye. The motion passed. Commissioner Carr was not present for the vote.

2.3 Cecelia Twin Homes Preliminary Plat – 06-1-08 – 5778 South Highland Drive.

(21:12:30) Alma Haskell presented the staff report and stated that the request was to split two lots within the R-2-10 zone. The property comprised a total of 44,000 square feet. The request was to develop four twin homes, or eight units total. Staff recommended approval with the conditions set out in the staff report.

Mr. Haskell reported that the zone requires at least 5,000 square foot lots. All of the lots shown on the development were 5,300 square feet or larger. Lot widths required in the zone were 35 feet per unit for attached duplex dwellings. Each of the lots proposed over 36.5 feet. All setback and coverage requirements had been met. The Planning Commission granted approval in November 2006 as a concept and for density. The applicant completed the Technical Review Committee's requirements for preliminary plat approval.

(21:16:50) In response to a question raised by Commissioner Palmer, Mr. Haskell clarified that the project was granted concept approval in November. As a result, the subdivision regulations would be held to the previous ordinance. The building permits would be subject to the current zoning requirements.

Commissioner Palmer showed an 8-foot setback on the drawing on the west end. Mr. Haskell responded that the most recent drawings showed a 9-foot setback.

The applicant, Jason Hatch, was present representing Dan Byer who was ill. The purpose was to construct eight units in a twin home concept with a total of four buildings. The site plan was determined to conform to the current zone for the property. A two-story structure was proposed that would look similar to a single home. Because some of the buildings in the area were two-story, they felt the proposed structures should conform to the diverse look of the area. With regard to landscaping, they planned to landscape the yards with trees and sod. The result would be a nice, finished appearance.

(21:20:05) Commissioner Diederich remarked that off of Highland Drive large historical trees are sometimes removed when large structures are proposed. He asked what accommodations would be made to ensure appropriate landscaping and trees between the development and Highland Drive. Mr. Hatch responded that the trees were further to the west of the property. The west side of the property bordering Highland Drive did not have a lot of trees. They discussed the issue with the neighbors who were not overly concerned with the development. A few property owners, however, requested they remove many of the “trash” trees on the site. They planned to do significant landscaping in the front and side yards. Commissioner Diederich suggested he work with staff to try to maintain the existing trees.

Commissioner Palmer pointed out that tonight only the preliminary plat was being considered. Details could be considered further when the applicants come back with actual design plans.

(21:22:33) Mr. Haskell remarked that because what was proposed was a preliminary plat approval, this would be the last time the Planning Commission would see it. Staff would have to ensure that the building permit applications conform to the building codes. Commissioner Palmer clarified that it would come back, however, for review by staff.

Commissioner Palmer invited public comment.

(21:25:35) Lamar Gatherum gave his address as 5751 Highland Drive and reported that he also owned property at 5761 Highland Drive. He was not notified of tonight’s meeting but was not opposed to the request. He was, however, opposed to the City allowing more to be done on the west side of Highland Drive. He owned several pieces of property on the east side of Highland Drive and had tried to get them zoned for twin homes or commercial. The City had refused each request. He was concerned to see similar uses allowed on the west side of Highland Drive. He wanted to subdivide his property on the opposite side of the street into two twin homes. He was told on several occasions that he was wasting his time submitting an application.

(21:27:28) Commissioner Palmer clarified that the application was not a rezone and that the property had long been in the R-2-10 zone.

There were no further public comments. Commissioner Palmer closed the public hearing.

Commissioner Diederich asked if the ingress or egress had changed. Mr. Haskell responded that Cecelia Circle was a public street that ends in a cul-de-sac. It was built to full public standards. The ingress/egress was specified on Cecelia Circle as recommended by the City Engineer.

(21:30:06) Commissioner Diederich moved to suspend the rules and allow further public comment. Commissioner Scott seconded the motion. Vote on motion: Richard Kimball-Aye, Brad Scott-Aye, Howard Diederich-Aye, Jim Palmer-Aye. The motion passed. Commissioner Carr was not present for the vote.

(21:30:15) Diana Johnson gave her address as 8600 Hidden Oaks Circle. She identified herself as the real estate agent who handled the sale to the developers. She reported that the developer committed to building a wall or fence on the Highland Drive side of the property on both sides of the street. The developer agreed to pay the costs to create the look of a gated community. Mr. Hatch responded that permission would have to be granted by the current homeowner in order for the wall to be installed.

Commissioner Palmer identified two changes that needed to be made to the preliminary plat.

(21:37:12) Commissioner Scott moved to approve item number 2.3 for the Cecilia Twin Homes with the following staff recommendations and findings:

Findings:

- 1. The lot area, width, and setback requirements are met.***
- 2. Sewer, gas, and power utility availability has been demonstrated.***
- 3. Street infrastructure is adequate for the additional lots.***

Additional requirements per code:

- 1. Ground water study to be conducted prior to the City issuing building permits for any basement construction.***
- 2. UPDES permit be obtained from the Utah Department of Environmental Quality (water division) prior to recording the final plat.***
- 3. Note that all zoning code requirements (height, setback, coverage) will be re-assessed against codes in effect when building permit applications are made.***
- 4. Sidewalk, curb, and gutter will need to be installed and maintained on both public rights-of-way.***

Commissioner Kimball seconded the motion.

Commissioner Scott moved to amend his motion to add the following additional requirement:

5. *The requirement of 9-feet on the western setback and two feet of the clear view at the northeast corner.*

Commissioner Scott seconded the amendment.

Vote on motion: Richard Kimball-Aye, Brad Scott-Aye, Howard Diederich-Aye, Jim Palmer-Aye. The motion passed. Commissioner Carr was not present for the vote.

Commissioner Palmer directed staff to ensure that the changes are included on the final mylar to prevent last-minute changes. Commissioner Diederich also asked that staff ensure that the landscaping issues are dealt with.

2.4 Valley View Estates Conceptual Approval – 07-1-04 – 2645-51 Valley View.

(21:40:30) Mr. Haskell presented the staff report and reviewed the TRC comments. Lot areas were required to be 10,000 square feet minimum. The proposed lots were shown at 11,899 square feet or larger once the public and private rights-of-way are deducted. The lot widths required were 80 feet while the lot widths on the proposed lots were approximately 95 feet. Mr. Haskell reported that there were three existing lots on the property. The applicants wanted to reconfigure the plan into three lots with one behind the other, resulting in a wider, more buildable lot. The turnaround shown was determined to meet City requirements although staff recommended there be a buffer on the west between the lanes. Staff recommended approval of the conceptual plat based on the findings and note contained in the staff report. Setback issues were discussed.

The applicants, Jonathan Jennings and Jeff Chamberlain were present. They were seeking approval of the concept plan. They reportedly had spoken to some of the neighbors but not all. Mr. Jennings provided a historical background of the property. He explained that the original lot was long and narrow, however, they were confident that they could make it work utilizing the easement. Shortly thereafter, they purchased an adjoining home and obtained an additional easement. A third neighbor offered to sell their house as well. In the end, three lots were acquired. Because of the nature of the property, it seemed evident that it would need to be reconfigured. Mr. Jennings remarked that their intent was not to build monster homes or block anyone's views. They simply wanted to make the lots more conforming.

In response to a question raised by Commissioner Scott, Mr. Haskell stated that because what was proposed was such a major reconfiguration, staff thought it would be disingenuous to move ahead at a staff approval level. They thought a preliminary plat would be a better way to handle a reconfiguration of the scale requested. He explained that the project would go forward as a subdivision. The intent was to record a subdivision plat and mylar. A preliminary plat would come back to the Planning Commission for review. He noted that the lots were not part of a subdivision, but were instead meets and bounds lots.

Mr. Jennings reported that the front lot ended up being 28 feet less than originally thought because of the location of Valley View Avenue. The request was for a private driveway off of Valley View. Commissioner Palmer clarified that the ordinance differentiates between private

driveways, streets, and lanes. The reasoning and advantages of the proposed layout were discussed.

Commissioner Palmer opened the meeting to public comment.

(21:58:27) Richard Kuhn gave his address as 2633 East Valley View Avenue. He described the existing home in the back part of the lot as “hideous”. It had been very difficult for developers to look at the lot because of the private lane situation sitting on the flag lot. The home presently was four feet from the fence line. He was pleased with the thought that had gone into how the lots would be configured. From his perspective, the three existing homes were old and dilapidated. He thought the proposal would help improve the area and increase their property values. He expressed concern with drainage and stated that there was at least a 13-inch elevation change between his lot and the one next to him. He suggested Mr. Jennings run the driveway down his side of the lot. He simply asked that the barrier be adequate and provide good drainage.

Mr. Haskell clarified that the proposal would have to go through preliminary plat with staff and the Planning Commission. Mr. Jennings was informed that a separation would be needed between the property line and the circle. He was unsure whether the proposed change would work. Drainage was another issue that would be reviewed at preliminary plat. The City Engineer would look in detail at the water flow and retention issues.

Mr. Jennings thought the solution was unique and would bring some good homes into the area.

(22:03:38) Commissioner Kimball asked Mr. Kuhn about the elevation differential referred to. He asked if that condition continued all the way back. Mr. Kuhn stated that it did not. The problem area was identified on the map.

(22:04:47) Barbara Jo Heiner gave her address as 2621 Valley View Avenue. She had lived in the home for two years and was thrilled to have new homes in the area. She thought the proposal would be an asset to the street. She expressed her support. In response to a question raised, she responded that she envisioned Lot 3 having the front door facing Valley View. She remarked that she had no preference but just wanted three new homes there.

(22:07:00) William Lang gave his address as 2545 Valley View Avenue. He was impressed that the proposal was put together without using condemnation. He complimented the applicants for their efforts.

Monster home issues were discussed. Commissioner Palmer remarked that as part of concept approval, the Planning Commission was addressing the question of conceptually whether redrawing the three lots worked. At the time of preliminary approval, specific setbacks would be examined.

In response to a question raised, Mr. Haskell explained that the subdivision would have to be approved by the Planning Commission. Currently, the project was at the concept plat stage,

which was one step before preliminary. Once the preliminary plat is approved, the applicant would have vesting for that design and would have one year to record the final plat.

(22:14:18) Mike Robbins gave his address as 4770 Wander Lane. He was familiar with the existing homes and noticed that with the lots being only 70 feet wide, there was not enough room to build. Combining the narrow lots into a wider lot made more sense. He thought the idea the applicants came up with was wonderful.

Mr. Jennings thanked the public for their support. He acknowledged that it had been difficult to put the project together because of the complexities of the lot configuration.

There were no further comments. Commissioner Palmer closed the public hearing.

(22:17:00) Commissioner Diederich could see conceptually that things made sense. With the private drive, he encouraged the applicants to try to make sure there was green space between the fence all the way back. He was concerned that the City would begin to see a lot of similar types of development because of the number of narrow lots. He realized that in this case, the applicants could have built three homes on the property regardless. From a conceptual perspective, he encouraged the applicants not to put a fence up along Valley View and have the front door of Lot 3 face the road specific to Valley View so it conforms to the existing lots on the street. With the front-rear corridor issue, he questioned whether a precedent would be set with regard to front and rear setbacks in order to fit homes on narrow lots.

Commissioner Scott liked the project and thought it enhanced the community. He viewed it as a way to develop three lots without doing a PUD. Mr. Haskell remarked that when they removed the half-acre provision from the ordinance on lots on private driveways, they realized they would see more developments like the one proposed. They talked about how a half-acre lot in a 10,000 square foot zone would encourage larger, monster homes. That was the reasoning behind removing the half-acre provision. To reach a middle ground, building on private lanes and driveways was allowed, however, the road could not count in the lot area. He thought this development could be considered anecdotal evidence to show that they did the right thing. He thought the proposed development would be an improvement in the area.

(22:20:29) Commissioner Palmer didn't think the proposed development looked like a PUD. In this case, the applicants were taking long, narrow, unusable lots and making them more reasonable. Conceptually, he thought having the road up against the western lot line would need a three to five-foot buffer. If it were found to impact the turnaround, a hammerhead could be considered.

Commissioner Diederich asked staff to encourage neighborhood meetings to be held on similar projects in the future. He asked if it was commonplace for the Planning Commission to obtain TRC approval prior to a project being submitted. Commissioner Palmer responded that the staff report showed that the applicants had gone through the TRC.

Commissioner Palmer explained that applicants were always advised to hold neighborhood meetings. Although not required, he had found that it moved the process along more smoothly. He believed it was in the applicants' best interest to conduct them.

Commissioner Kimball thought what was proposed was a good solution to the problem of long, narrow lots.

(22:23:55) Commissioner Diederich moved to approve the Valley View Estates as recommended by staff subject to the following findings and notes:

Findings:

- 1. Lot area, width, and setback requirements are met.***
- 2. Number of units is not changing. Three lots that existed before are just being reconfigured.***
- 3. Reconfiguration of the lots is an improvement from the deep, narrow lots that now exist.***
- 4. Street infrastructure is adequate for the three lots.***

Notes:

- 1. Regardless of the approved concept, the conceptual plat must comply with all codes, to be reviewed once a complete conceptual plat submittal is received.***
- 2. The applicant shall take into consideration drainage and green space on the side of the private drive.***
- 3. The applicant shall look at making sure the front yard of the house on Lot 3 faces Valley View.***

Commissioner Kimball seconded the motion. Vote on motion: Richard Kimball-Aye, Brad Scott-Aye, Howard Diederich-Aye, Jim Palmer-Aye. The motion passed. Commissioner Carr was not present for the vote.

2.5 Johnson Garage Conditional Use Permit – 07-2-04 – 5965 South Holladay Blvd.

(22:26:18) Mr. Haskell presented the staff report and remarked that the TRC reviewed the proposal for conformance with the code. Originally the applicants requested 10 feet from the property line on the north. To conform to the letter of the code, the applicants would need 12.4 feet from the north property line. Otherwise, all members of the TRC recommended approval. The structure would replace an existing garage/shed on the property. Staff did not believe it would have an impact on surrounding developments. Staff recommended approval of the conditional use permit based on the findings and conditions contained in the staff report.

(22:29:20) The applicant, Doug Johnson, stated that his intent was to tear down an old barn on his property and build a garage. Setback issues were discussed.

Mr. Allred's understanding was that since the proposed structure was within the buildable footprint of the house, it could be as tall as the house. Mr. Haskell responded that that was correct except for the fact that the building corridor might prevent it from going higher than 20 feet. He didn't look at that in detail because the applicants were proposing much less than 20 feet. Mr. Allred explained that technically if an accessory building is built in the same building footprint as the house, the accessory or detached building could be the same height as the house. He asked if that might be a possibility in this instance. Mr. Haskell responded that it might be until one looks at the building corridor. Commissioner Palmer thought it was a moot question since the requested structure was less than 20 feet.

Commissioner Palmer opened the meeting to public comment.

(22:35:55) Steve Luzak of Kodak America was not opposed to the request but remarked that they own two properties in the area. The rear property owner had concerns with the oversized RV garage in the front yard, which would face both of their front yards on Woods end. He recognized that it would look better than what was there presently. If approved, he hoped to see landscaping between the two structures. He remarked that they were approved with a five-foot offset from the private lane. They moved it to 15 feet in order to allow for a generous amount of landscaping between the two properties. The other issue pertained to the property having a septic system. Normally when a home is on a septic system, a water letter is required from Salt Lake Public Utilities before a conditional use permit can be applied for. He was curious whether that had been granted.

In response to a question raised, Mr. Haskell stated that there was no sewer requested in the garage and there would be no connection to the septic or sewer from the garage. Commissioner Palmer asked that staff investigate the issue further. Mr. Allred remarked that State law requires a connection within 300 feet. Mr. Haskell did not believe there was a rational nexus between adding a garage and the sewer connection.

There was no further public comment. Commissioner Palmer closed the public hearing.

(22:42:25) Commissioner Palmer viewed the main issue as the setback and what happens in the area between the back of the garage and the lot line. Commissioner Diederich was of the opinion that the City should go with what the current building envelope dictates. He hoped the two neighbors could work out something from a landscaping perspective that works for both. He recognized that it was unfortunate to have a garage in the middle of a lot. He suggested the setback remain at 12 feet and encouraged the two homeowners to work together from the landscaping perspective

(22:43:57) Commissioner Diederich moved to recommend the Johnson garage according to staff's recommendations and the approval of the conditional use permit based on the following findings, conditions, and recommendations:

Findings:

1. *The plans show conformance with the newly adopted zoning regulations, and complies with the intent of the general plan.*
2. *The lot is large enough to allow the use.*
3. *The proposed use is not detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the area.*
4. *The structure is located a significant distance from other primary residence structures.*

Conditions:

1. *The building permit will comply with all zoning regulations, including a 12.4-foot setback from the north property line.*
2. *The garage may not be used for commercial or other prohibited uses.*
3. *Lighting and noise ordinances will be followed with no light or noise from the use trespassing off-site.*

Recommendations:

1. *The homeowners shall work together to work out some sort of landscaping arrangement.*
2. *Staff was encouraged to investigate the septic tank issue brought up by Mr. Luzak.*

Commissioner Kimball seconded the motion. Vote on motion: Richard Kimball-Aye, Brad Scott-Aye, Howard Diederich-Aye, Jim Palmer-Aye. The motion passed. Commissioner Carr was not present for the vote.

2.6 Highland Care Center Conditional Use Renew – 01-2-28-02 – 4279 South Highland Drive.

The Highland Health Care Conditional Use was withdrawn. The intent of the applicant was to resubmit it at a future date.

3. Discussion Items.

The above item was tabled.

3.1 PC Policy and Procedures Update.

The above item was tabled.

3.2 Ordinance Re-Write Land Use Tables Review.

The above item was tabled.

4. Consent Items.

The above item was tabled.

4.1 Approval of Minutes – Planning Commission Meeting – 11//21/06; 02/20/07/03/06/07.

Approval of the minutes was postponed until the Commission had more members present.

5. Staff Reports.

There were no staff reports.

6. Adjourn.

(22:47:22) Commissioner Scott moved to adjourn. Commissioner Diederich seconded the motion. Vote on motion: Richard Kimball-Aye, Brad Scott-Aye, Howard Diederich-Aye, Jim Palmer-Aye. The motion passed. Commissioner Carr was not present for the vote.

The Planning Commission Meeting adjourned at 10:48 p.m.

I hereby certify that the foregoing represents a true, accurate, and complete record of the Holladay City Planning Commission meeting held Tuesday, April 10, 2007.

A handwritten signature in black ink that reads "Teri Forbes". The signature is written in a cursive style with a horizontal line underneath it.

Teri Forbes
T Forbes Group, Inc.
Minutes Secretary

Minutes approved: 5-15-07