

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

Tuesday, April 15, 2008

5:00 p.m.

Holladay Municipal Center

4580 South 2300 East

ATTENDANCE

Planning Commission Members:

Paul Shupe, Chair
Gene Carr
Lori Khodadad
Richard Kimball
Cyrus McKell
Brad Scott, Vice Chair
Lynda Shields

City Staff:

Paul Allred, Community Development Director
Rick Whiting, City Planner
Pat Hanson, City Planner
Clarence Kemp, City Engineer

1. Field Trip and/or Discussion.

1.1 All Agenda Items May be Visited, and/or Discussed.

(17:48:00) City Planner, Rick Whiting, provided a background on the Poulos project identified as item 1.1 on the agenda. He stated that on Wednesday of the previous week he was familiarizing himself with the project when he received a call from a neighbor who expressed opposition to the proposal. The neighbor asked him about the area numbers for each lot. Mr. Whiting read the figures to him from the most recent drawings that showed each lot and found that some were less than 10,000 square feet. He called the engineers to resolve the situation. The engineers told Mr. Whiting that they had failed to update the area designation on each lot, which was an oversight on their part. Mr. Whiting corrected the indication on the City's plats but failed to call the neighbor back and inform him of the situation. In the interim, the neighbor informed his neighbors that the City was trying to get the project approved without sufficient lot area.

The proposed 10,000 square-foot lot areas were provided by the applicant's engineers and signed off on by the surveyor. Mr. Whiting did not think the City had the option to question that. The engineer Mr. Whiting spoke to verified that the areas were accurate. Mr. Whiting stated that the Commission could continue the matter subject to verification of the areas.

Mr. Whiting reported that the neighbor attended the neighborhood meeting held the previous evening. At that time, Mr. Whiting clarified that 10,000 square-foot lots meet code and the City has the obligation to hear it. The neighbor was not happy and sent a letter to the Mayor earlier in the day recounting what took place. The Mayor and City Manager were made aware that there was an error. Mr. Whiting stated that it was not his mistake but he was in error in how he handled the situation. It was reported that only one person attended the neighborhood meeting.

Mr. Whiting explained that the Unified Fire Authority (UFA) approved a 20-foot wide road in the lengths shown. The turnaround would normally be 20 feet wide but it was allowed to be

reduced to 12 feet. It was stated that the UFA approval was based on the old map. It seemed like the UFA would now have to approve it with the new requirements. Mr. Whiting agreed and stated that that should be done prior to final plat approval. He stated that the UFA should see a current map before granting approval. Commissioner Scott suggested the matter be continued subject to the Unified Fire Authority looking at the survey plot plan showing the lots.

Mr. Whiting referred to Section 503 of the fire code and stated that the fire official is authorized to increase the dimension of 150 feet. Exceptions can be made if the building is equipped with an approved automatic sprinkler system or if there no more than two residential three-unit occupancies. Those two provisions were the basis of the UFA's decision to allow for the code amendment, which allows a shorter distance. The 150-foot measurement was from the street to the end of the drive. Lot line issues were discussed.

(18:06:45) Commissioner Scott was uncomfortable with the lot sizes being exactly 10,000 square feet. City Engineer, Clarence Kemp, stated that the parcel comprised 31,500 square feet. They started at one end and moved the line until they had 10,000 square feet. They did that again and again and the third line was what was left. Commissioner Khodadad was concerned that each lot was listed as exactly 10,000 square feet. Mr. Kemp's recollection was that Lot 3 was larger. He did not know whether the surveyor certified that each lot is within the 10,000 square foot variance. He stated that he was relying on the surveyor's numbers.

Mr. Kemp brought to the attention of the Commission the fact that the property lines are skewed. Commissioner Scott asked if what was proposed was what the surveyor approved. Mr. Kemp was upset that there were variations in the two submittals. Possible options of how to proceed were discussed. Mr. Kemp believed the square footages were correct. His questions pertained to which one was approved by the UFA since they were significant in terms of the turnaround.

Commissioner Shupe was not comfortable with the proposed lots being 10,000 square feet because he did not see a survey. He would rely very heavily on the fact that the surveyor has signed off on them. Community Development Director, Paul Allred, stated that the Unified Fire Authority approved the drawing. City Planner, Pat Hanson, asked why a second drawing would be submitted if there was no intent to use it. Mr. Allred stated that it could be that it was a different version and the applicant's engineer sent over the wrong drawing.

(18:25:10) Commissioner Shupe outlined the possible options for the Commission to consider. With regard to the preliminary plat, the Commission could table it as a group or approve it based on the square footage and the appropriate turnaround for fire and have Mr. Kemp verify that. If it does not meet the criteria, there would not be an approval. The Commission could also choose to hear public comment. Commissioner Shupe suggested the City ask engineering to verify that each lot is 10,000 square feet and that the radius, turnaround, and drive meet the UFA and engineering standards. If it does not, the plan would be considered illegitimate. He thought the Commission had two options depending on how they want to handle the situation. Commissioner Shupe questioned whether it could be brought back at time of final plat.

It seemed to Commissioner Shields that the applicants were pushing to get so much onto the property. She noticed that it was happening everywhere. She asked how much authority the UFA has to continue to modify the requirements. The Commission Members shared their thoughts about how best to move forward.

Because of the controversy surrounding the project, Mr. Allred's preference was not to have staff approve it. There were already some who were convinced that staff was in cahoots with the developer. A better alternative might be to turn the matter over to the City Engineer who could work with the applicants' engineer to determine which drawing is accurate or if there is a discrepancy. Mr. Allred stated that his opinion was that he would probably not approve the preliminary plat because the issue rests on whether or not the lots are 10,000 square feet with the driveways. His intent was to avoid controversy.

(18:45:20) Commissioner Shupe had some core questions about agenda item 2.2. He asked if what was proposed was a two-family dwelling or a multi-family application. Mr. Whiting responded that it was considered a multi-family application because it involves two twin homes. Commissioner Shupe explained that the lot area on a two-dwelling structure is significantly different than a multi-family application.

Commissioner Carr pointed out that the zoning ordinance indicates that in the RM zone a single-family dwelling and two-family dwellings are permitted uses. Commissioner Shupe stated that the Commission should have a better understanding of the application. He noticed that the setbacks were different between the two applications. Mr. Allred's recollection was that former City Planner, Alma Haskell, began his review of the project the previous fall. He assumed mistakenly that what was proposed was a conditional use. If both uses are determined to be permitted in the zone, he did not know why the request would be reviewed as a conditional use. Commissioner Carr remarked that there were no conditions proposed with the conditional use.

Commissioner Shupe commented that the proposal was approved conceptually on December 4 with conditions. Mr. Allred explained that the applicants had plenty of room for the number of units proposed and stated that the proposed density was only about one-third of the maximum allowed. Density was not an issue. The issue was whether the use is conditional or not. The findings from the previous motion were reviewed. Mr. Allred stated that there was some confusion at that time. It appeared to him to be just a subdivision. The RM zone allows offices and up to 16 residential units per acre. The applicants proposed only six units. There was question as to whether or not the proposed use should be a conditional or permitted use. Mr. Allred's opinion was that the project should be a conditional use because of issues such as the dumpster, building height, color, storage of materials, etc.

Commissioner Shupe asked if the project could be reviewed just as a preliminary plat. Mr. Allred stated that it could be by dropping the conditional use. The result would be that the Commission will have less control. He explained that drainage, access and street dedication were plat issues. Conditional use involves the use itself. If the use is questionable, it may be desirable if it can comply with certain things.

Commissioner Shupe noticed that the applicants had addressed some issues outside of the conditional use. Mr. Allred stated that in other communities he has worked in, multiple-family dwelling projects were usually conditional.

2. AGENDA ITEMS – Including Public Hearing, Discussion, and Decision.

The regular meeting was called to order at 7:08 p.m. Planning Commission Chair Paul Shupe read the Commission statement. The agenda items were introduced.

2.1 Poulos Valley View Estates – 07-1-16 – 2526 East Valley View Avenue (4810 South) – Concept and Preliminary Plat for a Three-Lot Subdivision in an R-1-10 Zone.

(19:12:44) Rick Whiting presented the staff report and informed those present of an occurrence that took place a few days prior. A gentleman from the community contacted him and inquired about the project after receiving a notice of tonight's meeting. One of the questions posed had to do with the specific lot areas on the three lots proposed by the applicant. Mr. Whiting pulled the most recent engineering drawings and quoted from them. He later realized that that was probably not correct. They were deficient in area and he indicated to the gentleman that he wanted to investigate the situation further. He did and found that in fact, he had in his possession the incorrect drawings from the engineers. In the meantime, the misunderstanding about the lot area perpetuated into the community and created some confusion and discomfort with the process. Mr. Whiting apologized for that. He realized he should have declined to answer the question until he had verified the drawings and provided accurate information. For the benefit of those present he apologized for any confusion that resulted.

Mr. Whiting reported that staff initially reviewed the project in 2007. In that analysis it became apparent that there was a deficiency in the lot area for a three-lot subdivision. Nevertheless, the project was presented to the Planning Commission at its December 4, 2007 meeting. The Planning Commission elected to deny the three-lot subdivision on the basis of deficient area per lot; the requirement being 10,000 square feet. The Planning Commission approved a two-lot subdivision at that meeting. The applicant subsequently applied to the Unified Fire Authority for a code amendment or variance to their requirements for the driveway and access for fire equipment. Upon review and consideration, the UFA elected to grant a variance to the applicant that reduced the size of the driveway, the fire access, and fire turnaround and freed up additional square footage for the project. This enabled the creation of a satisfactory area for a three-lot subdivision. The UFA provided documentation of the code amendment and additionally provided reference to the 2006 International Fire Code upon which they based their judgment. One requirement was that the buildings proposed on the three lots be sprinkled. This would allow more time for the UFA to gain access to the property. There were also density requirements imposed, which the property met.

Based on the revised criteria, staff prepared the application for presentation to the Planning Commission. The applicant asked the Planning Commission to reconsider the application. They were confident that they could show the minimum required area for the three-lot subdivision. Staff recommended approval of the Poulos Valley View Estates three-lot subdivision in an R-1-10 zone on .69 acres based upon the following findings:

1. The project meets the overall requirements for a subdivision including minimum area and overall density, lot width, access, safety, etc. for three lots.
2. The application is in compliance with the provisions of the City's General Plan.
3. Right-of-way width is adequate for required road improvements.
4. Fire access meets the code requirements as modified by the Unified Fire Authority as stated in their March 21, 2008 letter.
5. Utility availability is documented and the application appears to meet code.

(19:19:35) Stephanie Poulos-Arasi identified herself as Billie Poulos' daughter and the real estate agent on the project. She stated that the matter was presented to the UFA who did some drawings with their engineers who also prepared maps that were ultimately signed off on. Ms. Poulos-Arasi stated that the proposed homes would have to be fire sprinkled. In addition,

the turnaround was narrowed to meet the 600 feet that they were deficient, which was made up on the turnaround.

Commissioner Shupe opened the public hearing.

(19:22:20) An unidentified member of the public asked that the plat be displayed in order to determine the square footages of each lot. Mr. Whiting clarified that there was an error in the highlighting of the lot lines on the plat. The double lines at the top of line three showed the correct plat line.

(19:23:33) Omar Leeman gave his address 2501 Valley View. He was present at the December meeting and thanked the Commission for their volunteerism and what they do for the community. He also thanked the Commission Members for their patience. Mr. Lehman expressed frustration and was bewildered by the information that came out of the City's planning office. Mr. Whiting graciously accepted responsibility for the misinformation that was provided to Mr. Leeman that he shared with other neighbors who were concerned about the subdivision. The information he shared was that one lot would meet the 10,000 square-foot minimum and the other two lots would not. The signed petition before the Commission reflected that.

Mr. Leeman reported that the previous day he received an invitation to attend a meeting at the City Offices hosted by the Poulos family. He appreciated and applauded their efforts to communicate with the neighborhood. Mr. Whiting was in attendance as were Billie and Stephanie Poulos. They discussed the three lots and when he inquired about the lot sizes he heard for the first time that each of the lot sizes were now 10,000 square feet. When he was trying to understand what kind of map was used, he learned about the ruling from the fire marshal allowing for smaller turnaround areas. Mr. Leeman stated that he was still opposed to the three-lot subdivision. He was concerned about traffic congestion on Valley View, lack of sidewalks, speed bumps, and the fact that walking along Valley View Avenue is hazardous. He stated that as he was walking his two dogs on Valley View in August one of them was hit by a car. Fortunately the dog survived but the irony was that the dog was on leash and they were on the side of the road. He reiterated that the congestion on Valley View is atrocious. He stated that the neighborhood was tired of the congestion.

(19:26:24) Mr. Leeman stated that the neighbors were present to talk about the three lots and the fact that they now are 10,000 square feet in size. He was curious about what had changed. What he understood had changed was the emergency turnaround area. He questioned how this could be accomplished within the subdivision. He then heard that the explanation was that the intent was to introduce fire sprinkling systems into the three homes. Mr. Leeman owned property in Park City and knew a little bit about sprinkler systems since in order to build on his property, he would also have to install them. The reason was due to the distance from the home to the fire station. He did not understand how that would work in this situation given that the fire station is merely four blocks away. Mr. Leeman stated that the only reason there is a concession is because of the developers' desire to have three lots.

Mr. Leeman stated that the continual carving up of single lots into threes and fours was a huge concern for him and others in the neighborhood. He was not aware of any other subdivisions in Holladay that have been given a concession on their emergency turnaround area based on adding sprinkler systems. He was aware of an ordinance requiring fire sprinkling for homes larger than

7,000 square feet. He was concerned that it will set a precedent for other developers to create subdivisions where smaller lots are shoehorned in.

Given the confusion that occurred, he suggested the Planning Commission continue hearings on the matter. He also asked that there be one more survey conducted to ensure the accuracy of the square footage of the lots. He also hoped to see a preliminary proposal on what the houses will look like on the proposed lots. Mr. Leeman asked that the Planning Commission continue analyzing the proposal. He stated that the neighborhood had grown increasingly agitated by the project and in the end it would be the neighborhood residents who remain after the developers are gone.

(19:30:20) Wendy Ziegler was a 20-year resident and gave her address as 2557 East Valley View Avenue. She loved Holladay and was very saddened by what was happening. She had noticed that people are selling out and leaving and doing things to the neighborhood that they would never allow to happen if they were staying. Valley View was not a wide street and there are no sidewalks. Walking down Valley View was very dangerous. To have more construction on the street would only increase the danger. To have the increased density of three more homes would last long after the construction is over. She asked that the Planning Commission consider the increased density on the street and the negative affect it is having on the existing property owners. There is heavy traffic and no parking and the sheriff's office informed Ms. Ziegler that the City cannot enforce the parking. She expressed confusion with the map. Because she lives down a small lane, the UFA told her repeatedly how difficult it would be for them to access all of the homes on her lane, which is huge compared to what is proposed. She asked that the Planning Commission consider going back to two lots and decrease the density in the area.

(19:32:50) Billie Poulos gave her address 2526 Valley View Avenue. She responded to Ms. Ziegler's comments and stated that they went to a lot of trouble and expense to make sure that everything was done according to the regulations in place. The property had meant a lot to her and her husband over the years and she hoped someone else could enjoy it as much as they have. She remarked that she was even considering keeping the back lot. She was pleased by the proposed plan. With regard to the proposed turnaround, the UFA indicated that there was plenty of room for them to turn their trucks around. She remarked that a problem existed not only in Holladay where there is not enough water in the fire hydrants. The UFA was considering asking for sprinklers in most large homes being built. Mrs. Poulos pointed out that there are numerous large homes on huge properties. The proposed project would provide opportunities for people who want smaller lots. She also noted that the project will not result in more cars being parked in the street.

(19:35:08) There were no further public comments. The public hearing was closed.

Commissioner Scott asked Mr. Whiting if the project will have sidewalks. Mr. Whiting responded that it will not since it was viewed as a private lane, which does not require sidewalks. Mr. Allred stated that the sidewalk requirement can be waived if there is no sidewalk attaching to it on either side. In that case an applicant can enter into a delay agreement or do a payment in lieu where they pay the City upfront for the improvements. The City will then install them at a later time. Another option was for the applicant to simply put in the improvements. In this case, it should be determined whether there are sidewalks in the vicinity. Mr. Allred explained that much of Holladay is covered with streets that don't have sidewalks. In fact, there had been a lot of resistance to installing sidewalks and curb and gutter on streets. Although many people would

like to see sidewalks installed, he had heard from more people who don't want them. Their desire was to have the road maintain a country feel. The City had options about whether to install sidewalk but it was a question of whether the Planning Commission wants sidewalk installed here or allow the applicants to enter into a delay agreement. Mr. Allred was aware of at least one Planning Commission Member who had a neighbor who did not want to install sidewalk. The neighbor went to the Mayor who stated that they would not be installed. The reasoning was that there was no sidewalk on either side.

Commissioner Shupe asked about the zoning on the proposed property. Mr. Allred responded that the zoning is R-1-10, which requires minimum 10,000 square-foot lots. With regard to density, if the property was pivoted so that it fronted Valley View there would be no question that it could be divided into 10,000 square foot lots. He explained that in 2007 the City Council made a decision to allow for reasonable infill. They said that on private driveways if a property has 10,000 square feet excluding the driveway, a property owner can have a building lot. The Council recognized that there were a number of big, deep properties with room for residential development in the back. As long as the minimum area of the zone is met with a little bit more for the driveway, the City will allow them to be developed. That was why the Planning Commission was seeing deep lot subdivisions throughout the City. They are no more dense than traditional subdivisions that face the street and in fact, are less dense because they have more ground which cannot include the driveway. The central issue tonight was whether each of the lots has at least 10,000 square feet. Mr. Allred stated that they (the lot size) were very close with the UFA's decision to allowing them to reduce the area of the driveway if they sprinkle the homes that would be built on the properties. Mr. Allred stated that it was a tradeoff.

(19:40:44) Mr. Allred stated in answer to a previous question raised, that UFA has fairly routinely granted variances or made modifications to driveways, especially in areas where there is existing development, with a tradeoff. He stated that the proposed subdivision was not unsafe in terms of fire access because it is not extremely deep. The UFA simply wants an area to backup and be able to turnaround and go back out. In some subdivisions a cul-de-sac would be required with an 80 to 100-foot turnaround. In this case, it is referred to as a hammerhead. The UFA made a ruling, per their code, that it can be done safely. What is unclear is whether or not they actually have the area. Staff believed that based on the stamped drawing from UFA on March 20, they had 10,000 square feet per lot. A more recent drawing was made available that was done by the same engineer working with a different firm that appeared to be inaccurate. As staff, they were uncomfortable with the fact that they have two drawings that don't coordinate.

City Engineer, Clarence Kemp, stated that he was a little uncomfortable but that his comments were not reflective of whether or not the subdivision is good or bad. It also was not a reflection of what the applicant had tried to do in good faith. It was strictly a comment on the accuracy of the information provided. The Commissioners were provided with a drawing approved by the UFA showing a turnaround. That turnaround and hammerhead showed a 51-foot perpendicular road. The drawings dated April 9 reduced the hammerhead to 38 feet. To him, that was a significant enough change to warrant a question from the UFA as to whether that met the intent of their approval. There were also differences in the road width. He doubled checked square footages and found substantial closure issues. That means that it is virtually impossible for him with the information before him, to confirm that the lots are or are not 10,000 square feet. He suggested if the project were approved it should absolutely be subject to the UFA's re-review and approval and the confirmation of the 10,000 square feet. In lieu of that, Mr. Kemp did not

know that the Commission would be in a position to approve the request based on the information before them.

Commissioner Scott did not like the UFA having the right to decide road width variances to get more density. If two houses were allowed, the developers will generally build bigger houses to get the value out of the lot. He questioned whether it was better to have three lots with smaller houses or two lots with bigger homes.

Mr. Kemp understood Commissioner Scott's frustration and thought it was important for the Commissioners and public to understand that UFA does not work for the City. The City does not have political or legislative authority over that body. The UFA functions very independently. He stated that it was important to understand that the City is not in the midst of that process other than they require their full approval before allowing the process to go forward.

(19:49:55) Mr. Allred stated that the Planning Commission and City Council in 2006 and 2007 debated the future of the community in terms of residential development. He assumed that many in the audience were aware of the fact that the City conducted a monster homes study. Mr. Whiting was the City's intern at the time and they studied the concept of monster homes. He stated that monster homes are an issue in East Millcreek and other communities. Holladay was one of those. One of the things that came out of the monster home study was the concept of how to handle development on infill properties or properties that may not face out into the street. Mr. Allred stated that the previous requirement was that regardless of the zone and the size of the lot, to build a home back in off the street or behind an existing home, a property owner needed a minimum of one-half acre of land. People felt secure in that until they realized that on one-half acre what would result would be a much larger home that was often incompatible with the surrounding smaller homes. That was one of the reasons the Planning Commission and City Council came to the conclusion that private lane development is actually preferable to having one-half acre behind a lot. Mr. Allred explained that it was a policy decision made by the Council that they did not take lightly. They decided that it would be preferable to have homes on lots that are similar in shape and size to as the homes around it and avoid homes that are inordinately large next to smaller homes and smaller lots.

Commissioner Khodadad stated that the intent tonight was not to change the zoning ordinances. If they go strictly by the zoning ordinance and the UFA, the subdivision submitted meets the criteria. Her concern was that there are different drawings. She wanted to see what was actually proposed for the lot and make sure that each lot actually has 10,000 square feet, that the drive dimensions are correct, and that it is signed off on by the UFA.

(19:56:30) *Commissioner Scott moved to continue item 2.1 subject to the following findings:*

- 1. The applicant's engineer shall submit to the Unified Fire Authority that each lot meets the 10,000 square foot requirement.*
- 2. The road meets the Unified Fire Authority in length from the road and the turning radius. The actual square footages of the road and the individual lots shall be shown separately.*
- 3. Because of the configuration of the lots, the applicant shall show building envelopes on each lot.*

Commissioner Shields seconded the motion.

Mr. Allred clarified that the intent of the second finding was to show the building footprint more clearly. He thought that perhaps a pattern should be given for the building footprint. He also suggested the public utility easement be eliminated so that the setbacks can be seen. He suggested that the applicants' engineer submit a drawing that meets the 10,000 square-foot minimum, not including the road. Mr. Allred stated that that was an important distinction that the public needs to understand. He explained that the lots have to be bigger than the normal lot in the zone because they can't count the driveway area in the lot area. He suggested that the square footage of the road and each lot be shown separately to ensure that the request absolutely complies before they proceed.

Commissioner Khodadad also thought the City should somehow nullify all of the previous maps so that they are working from one map. Commissioner Scott stated that that would be accomplished by having it all on one sheet.

Vote on motion: Lori Khodadad-Aye, Richard Kimball-Aye, Gene Carr-Aye, Brad Scott-Aye, Cyrus McKell-Aye, Linda Shields-Aye, and Paul Shupe-Aye. The motion passed unanimously.

Mr. Allred asked if the Commission wished staff to send an additional notice the next the time the matter comes back up for review. In addition, he asked how the Commission would like to handle public input at the next stage. Because the Commission Members were confused on the layouts and drawings, to be courteous to the residents, they should be given the same opportunity to view the information provided to the Commission. Mr. Allred's suggestion was that a courtesy notice be sent out about one week in advance of the meeting.

2.2 Holladay Cottages – 07-2-09 – 2448 East 3900 South – Preliminary Plat and Conditional Use for a Six-Unit Condo Development on a .93 Acre Lot in an RM Zone.

(20:05:15) Mr. Whiting presented the staff report and stated that the matter was a public hearing for consideration of a potential approval of a preliminary plat for the development. The applicant proposed to build two single-family dwellings and two twin homes totaling six residential units. The site is located east of the Summerfield Condominiums on 3900 South. There was a gentle slope to the southwest as the site has been graded. Mr. Whiting noted that this does not necessarily reflect the original grade of the site. The site was cleared of structures, trees, and vegetation and the project was found to meet the density requirements of the RM zone. A few of the site development requirements as determined by the Commission were still outstanding. Storm drain mitigation was one of the major points. There was concern previously about whether the site design accommodated the water flows during a storm situation. There was also some discussion about waste receptacles and how that is structured.

Mr. Whiting reported that the Planning Commission approved conceptual design of the project on December 4, 2007. A clarification on the curb, gutter, and sidewalk needed to be made to the preliminary plat and arrangements for bonding or payment in lieu. There were still some calculations that needed to be accomplished after the preliminary site plan is approved including recalculation of impervious lot coverage and lighting the drive or other technical details. Staff reviewed the request and did not feel there were any major deficiencies in the calculations. Mr. Whiting stated that there will be a required dedication of roadway along 3900 South. The Technical Review Committee feels that with the remaining items to be accomplished that the

project can be made ready for final approval. Staff recommended approval of the Holladay Cottages preliminary plat based on the findings set out in the staff report.

(20:10:33) Commissioner Shupe opened the public hearing.

Nate Fotheringham identified himself as the applicant and gave his address as 10714 South Jordan Gateway in South Jordan. A map of the area was displayed. Mr. Fotheringham reported that the property is zoned RM for multi-family use. The current zoning allows for 16 units per acre and a height of 35 feet. A rendering was presented showing what the maximum density would look like. He stated that they were doing a much more scaled back approach. A total of six units were proposed. The proposed elevation for the single-family homes was displayed, which would be two stories. The homes would be Tudor style and closest to 3900 South. The twin homes would be on the south side of the project.

Mr. Fotheringham stated that there had been several discussions with the City and they held their neighborhood meeting. Two of the main concerns that arose had to do with storm water and privacy, specifically to the neighbors to the south. With regard to storm water, the site flows from 3900 South to the southwest corner of the site. This was a problem because there is nothing on the site. There had been flooding to their neighbors to the south and there was debris flow. They worked to create a large detention area that would take up a good portion of their site on the southwest corner. They were improving the situation to make sure that any water contributed to the system will reduce what currently goes in.

(20:17:03) Mr. Fotheringham made reference to privacy. He stated that it primarily affects the neighbors just south of them. They tried to be considerate to the homes closest to the neighbors to the south. It was difficult because the proposed site was higher than the neighbors. They had discussions with the neighbors about potentially doing some sort of landscape buffer. Mr. Fotheringham welcomed questions from the Planning Commission.

Commissioner Carr asked if there was a history of flooding from the lot onto the properties to the south. Mr. Fotheringham's understanding was that once the homes were removed from the site, problems occurred. The owner did some rudimentary trenching to try to prevent problems, however, it was not a permanent solution. Commissioner McKell asked if there was a continuous flow from the property to the east. Mr. Fotheringham responded that there is not a storm drain line on 3900 South and the flow runs to their southwest corner. The existing storm drain line runs in Lexington Circle and then goes through the Summerfield Condominiums.

(20:20:33) Commissioner Shupe opened the public hearing.

James Faust gave his address as 2441 East Lexington. He was present on behalf of his neighbors to the west, the Nelsons, who were also present. They were also present at the meeting in December when the footprint was originally proposed. They appreciated the opportunity to work with the developer as their preference was to have input into the development and some control over the final project as opposed to stopping development altogether. Mr. Faust identified two issues he believed adequately address their concerns. First, there had been a number of incidents of flooding, especially to the Nelson property, because of the slope of the property. A berm or catch basin was proposed to help control the flooding. There was, however, a minimum setback of 20 feet. He asked if the applicants planned to retain all of the water on the site or if there would be some type of sump to catch it temporarily. The second issue pertained to the issue of

privacy. More particularly it had to do with height issues. Part of that was because they do not know what the original grade level is. In reviewing the Planning and Zoning ordinances it talks about a height limit of 35 feet from original grade. No one ever defined the original grade on the parcel and there was question as to the original set point. Drainage flow issues were discussed.

Mr. Whiting reported that he and Mr. Kemp visited the site earlier in the day and there were a couple of indicators as to the original grade such as a fire hydrant and a concrete pad. Both were good indicators of the original grade. Staff recommended that the fire hydrant and concrete pad be the set markers for the grade, at least for the two twin homes at the rear of the project. He commented that the hammerhead should drain to the southwest corner. The road surface driveways should drain into the detention pond that sits in the southwest corner. Commissioner Kimball remarked that there is no storm drain on 3900 South. Commissioner Shupe clarified that there would be an opportunity to relieve the area into a storm system. Mr. Kemp explained that Wentworth Development went through a number of steps to figure out the best way to handle storm drain. Currently the property had a problem with flooding and mud going onto the neighboring Summerfield Condominiums property. There were some meetings with Summerfield and discussion about the possibility of tying into their storm drain, which would in turn tie into the City storm drain. It was ultimately decided that the best approach, both economically and politically, was to tie directly through to the City storm drain going to the south. That would involve the use of an existing public utility easement. Staff visited with City Attorney, Craig Hall, to find out if that was an appropriate use of the public utility easement. He felt that it was and Mr. Kemp concurred with that, as he thought doing nothing was not a particularly good option given the history of the site. Mr. Kemp's only concern was with long-term issues relative to the adequacy of the storm drain system. The applicants would not be adversely impacting that.

(20:31:15) Mr. Kemp was also somewhat concerned about the fact that they were talking about building a storm drain in presumably a 7 to 10-foot public utility easement. He viewed it as a pretty tough construction issue. In discussions Mr. Kemp had had with the developer he requested they visit with the property owner and make sure that not only coordination occurs, but also an agreement is reached with the property owner with regard to any adverse mitigation. Mr. Kemp remarked that the contour maps submitted reflect the original ground before the fill was brought in. That was what would be used to establish building heights.

A question was raised with regard whether there had been any calculations on the rate of water flow from the catch basin into the semi-storm drain. Mr. Kemp stated that the semi-storm drain referred to a retention facility that would drain at a slower rate into the storm drain system. The intent was to limit the runoff to .2 cfs per acre. That limitation would have to be met so as not to increase the peak storm drainage beyond what is historically there. Mr. Kemp explained that .2 cfs was less than 100 gallons per minute and required on a 100-year storm. He explained that anytime there are retention facilities the City requires 100-year versus 10 year.

Commissioner Shupe asked for an explanation of "historic". Mr. Kemp responded that "historic" means that if there was no development on the site that was what would be expected to run off. In other cases in the City where an area is developed, when they talk about historic, occasionally they have to look at what was there before. For example, in a tear down situation, it would not be uncommon to look at what the old house generated versus what a new house would and then deal with the difference and essentially grandfather in what was there. In this case, they treated it like it was a bare site.

(20:35:59) Allison Heyrend identified herself as the President of the Summerfield Homeowners' Association and gave her address as 2382 Summerspring Lane. She expressed appreciation for the courtesy shown by Wentworth Development, Mr. Kemp, and Mr. Allred. She stated that they were very responsive to their questions and concerns. She remarked that in Holladay they were reaping what earlier folks sowed with respect to storm runoff and drainage. She stated that the Summerfield development includes three ponds. They appear to be landscaped features at first blush but really are not. They were required by the County as a flood control mechanism. At the very end of the ponds on the hillside there is a large, gated drainage capture point. The problem they had experienced was two-fold. When there is a big thunderstorm, debris flows across the empty lot which the proposed development would solve. Their bigger problem was due to lack of capacity in the storm drain system. As a result, the water backs up into the catch feature into the ponds and into the property. It was not specific to this property, but due to an inadequate storm drain system. Originally, Mr. Kemp explained that Wentworth needed to tie into the storm drain to Summerfield that he claimed was a private storm drain and that they would have to give them permission to do that. She stated that it had since been determined that the City owns the storm drain.

Regardless of what is done with Wentworth, the condo residents have serious concerns with the ongoing incapacity of the storm drain system. She recently learned from Mr. Kemp that the termination point of the upper canal is one of the problems because it is a bottleneck. She realized it is not Wentworth Development's problem but they were concerned about ultimately what will happen as volume, speed, and runoff is added from additional development. Ms. Heyrend stated that the costs associated with flooding are very expensive. As the President of the HOA she stated that they cannot get a satisfactory answer from the City about how to alleviate the storm drainage capacity problems, whether their residents will have to buy flood insurance. She explained that the storm drain envisioned along the right-of-way actually runs down their road in Summerfield.

(20:43:33) Commissioner Shupe stated that his understanding of the issues was that first it was believed that most likely the piping that carries storm water from the condominium property is undersized. In addition, there had been debris in the ponds that actually clogged the orifices going into the pipe so it backs up. Mr. Kemp stated that the discussion was moving well beyond the issues of the Commission. He agreed that there was certainly question as to what is appropriate for the Wentworth property. As Ms. Heyrend indicated, there had been historic mud flows and flooding. What Wentworth proposed would solve that issue.

Mr. Kemp stated that the other issue is one of storm drain capacity. The City was not certain of the extent of that yet. In looking at the County records, they don't have the storm drain shown in the right place let alone how it ties into the system. Based on discussions Mr. Kemp had with Summerfield homeowners, it appeared that under a high storm water event, the storm drain is surcharging where the water rises in the manhole above the upper level of the pipe. That is not an unusual occurrence during a large storm event. Mr. Kemp explained that underground storm drains are typically designed for a 10-year storm event. If there is something larger, it is not uncommon to surcharge the storm drains or have the storm drains overflow and run down the street. The line between the 10-year and 100-year storm is crossed when dealing with surface detention since if one fails there is a huge property damage problem.

Mr. Kemp stated that it appeared that what was happening was when the pipe surcharges, the ponds intercept storm drainage from their development and the ponds in turn, overflow into the City storm drain system. Where that overflow occurs, it seemed that the water could go the other direction. If they have surcharging occurring inside the storm drain system, it actually starts filling their ponds and creating a flood problem. Mr. Kemp offered to run an independent analysis to better understand what is happening and why and what the possible solution might be. He realized that the storm drain system drains a very large area, much greater in extent than just the developments being discussed. It was aggravated by the fact that they have no storm drain system on 3900 South so they pick up a tremendous amount of storm drainage from the north and east. In terms of its relationship to this particular project, he did not think the two issues were directly tied. He acknowledged, however, that the concerns are legitimate.

Mr. Shupe asked if the ability to do another detention pond on the Wentworth property would help the situation. Mr. Kemp responded that doing so would be net neutral since Wentworth would not be adding to or taking away from the problem from a quantitative standpoint. They would, however, be taking away from the mud problem.

(20:48:04) Alan Schroedl, a Summerfield resident and board member, gave his address as 2359 Dayspring. He stated that Mr. Kemp was correct that their problems are not exacerbated by what Wentworth might develop. However, he realized that additional water cannot be put into a system that is already at overcapacity. No matter how little water goes in from the new development, they will be getting extra water and there will be the possibility of flooding. Mr. Schroedl asked if the detention pond would be sufficient. He commented that the size of the detention pond will be critical since there will be problems if it overflows. If the detention pond is not big enough, it will overflow. If they have a detention pond that is big enough but with too large an exit pipe, the result will be too much extra water coming down through the backside into the storm drain, and then backing up into the ponds. He did not see how it could be said that the proposed development will have no effect when there is a storm.

Mr. Schroedl remarked that Summerfield was not opposed to the property being developed, however, it was a problem that needed to be dealt with. They wanted to have the area look good for property value purposes and they hoped to get the area taken care of in terms of mud flow. The issue of the size of the pipe coming off from the detention pond and the detention pond itself were issues that need to be considered carefully from an engineering perspective since they think that any additional water put into the storm drain system now will affect Summerfield by backing up into their ponds.

There were no further public comments. The public hearing was closed.

(20:50:45) Commissioner Carr asked about the design and engineering of the detention basin. Mr. Kemp responded that when looking at on-site detention, the applicants are required to size it based on a 100-year storm with a limited flow outlet. The applicants would not be required to pick up water from any place but their own development.

Commissioner Shupe asked Mr. Kemp what he would anticipate the runoff would be with the site as it is. Mr. Kemp responded that on a 10-year event he expected that the storm flow at its peak would come off of the site as much as 1.5 cfs. The peak was important if the water were dumped directly into the storm drain. That would not happen since what would go out of the site would be limited to .2 cfs. With 24-hour storm or 100-year storm it was expected that there

would be approximately 7,000 cubic feet of water running off the site. The pond would be sized to hold that 7,000 cubic feet of water less the .2 cfs outflow over time. Mr. Kemp assured the Commission Members that the City will require that the development meet the 100-year storm requirements. Mr. Kemp explained that when a storm event occurs, there is not a constant discharge going down the system. There are instead spikes of water going down the storm system. The trick was to reduce the spikes.

In response to a question raised, Commissioner McKell did not see adequate trash bin facilities shown or an adequate place for them. Mr. Fotheringham stated that their proposal was to not have dumpsters on the site as they are unsightly and encourage dumping from outside the development. They instead proposed to contract with a private company where garbage would be collected weekly.

Commissioner Shupe stated that to deal with the private streets, an HOA would be established. Mr. Fotheringham stated that Salt Lake Public Utilities will review the plans. The applicant planned to work with them to do individual meters so the homeowners can control their own bill to a greater extent.

(21:01:27) Commissioner McKell asked if there would be a gated community arrangement. Mr. Fotheringham responded that the plans show a gate. They planned work with the UFA to make sure that it meets all their needs.

Parking issues were discussed. Mr. Fotheringham stated that the parking would be required to be set off of 3900 South. Mr. Kemp stated that there were City ordinances in place to identify a clear view zone into and out of the project. A setback distance would also be required with a gate so that traffic is not backed up onto 3900 South.

With regard to building height, Commissioner Carr asked if the grade was known from which the building height will be determined. Mr. Kemp stated that it would be measured from original ground. From what he could tell, the contour drawings submitted reflect that original ground. He stated that was an area where the City was very cautious and adamant about protecting.

Commissioner Khodadad asked the applicant what his plans were for landscaping of the buffer between the existing homes and the proposed development. Mr. Fotheringham responded that he would comply with the City ordinances. Beyond that, they would work with their neighbors to the south.

Commissioner Carr questioned whether there was enough information available for a motion. He stated that there were still a lot of questions remaining about the runoff.

In response to an inquiry, Mr. Kemp stated that staff was comfortable with the concept and the feasibility of the proposed project. In terms of the final details, he submitted comments on items he wanted more clarification on. The applicant indicated to him that those items had been sent back. Mr. Kemp had not yet reviewed that. He did not, however, have any serious feasibility issues. His concerns had to do with details.

(21:09:20) Landscape buffer issues were discussed. Mr. Faust's idea was to build up a higher berm and then put in evergreen bearing trees rooted close enough together to make it higher than a six-foot fence. Their concern was with where the elevation would be set. They did not want to

wait for a six-foot evergreen to grow 15 feet. They instead anticipated building up a berm that will provide privacy for both parties. He explained that they have only a 15-foot setback from their property line. The applicants have a 20-foot setback. The result would be only 35 feet between the homes with a slope going down 8 feet.

Commissioner Khodadad's understanding was that because the use is permitted, the Commission can only make suggestions to the developer. She had seen that he had worked with the homeowners and encouraged Mr. Fotheringham to continue to do so.

Commissioner McKell suggested that something like junipers or similar trees be planted that are green and will fill in the space. He commented that in the end they will become sound barriers as well as visual barriers.

Commissioner Shupe hoped the applicant would continue to work with the neighbor and configure something that will work for both parties.

Mr. Allred explained that the preliminary plat stage was where most of the detail is submitted. Final plat mostly consists of ownership with easements and lot areas. It had been the City's policy that these types of projects are conditional uses and reasonable conditions are attached, however, in terms of the City statute all were comfortable that the ordinance actually does not allow the City to impose conditions on this request. The Commission could, however, make recommendations to the developer on issues such as landscaping, building height, building texture, the location of the trash dumpster, and how parking is laid out. He suggested the plat itself be considered. He encouraged the Commission to establish findings to support any motion made. He suggested the motion be limited to the subdivision aspects of the project and not the layout and design.

(21:21:27) Commissioner Carr moved to approve the Holladay Cottages project based on the following:

Findings:

- 1. *The project meets the density, lot area, width, and setback requirements.***
- 2. *The project meets the overall requirements for a multi-family residential subdivision.***
- 3. *The project as proposed is essentially neutral to the character of the neighborhood and will not be detrimental in any way to neighboring properties.***
- 4. *The general architectural concept of the project as presented by the applicant, should complement the neighborhood.***
- 5. *Street infrastructure and other utility capabilities are adequate for the proposed project.***
- 6. *Fire equipment access meets satisfactory UFA standards.***
- 7. *The project is in compliance with the City's general plan and allows for maintaining the general health, safety, and welfare of residents in the project and in the general vicinity.***
- 8. *The project allows for maintaining the general health, safety, and welfare of the residents in the project area.***

Conditions:

1. *The specific concerns with water runoff will be dealt with by the City Engineer and with appropriate engineering input and approved by staff.*
2. *The proposed water drainage in the retention plan must be approved in its final form by the City Engineer and by staff.*
3. *The applicant must submit a landscaping plan with a minimum landscaping coverage of 40%. Perimeter landscaping along public streets shall include live drought-tolerant plants, trees, and buffer landscaping along the side and rear development property boundaries. The landscaping plan must show berming, trees, and/or other buffering factors and include a permanent automatic irrigation system.*
4. *Dedication of land within 40 feet of the centerline of 3900 South is required. All required dedications must be accomplished prior to final plat approval.*
5. *Trash facilities acceptable to the Technical Review Committee must be shown on the preliminary plat as described by the developer.*
6. *Architectural designs and samples for buildings as depicted by the applicant must be closely adhered to with building permit applications.*
7. *The zoning code requirements of height, graduated height, setback, and coverage will be rereviewed by staff for compliance with City codes when building permits are applied for.*
8. *An HOA must be organized and sustained in perpetuity to deal with certain issues.*

Commissioner McKell seconded the motion. Vote on motion: Lori Khodadad-Aye, Richard Kimball-Aye, Gene Carr-Aye, Brad Scott-Aye, Cyrus McKell-Aye, Linda Shields-Aye, Paul Shupe-Aye. The motion passed unanimously.

3. CONSENT ITEMS – Approval of Minutes – March 18, 2008.

(21:30:45) The minutes were reviewed. It was determined that two different versions of at least the first page of the minutes were provided to the Planning Commission Members. Mr. Allred stated that one version showed the changes made by staff. One showed the changes out to the side while the other did not. He recommended that the Commissioners determine whether the changes meet their needs. Various modifications were made to the minutes. The preference of the Commission was to be provided with one uniform draft set of minutes in the future. They would then individually submit changes.

The minutes of March 18, 2008, were approved as modified, by the unanimous consent of the Commission.

4. Adjourn.

(21:49:23) *Commissioner Shields moved to adjourn. The motion passed with the unanimous consent of the Commission.*

The Planning Commission Meeting adjourned at 9:49 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 15, 2008.

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
Minutes Secretary

Minutes approved: 5/20/08