

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

Tuesday, April 18, 2006

6:00 p.m.

Council Chambers

4707 S Holladay Blvd

ATTENDANCE

Planning Commission Members:

Jim Palmer, Chairman
Gene Carr
Richard Kimball, Alternate
Cyrus McKell, Vice Chairman
Brad Scott
Lynda Shields
Paul Shupe

City Staff:

Paul Allred, Community Development Director
Alma Haskell, City Planner
Pat Hanson, City Planner

Commissioner Palmer called the meeting to order at 6:07 p.m. and read the Commission statement.

1. Agenda

1.1 Public Hearing – Rezone – 06-04-01 – Meadows Rezone – 5241 S. Highland Dr

City Planner, Pat Hanson, presented the staff report and stated that the request was to create an additional lot in the rear of the property. The rezone was necessary because the property is only nine-tenths of an acre and one-acre is needed in order to subdivide in the zone. The applicant thought the rezone would not be unreasonable and the two lots would be similar to other properties in the area. Only two houses could be built on the property if the rezone were approved. Staff reviewed the area for lot comparisons and found that of the 35 parcels within the area, 14 comply with the R-1-21 Zone. Six comply with the R-1-15 Zone. 13 parcels in the area are smaller than the R-1-15. The long-range plan for the area was low-density residential. Ms. Hanson stated that the R-1-15 zone would comply with the intent of the General Plan. As a result, staff recommended approval of the rezone.

The applicant, David Meadows, stated that he lives at the subject property and owns it with his father. The home was built in the 1930s. They planned to tear it down and create two lots on the property in order to allow his family and parents to enjoy the use of the property. He explained that they would not be co-owners and the property would be split.

Commissioner Palmer opened the meeting to public comments.

Attorney Mark James was asked to attend on behalf of the Normandy Woods Homeowners' Association. He reported that Normandy Woods abuts the rear of the property. He also represented MSF Properties who owns a home in the neighborhood. He was asked to express that both the Normandy Woods Homeowners' Association and MSF Properties were opposed to

the change. They were concerned with selective modifications being made to the zoning. He questioned how the Commission could turn down similar requests in the neighborhood if this is granted. They believed that by splitting up the lots in the neighborhood, the result would be a much less desirable neighborhood. Mr. James explained that the zoning had existed for a reason and identified the location of the MSF Properties parcel on the map.

Cici Charmin stated she lives next to the MSF parcel. She expressed concern with the size of the homes being built in the area, particularly in reference to Normandy Woods. She was unsure whether all of the homes were on one-half acre lots. Her understanding was that the minimum lot size was one-half acre. Commissioner Palmer referred to the color-coded map, which identified lots larger than one-half acre. The blue area identified lots less than one-half acre. Ms. Charmin was not opposed to the division if the applicant and his father were the ones who planned to live there. She didn't want to see another huge home built that doesn't fit in with the neighborhood. She expressed concern with rezoning and making lots different sizes to fit the desires of different builders.

April Hasna expressed opposition to the rezone and felt that the area should include one-half acre lots. She thought it was important to have consistency in the area.

Commissioner Palmer commented that in looking at the surrounding area on the map, many are less than one-half acre. The applicant explained that the rear lot next to Normandy Woods would remain one-half acre in size. The front lot would be .4 acre. He remarked that he did not plan to build an unusually large home.

In response to a question raised, Mr. Meadows stated that they had a home plan in mind but wanted to divide the property and make sure there are no other family financial issues first.

Commissioner Diederich asked what assurances the City would have to prevent the home from being built and then resold. Mr. Meadows responded that the City already has controls in place and that he would be required to go through the subdivision process. He commented that in the area, conforming lots seem to be a minority in the R-1-21 Zone with non-conforming lots making up the bulk. He did not feel that changing the zone would change the area. He remarked that he had spoken with several of his neighbors who had no concerns with what was being proposed.

Commissioner Scott asked Mr. Meadows why he felt the rezone should be granted. He thought doing so would open up the issue to other applicants. He asked why the Commission should go against its ordinances to grant the request. Mr. Meadows responded that he had spoken with a neighbor about possibly acquiring .10 acre. The cost would be very expensive and create a strange-looking lot.

Commissioner Palmer closed the public hearing.

Community Development Director, Paul Allred, saw nothing that would prohibit the Commission from moving forward.

Commissioner Palmer suggested conducting the remaining public hearings prior to making any decisions.

1.2 Public Hearing – Rezone – 06 04-02 – Highland Estates Rezone – 5310 S. Highland Dr

Mr. Allred presented the staff report and stated that the rezone petition was to rezone property from R-1-21 to R-2-10, which would allow up to 8 units per acre. When the City Council considered the zoning for the new portion of Holladay, they looked at land use patterns and conducted several public hearings on the matter. Ultimately, the Council decided to take the area and rather than change the zoning now for the entire area, look at the concept of leaving the zoning alone and consider zone changes on a case-by-case basis upon submittal of a development plan for any parcel in question. He remarked that the applicants had met with staff on several occasions and presented proposals and development pattern layouts. A twin home project was proposed on the 1.5 acres. Staff’s understanding was that they had also purchased a single family home immediately abutting the property to the southwest. He clarified that the property in question was the rectangular parcel that goes back from Highland Drive to the west. In accordance with the Council’s wishes, the applicants laid out a development pattern they thought was appropriate on the site. The proposal was to change the zoning to allow the applicants to request a conditional use permit to build five twin homes. He suggested that the consideration be focused more on the zoning rather than the end use.

Mr. Allred thought the real question on the rezone proposal was determining the proper land use for the site. Staff’s opinion was that the rezone does not go contrary to the General Plan. In discussions with the Council, it was clear that not everyone was comfortable with only single-family on Highland Drive. It seemed to staff that this was a parcel that at least a majority of could be considered for slightly higher density because of its proximity and access to Highland Drive. He believed that a majority of the zoning along Highland Drive includes transitional residential which allows for higher densities. He thought the project would fit that development pattern if the zoning were changed. If the Commission was inclined to support the petition, staff included findings in the staff report for their consideration. Staff counseled the Commission to be very specific in their findings for or against. Staff recommended approval based on their review of the issue.

The applicant, Gary Purk, introduced himself as the owner of GMP Development. Their intent was to live next to the property being developed. What was being proposed was lower density than what the Planning Commission proposed to the City Council. Ten town homes were proposed instead of the maximum of 12 that would be allowed in the R-2-10 zone. He remarked that the requested zoning was consistent with how lots are zoned along Highland Drive. Mr. Purk explained that for decades there had been no improvements made to the subject property. Their intent was to improve the property by providing high-demand homes. They had spoken with several neighbors regarding the development and made a good faith effort to take their concerns into account. The neighbors bordering the property to the north and south had been very amicable to the suggested changes and did not oppose the development. In response to a question raised, Mr. Purk stated that the property comprises 1.53 acres.

Commissioner McKell asked about the access to the project. Mr. Purk responded that their intent was to make the property a safe place to enter and exit.

Commissioner Palmer opened the meeting to public comment.

Hugh Brown gave his address as 1638 Lakewood Drive. He thought the development would bring quality housing to the area. He had been concerned over the past few years with the declining tax base in the City. He thought the development would help increase it.

Larry Hinkles gave his address as 1781 East Lakewood Drive. He remarked that there were a lot of vacant lots, which equate to loss of tax revenue. He thought the development would fill a void in the area and increase the tax base.

Gene Carr reminded those present that the hearing was on the zone change only and not a specific development concept. Commissioner Palmer stated that the hearing was on the zone change, however, when the area was annexed into the City, the City Council expressed a desire to not rezone in general areas, but instead look at the specifics of each application and know what was going to occur as a result of the rezone.

Yvonne Hasna gave her address as 1890 East Lakewood Drive. She was opposed to the rezoning because she did not want to create a “slippery slope” for every property that comes up for sale. She did not want multi-family homes in the area. She liked the area because of the lots and wanted to maintain that uniqueness. If the area were rezoned, she saw no reason not to rezone the rest of Highland Drive exactly the same way. She did not like the idea of such high density and suggested the property owners instead build homes similar to the ones that already exist in the neighborhood.

April Hasna stated that they recently purchased a home at 5343 Baywood Circle. She agreed with Ms. Hasna’s comments and recommended consistency be maintained.

Brad Hasna stated that he and his wife looked for property in the area for 1 ½ to 2 years. They looked specifically for a half-acre lot. The problem they found was that every time one came up, it would sell very fast. He suspected that if the property in question were to be developed as single family lots and were sold individually, they would go very quickly. He was concerned about devaluing the area by building multi-family homes. He saw no reason to develop multi-family in the area.

Annalee Quist gave her address as 5340 Highland Drive and acknowledged that she would be surrounded by the Purk’s property. She worried about competition coming on and off Highland Drive. She looked forward to the Purks developing the property although her preference would be to have three nice homes rather than multi-family. Consistency issues were discussed. She wanted the applicants to be able to accomplish their goal but questioned whether now was the time to develop 10 homes on the property.

Heidi Harris gave her address as 5307 Baywood Circle and stated that the development would directly affect her home. She thought no one could disagree that the property needs to be developed because it has fallen into disrepair but thought it should be developed responsibly under current zoning. She thought 10 homes was too many and expressed concern about the safety of pedestrians along Highland Drive. She was not in favor of the idea of opening up a pedestrian pathway onto the private lane. She wanted to keep residents of the development from walking across her property and acknowledged that access is difficult onto Highland Drive currently. Access issues were discussed. Ms. Harris suggested that the existing trees be preserved.

(19:07:08) Commissioner Diederich moved to suspend the agenda to allow additional individuals to speak and then proceed with the hearing. Commissioner Palmer seconded the motion. The vote was unanimous in favor of the motion.

Dwight Ricks gave his address as 5390 Baywood Circle. He welcomed development but thought the proposed density was too high. He was not opposed to the twin homes concept but thought more restraint was needed with regard to density. He was concerned that the proposed density was too high for the area and more responsible development would involve fewer units. He was nervous about the potential of the property being accessed off of Baywood Circle.

Sonny Tangero stated that he had been involved with the property over the past four years and presented a background. He felt the cost of land was prohibitive as well as the traffic count. He acknowledged that along Highland Drive there are a lot of vacant lots and homes in various states of disrepair that are rentals. He suggested the City look toward the future rather than the past and consider how to improve the area rather than maintain it as it is.

Commissioner Palmer closed the public hearing.

Mr. Purk stated that it was their intent to comply with City setbacks. He remarked that while 10 dwelling units were proposed, there would be only five building structures. Height concerns had also been taken into consideration. He estimated that the value of the units would be \$450,000 and attract good demographics to the neighborhood. He did not think the half-acre lots would be valuable with access off of Highland Drive. It was determined that the property was more suited for high-density. His experience was that half-acre lots were not selling as quickly as earlier stated.

In response to a question raised, Mr. Purk stated that they closed on the property December 20, 2005, and the annexation took place July 1, 2005. Lynda Shields asked if the neighbors would reconsider three lots accessed through the private drive. Mr. Purk explained that he purchased property on a circle and the intent was to have a home on the end because he has four small children. They bought their home with the knowledge that it was a half-acre on a circle. His preference was to have three half-acre lots accessed off of Highland Drive if the property were to be developed only as single family homes. Other access options were discussed.

Gene Carr asked if the applicant would consider three homes. Commissioner Palmer asked if single-family homes would be considered at a higher density. Mr. Purk responded that their preference was to have the property zoned R-2-10. He articulated the differences between R-1-10 and R-2-10. He thought variety was important and was the reason they preferred R-2-10.

Paul Shupe asked if there was any room for compromise with regard to the number of structures. Mr. Purk responded that R-2-10 was the only appropriate zoning for the project. Mr. Purk wanted to understand the objection to 10 homes versus 8.

Commissioner Palmer was concerned that existing cottonwood trees to the north could affect the deceleration lane. Mr. Purk was unsure how they would be dealt with but wanted to ensure that the access is safe. Another alternative was to locate the entrance and exit on the south side, which would allow a deceleration lane on property that the applicant could control.

Commissioner Shupe asked if a pedestrian access from the project onto Baywood Circle would be prohibited. Mr. Purk responded that there would be no vehicular access through Baywood Circle from the project. He encouraged walkability to the extent possible.

Gene Carr thought the Commission was in an awkward situation and that more time may be needed to look at other zoning options. Mr. Purk stated that they had been very patient and have spoken with neighbors and given them the opportunity to look at the proposed development. He encouraged the Commission to make as expeditious of a decision as possible. He thought five structures was a good middle ground. He did not feel that the development would compromise the area in any way. Commissioner Palmer asked what justified the requested zone change beyond pure economics. Mr. Purk stated that it was consistent with surrounding zoning and the manner in which the land is presently used. He remarked that similar projects are in demand and the development would add a nice dimension to the City.

Commissioner Palmer asked if something similar could be done with single-family homes. Mr. Purk asked how many would be allowed. Commissioner Palmer thought the number would be five or six in the R-2-10 Zone. Height issues were discussed. Mr. Purk believed that single-family dwellings would be allowed to be 35-feet high and built out to the maximum. Economic issues were discussed. He thought the project would offer an affordability aspect to people who want to live in Holladay. Commissioner Palmer thought the types of homes being proposed were in more demand than single-family homes being built nearby. He made reference to the Commission statement read at the beginning of the meeting and stated that the City Council would be the body that would focus on tax base issues.

Commissioner Diederich stated that the Commission was in a difficult situation and suggested they look at the entire area. Commissioner Palmer reminded those present that the Commission is a recommending body and that only the City Council has the authority to change the zoning ordinance.

Mr. Purk asked if providing concept approval contingent on the rezoning would tie them into the desired use of the land. Commissioner Palmer responded that that was not the issue and that the Commission normally takes things in sequence. In subsequent phases they would look at various uses. Regardless of the zoning that is applied, he suspected that a PUD would be likely. A PUD would provide more flexibility. Procedural issues were discussed.

Mr. Allred stated that the City would have more control over the project if it were developed as a PUD. It would also provide more flexibility in terms of building height and building location.

Commissioner Palmer remarked that a PUD could be developed in the R-1-21 Zone, however, it would be limited to three single-family dwelling units. He explained that going from R-1-21 half-acre zoning to R-2-10 duplex zoning involved various ranges in between. He stated that the other zones could be examined with a PUD format and alternatives considered. The City could consider other zones and then either deny, amend, continue or approve the matter. He suggested that the alternatives be considered to determine whether the density proposed would be acceptable. He thought all agreed that the three single-family units under the current zoning wasn't viable fronting onto Highland Drive.

Commissioner Diederich stated that when the annexation took place in the area, there were numerous neighbors who wanted to be part of Holladay but keep the density where it is. He asked that the Commission consider those comments. He suggested they do something that allows a PUD concept without approving the zoning as proposed. Commissioner Palmer stated that the problem was that before considering the project they need to first establish the zone. The Council, however, had asked that they consider what the proposed development looks like before establishing the zone.

The four-structure (8 unit) concept made more sense to Commissioner Diederich. He realized that design was needed on the ingress and egress off of Highland Drive. Commissioner Palmer explained that the recommendation going forward could be tied to a density level specifying R-2-10 with a PUD and a specified height. Commissioner Palmer suggested the Commission continue the matter and look at the various zones available and the underlying densities. There seemed to be a general consensus in the neighborhood that the property should be developed.

(19:51:33) Commissioner Diederich moved to table the decision on Highland Estates pending a review of the different zoning options available to back up the R-2-10 zoning proposed and discuss with staff various alternatives and ways to work with the applicant to provide a PUD that makes sense for the area. Commissioner McKell seconded the motion. Vote on motion: Paul Shupe-Aye, Gene Carr-Aye, Cyrus McKell-Aye, Brad Scott-Aye, Lynda Shields-Aye, Howard Diederich-Aye, Jim Palmer-Aye. The motion passed.

Mr. Purk asked that the Commission highlight the rational lines of argument that would suggest that they were not comfortable approving R-2-10. Doing so would help him understand the process. Commissioner Palmer responded that the Commission needed more time to think about it. The matter was expected to be put back on the agenda for the next meeting.

1.3 Public Hearing – Plat Amendment – 03-01-09-01 – Le Jardin Du Boulevard – 2865 Le Jardin Place.

Pat Hanson presented the staff report and stated that the applicant was making a minor adjustment to a recorded plat to change the buildable area from the original recording to reflect new geologic information and shift the building area slightly to the east. It was suggested that the geologic information be verified the City geologist.

The applicant, Jim Owen, remarked that they were trying to rotate the buildable area slightly from the original plat so that the front of the property would face north to the center of the cul-de-sac as opposed to facing into the side of the home on Lot 1. It was noted that the area falls in a special studies area. Several excavations were done to determine false setback lines. A house on the site had previously been removed. After reexamining the area, the geologist's first estimate of how he thought the setback area should run was corrected to reflect a more appropriate topography of how the land is broken down. The name of the property was originally Pinecreek Place but had since been changed. They had maintained the integrity of the side and rear property setbacks. Mr. Owen personally visited with the adjoining neighbors and submitted a letter acknowledging their understanding of the proposal and agreement that it would not cause any problems.

Mr. Owen stated that the division took place in 2004. Not having the plat adjusted at that time was an oversight on his part. He stated that a professional geologist would inspect the basement

excavation on Lot 2. Commissioner McKell asked about the stability history of the slope. Mr. Owen responded that the plan was to create berming against the hillside. He would take dirt from the excavation and berm the hill to add additional support. He remarked that the prior year had been extremely wet and he did not notice any movement or instability of the back hillside. Commissioner McKell suggested that large rocks be included in the berming so that the topsoil does nothing but create an internal reservoir for water.

Commissioner Palmer reminded the Commissioners that the City geologist had not reviewed the project and any motion to approve should include that as a contingent item.

Commissioner Palmer opened the public hearing.

Ayis Wdjuioner a Heather Circle resident, asked about the discovery of a fault on a nearby property. Commissioner Palmer responded that earthquake maps are available online on the County's website. It was a general fault area with each lot surveyed specifically by a geologist or technical engineer who would dig trenches to determine the location of the actual fault.

(20:07:32) Commissioner Diederich moved to approve the adjustment as recommended by staff provided that it is certified by a City geologist's report and that the applicant take into consideration some of the suggestions made with regard to erosion of the soil and appropriate landscaping. Commissioner McKell seconded the motion. Vote on motion: Paul Shupe-Aye, Gene Carr-Aye, Cyrus McKell-Aye, Brad Scott-Aye, Lynda Shields-Aye, Howard Diederich-Aye, Jim Palmer-Aye. The motion passed.

The Commission returned to the discussion of item 1.1

1.1 Public Hearing – Rezone – 06-04-01 – Meadows Rezone – 5241 S. Highland Drive.

Commissioner Palmer thought the decision had been a difficult one. He recognized that County zoning tended to approve flag lots and questionable subdivision of lots. The subdivision in question was within 10% of being able to subdivide without coming before the Commission. In looking at the surrounding areas, many had already been overly subdivided into parcels of less than 15,000 square feet. It was noted that the property was surrounded on two sides by existing half-acre development.

Commissioner Diederich asked what assurances could be provided that the structures would be similar to what was described? Mr. Meadows was unsure how to give the Commissioners assurance other than indicate that it complies with the zoning. He explained that he was looking to go from an R-1-21 to an R-1-15, which was slightly lower than the existing zoning. The development would match the existing development to the north. It was slightly different than property to the south and east. He was concerned that the Commission helps entertain various options for developers but not private property owners. According to the R-1 zoning, a half-acre lot would be maintained in the back. He was confused as to why something that fits the area and would maintain all restrictions was an issue. Commissioner Palmer referred to the Commission statement presented at the beginning of the meeting. He explained that the Planning Commission doesn't initiate applications. Mr. Meadows initiated an application to move from R-1-21 to R-1-15. The other applicant referred to was moving from R-1-21 to R-2-10, which is merely a proposal. The Commission's job was then to work with it. He thought Mr. Meadows had made a good case, however, there were arguments on both sides. Commissioner Palmer

clarified that whenever there is a single lot rezone, a precedent is created. Mr. Meadows explained that his proposal with the zone change would provide higher density up front but still maintain one-half acre against Normandy Woods in the back.

(20:18:10) Commissioner Scott moved to deny item 1.1 to subdivide two buildable lots based on it being .9 acre. Because of the ordinances in Holladay, one-half acre lots are required. Commissioner Diederich seconded the motion.

Commissioner Diederich moved to amend the motion to recommend that the Council look at the area along Highland Drive from the Cottonwood Mall to Prophet Elias for appropriate zoning and zone the whole area appropriately so that the Commission can then look at each individual proposal that comes forward based on the design and what is being built versus the actual zone itself. Commissioner Scott accepted the amendment.

Vote on motion and amendment: Paul Shupe-Nay, Gene Carr-Nay, Cyrus McKell-Aye, Brad Scott-Aye, Lynda Shields-Aye, Howard Diederich-Aye, Jim Palmer-Aye. The motion passed.

Commissioner Shields was in favor of the amendment and thought that the applicant’s request was reasonable under the circumstances. She thought it should be looked at with an eye toward making it work since the property is located in a transition zone.

Commissioner Palmer voted in favor of the motion reluctantly. He thought the City ought to plan for both sides of Highland Drive. He was reluctant to zone lot by lot and thought a more coordinated plan was needed.

Commissioner Shields was excused from the remainder of the meeting. Alternate Commission Member, Richard Kimball, was asked to participate in her place.

Regular Items

1.4 Preliminary Plat – 06-01-02 – 27th East Estates – 4483 S. 2700 E.

Ms Hanson presented the staff report and stated that the applicant was requesting approval for a three-lot subdivision. It was determined that the proposed lots would meet the required lot area and lot width for the R-1-8 Zone. There were two existing homes on the property and one vacant lot. The matter was before the Commission since approximately two years earlier the property owners created the three lots and recorded them with the County without going through the subdivision process. There had been a slight change to the circulation plan in the area. Originally, the County had planned for 2700 East to be a through street. It ended up, however, becoming a dead end. The City’s traffic engineer reviewed the plan and recommended that the width of the street and the traffic count do not require a 66-foot right-of-way. Subsequent information was received that the street had already been dedicated for a 33-foot half width. The applicant agreed to maintain the dedication and allow the extra three-feet to be in the park strip. There was concern as to the location of the traffic signal on the corner, which was reviewed along with the existing improvements. It was felt that the radius of the turn could work in relation to the location of the existing traffic signal. The lots would stay as they were recorded previously, however, the improvements would move out to narrow the street.

The applicant, Lane Fishburn, gave his address as 799 West Mill Shadow Drive in Kaysville. He clarified that they were not the owners that incorrectly recorded the property as a subdivision. In

speaking with Ms. Hanson they discovered it was not correctly processed. He noted that he acquired the property approximately three months ago. The request was for preliminary plat approval of a three-lot subdivision. Staff recommended approval with three conditions contained in the staff report.

Ms. Hanson reviewed front setback issues. She thought it was important for the homeowners to understand that there was extra room in the front; however, it was actually part of the right-of-way. Front setbacks would be clearly determined on the plat. Mr. Allred respectfully disagreed.

Commissioner Palmer opened the public hearing.

Gray Larson stated that he lives adjacent to Lot 3. His understanding was that the parcel was not large enough to accommodate three lots. Commissioner Palmer explained that the property was zoned R-1-8, which allows 8,000 square-foot lots. The property comprised .704 acres. The request was for a subdivision plat under the existing zoning.

Commissioner Palmer closed the public hearing.

(20:33:45) *Commissioner McKell moved to approve the request for a three-lot subdivision subject to the following conditions:*

- 1. The frontage property line shall reflect a right-of-way width of 66-feet with off-site improvements installed on a 30-foot half width.*
- 2. Street trees are required to be planted in the plant strip, the species, number and spacing to be approved by the Community Development Director.*
- 3. Front setback lines for proposed structures must be shown on the plat and be measured from the property line.*

Commissioner Carr seconded the motion. Vote on motion: Paul Shupe-Aye, Gene Carr-Aye, Cyrus McKell-Aye, Brad Scott-Aye, Richard Kimball-Aye, Howard Diederich-Aye, Jim Palmer-Aye. The motion passed.

1.5 Conditional Use – 06-02-02 – Stegner Place – 4468 S. 2300 E.

Ms. Hanson presented the staff report and stated that the applicant was requesting approval for a five-unit residential development. The property was zoned R-2-10 with two homes existing on the property. The project was designed with a duplex and a triplex and laid out to front onto 2300 East with access from 2300 East and 4500 South. The structures would be two-stories with an approximate overall height of 30-feet. Setbacks would also be met. The property was greatly impacted by a future proposal to widen 4500 South to 106-feet. As properties had developed along 4500 South, they were required to be setback 50-feet from the existing curb and gutter. The dedication has not been asked for; however, the setbacks were based upon a potential dedication. The plan for the widening of 4500 South was long-term. Ms. Hanson explained that recently the Wasatch Front Regional Council had begun to reevaluate traffic patterns in the area and there was no guarantee that 4500 South would ever be widened. The widening would be extremely expensive and was further down on their list of priorities.

Ms. Hanson recognized that the required setback was very large. The applicants had enough land for the requested number of units if the dedicated area was included in the calculation. Even after taking away the dedicated area, they were very close to the density. Staff felt they

were in significant compliance with the density calculation for the requested number of units. Staff thought that given the short distance of the property from the Holladay Village Center, it was a good plan and higher density would help support the village center. Staff also felt the project would be an asset to the corner, which had been blighted for many years.

The applicant, Chad Palmory, recognized the importance of the corner and felt they could significantly improve on what is currently there. Rooflines were proposed at 30 feet. Height issues were discussed.

In response to a question raised by Commissioner McKell, Mr. Palmory indicated that the existing homes on the property would be torn down. They planned to save as many trees as possible and supplement with additional trees and landscaping. Fencing issues were discussed. Mr. Palmory reported that on the north and west sides, they would install vinyl privacy fencing. On the south and east sides they planned to construct an open type fence consisting of masonry columns with wrought iron in between .

Traffic, access, and parking issues were discussed. Gene Carr stated that the definition of a dwelling groups was not as clear as it could be, but could be interpreted to mean that what governs is density and not the number of units per structure. Commissioner Palmer responded that there are two different definitions for dwelling group. Dwelling groups were considered to be a group of two or more dwellings. He reported that past precedence of the Planning Commission had been to approve higher multiples within dwelling groups or PUDs. He thought the important thing was the underlying density allowed based on the size of the lot.

Commissioner Palmer opened the public hearing.

Joe McGovern gave his address as 2275 East 4500 South. He thought the proposed use was better than a commercial use.

Kathy Reed gave her address as 2240 East Laurie Kay Drive and stated that from her home she would be looking at the west side of the development. She was opposed to it and thought the density was too high. The surrounding area consisted of single-family homes with the exception of a duplex to the north of the development. When they purchased their home, they were looking for a neighborhood with integrity and families wanting to protect their property. She also thought the development did not include enough green space in keeping with other homes in the area. She thought the resulting traffic problem could be dramatic. She did not see how any trees could be planted there since the green space was a problem. If the Commission was interested in having people walk to the village center, she assumed that her entire neighborhood would be paved over with three and four-story apartment buildings.

Alena McSweeney gave her address as 4440 South 2300 East. She and her parents reside next door to the proposed development and were concerned about noise. She asked whether privacy fencing would be installed between the development and her parents' home. She also asked if the units would be owned or rented. Green space was of concern.

Commissioner Palmer explained that the existing zoning for the parcel was R-2-10, which allows duplex zoning. A duplex would be a permitted use and dwelling units would be a conditional use. His understanding was that two duplexes would be allowed as a permitted use.

Mr. Palmory stated that the units would not be rentals but instead nice units for sale. With regard to green space, he explained that they meet the zoning requirements. He responded that 6-foot privacy fencing would be installed between the structures and Ms. McSweeney's property.

Commissioner Carr expected that because of the lack of yard space, the units would not appeal to young families. The staff analysis showed 42% landscaping. Garbage areas would be enclosed. Rental issues were discussed. It was clarified that although the units would be for sale, owners would not be precluded from renting them out. Commissioner Palmer recognized that, but given the price, did not think it would be profitable to rent the units out.

Slope issues along the west side of the property were discussed. Commissioner Palmer clarified that tonight the Commission was not approving anything other than a conditional use to create a dwelling group. The next phase would be the design phase where actual plans would be presented.

Height issues and potential conditions were discussed.

(21:05:24) Commissioner Diederich moved to approve Stegner Place with the following findings:

- 1. The proposed use at this location is for residential units. This is not a change from the existing uses in the vicinity.*
- 2. Additional density will not be detrimental to the properties in the neighborhood. These additional dwelling units will be an asset to the neighborhood.*
- 3. The project meets the requirements of the current zoning and is in keeping with the long-range goals for the area.*

The approval is subject to the following conditions

- 1. The additional traffic generated by the development will easily be handled on the collector streets adjacent to the property and the ingress and egress shall be approved by Tosh Kano who should look at making an ingress/egress from 2300 East as far as north as possible. The ingress/egress from 4500 South should be as far west as possible.*
- 2. Fencing in front of the project shall be at least 6 feet high on the north and west sides. The south and east sides shall be wrought iron/column fencing that that allows for visibility particularly at the corner of 2300 East and 4500 South.*
- 3. Try to keep the existing trees in place to provide a buffer between the neighbors to the north.*
- 4. Roof height should be no higher than 30 feet from existing natural grade on the 2300 East side of the project.*
- 5. Density shall be limited to five dwelling units for the entire project.*
- 6. The dumpster shall be enclosed with an opaque gate and compatible materials to the buildings.*

Commissioner McKell seconded the motion.

In response to concern raised by Commissioner Carr, Commissioner Palmer explained that the proposal was for approval of a conditional use for a dwelling group. Within the dwelling group are five units. Specific conditions were imposed in response to concerns.

Mr. Allred clarified that conditional uses are allowed with conditions. He interpreted that as meaning that there was a specific reason why it was a conditional use. Whereas the proposed location involves an important intersection and nearby neighbors who are in lower density single-family areas, he questioned whether architectural issues had been considered as part of the permit. Commissioner Palmer responded that in the past the Commission had specified various standards. Mr. Allred recommended that in the future the Commission expand the level of detail involved in PUDs even if they are on small parcels. He believed that aesthetics were central to the concept of why it is conditional. Staff had been in favor of the proposed project as an improvement over what is there, however, whatever goes on the intersection would be critical to the look and feel of the entire Holladay community. He strongly recommended that the building renderings and fencing elevations be included as exhibits for this project.

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

1.6 Lot Line Adjustment – 06-01-03 – Boulevard Estates – 4245 S. Holladay Blvd.

Ms. Hanson presented the staff report and stated that the applicant was requesting a lot line adjustment. She explained that the applicant owns two lots and agreed to make changes to the plat. Staff wanted verification of the two lots and that the access will work.

The applicant, Rob Neilson, gave his address as 2275 East Lincoln Lane. With recent zone changes, several different options were discussed. Their preference was to realign the boundaries and make the lots more workable and more marketable. Driveway access issues were discussed. It was mentioned that the significant pine trees would remain. The grade of the road would be 10%. Access issues were discussed. Mr. Neilson remarked that he approached the adjoining property owner, who would not grant access through his property. Fire and emergency access issues were discussed.

Commissioner Palmer opened the meeting to public comment. There were no comments.

(21:29:22) Commissioner Carr moved to approve the preliminary plat involving a lot line adjustment contingent upon it meeting fire access and the preservation of significant trees. Paul Shupe seconded the motion. Vote on motion: Paul Shupe-Aye, Gene Carr-Aye, Cyrus McKell-Aye, Brad Scott-Aye, Richard Kimball-Aye, Howard Diederich-Aye, Jim Palmer-Aye. The motion passed.

2. Consent Items.

2.1 Approval of Minutes– March 21 & April 4, 2006

(21:34:18) Commissioner McKell moved to approve the minutes of Tuesday, April 4th and March 21. The motion was passed by unanimous consent of the Commission.

3. Staff Reports.

Commissioner Palmer asked what progress had been made on the monster home and substandard lot ordinances. Mr. Allred stated that progress was very slow. Commissioner Palmer suggested the possibility of engaging an external consultant. Mr. Allred stated that he sent e-mail to the City Manager and had a discussion with the City Attorney about it. He wanted to proceed and

hire an outside consultant to rework some of the zoning ordinances and expedite the process. Doing so would respect the work done by staff in the past and expedite the process.

Mr. Allred reported that Cowboy Partners was working on a draft development agreement that the Planning Commission would be reviewing in the next 60 to 90 days. Because there was a moratorium on new applications, there was nothing for the Design Review Board to review. It was noted that a traffic study was underway. Mr. Allred remarked that the environmental assessment was time consuming. He expected the ETA to take 12 to 15 months to complete their assessment. He explained that prior to federal funds being released, the City would be required to go through the environmental assessment process.

Mr. Allred reported that a joint meeting was scheduled for April 27th with the City Council at 5:00 p.m. The meeting was expected to focus on Knudsen Park and Holladay Village Center issues.

There was no update with regard to the Walgreens proposal.

The meeting adjourned at 9:41 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 18, 2006.



Teri Forbes
Minutes Secretary

Minutes approved 5-16-06
Minutes were amended on 7-18-06