

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

Tuesday, August 1, 2006

5:00 p.m.

Council Chambers

4707 S. Holladay Blvd.

ATTENDANCE

Planning Commission Members:

Cyrus McKell, Vice Chair
Gene Carr
Richard Kimball, Alternate
Howard Diederich (arrived at 7:36 p.m.)
Brad Scott
Lynda Shields
Paul Shupe

City Staff:

Paul Allred, Community Development Director
Alma Haskell, City Planner

Field Trip and Discussion Items.

The Commissioners visited the Jordan Valley well site on 45th and 11th to listen to the pump and see the interior of a typical well house. They were favorably impressed with the soundproofing that is built into the well house. They also visited the dental office site, the PUD and went out to see the street vacation in Canyon Cove. The commission visited the site and Paul explained the situation. They will hold a hearing with the neighborhood on the 15 and send their recommendation on the Council where a public hearing will be held. The Commission visited the proposed dental office at 2020 E 3900 S. This project was originally approved in 2004 but the dentist did not complete the project. In the interim, the zoning regulations have changed on this property and the dentist's architect would like to redesign the building. The Commission asked staff to make certain the building design is complete and submitted for their review before it is placed on the agenda. They also visited the proposed project at 2350 E 3900 S- This is a request for a PUD that made it under the wire before the new regulations were adopted by the Council. They have about an acre of land and would like to build 5 single-family houses. The Commission visited the site and noted the large number of significant trees on the property. They would like to see as many of the trees preserved as possible and intend to ask the applicant for a detailed inventory of the vegetation and a definite plan for the trees. Staff noted that the property still goes to the center of 39th and without a survey; there is no way to tell if they have the required acreage for all the houses. In the RM zone, they will need 8,000 SF for each house. Staff will not schedule this on the PC's agenda until the area is resolved and a tree protection plan is submitted.

The Commissioners returned to City Hall to hear the decision items.

(19:20:20) Vice Chairman Cyrus McKell called the meeting to order at 7:20 p.m. and read

the Commission statement.

Decision Items

5. Preliminary Plat/Conditional Use – 06-2-04 – Cumberland Lane PUD – 4002 S. Cumberland Rd.

(19:23:20) City Planner, Alma Haskell, presented the staff report and stated that the matter was back before the Commission for preliminary plat and conditional use permit approval. The applicant submitted all of the items requested for preliminary plat. All necessary reviews were completed on the application. The City Engineer’s comments had been addressed with the exception of the finalization of the hydrology calculations and the design details for the hydrology. The City Engineer did not feel the items should hold up the preliminary plat and could be worked out as a condition prior to finalization. Availability letters from utilities were submitted for water, sewer, gas, and electrical power and public utility easements would be accepted prior to recordation of the mylar.

Parking and right-of-way issues were discussed. The applicant determined to go to a 27-foot right-of-way that does not meet City standards. Asking each lot owner to provide his or her own visitor parking stall could mitigate the situation. Height would be limited to 28 feet. The applicant would like to build up to the 35-foot maximum for the PUD from natural grade. Staff did not feel the height would adversely affect the area due to the site being lower than most of the surrounding lots. With regard to fencing, the applicant proposed that the existing fencing remain. Staff thought a condition could be set that the height of any future retaining walls and fencing combined not exceed the height of existing fences. A requirement should also be included that the irrigation lateral to the south has clear access for maintenance. The City Engineer thought the property should not be fenced on the north side of the irrigation lateral and preferred it remain unfenced.

Four lots were proposed. Staff suggested that the front and side setbacks be reduced to a minimum so that lots facing onto Cumberland could be closer to the front and further away from the other homes. Staff recommended two separate motions be made; one to approve the preliminary plat as shown and another for the conditional use permit. Staff findings and conditions contained in the staff report were presented.

(19:30:00) The applicant, Frank Ivory, stated that when he applied for the zoning, he was told that as many as six lots could be put on the 2.2 acres. He remarked that all other prospective purchasers of the property agreed to purchase it contingent upon getting six lots. He thought four lots would be adequate. Mr. Ivory originally asked for variations to the setbacks due to the fact that he was going to raise the street. Since that time, he found a willing adjacent property owner who agreed to allow an easement through her property to run a sewer line. As a result, the street would be much lower than originally proposed which would help with building heights. He no longer felt the height maximums needed to be altered and expressed a willingness to comply with the ordinance in place at the time the application was filed which allowed for a graduated height requirement of 35 feet. He was requesting a PUD to preserve at least one large pine tree and a spruce tree. The proposed landscaping plan was presented.

Mr. Haskell remarked that the graduated height requirement should apply to the exterior property lines. The applicant asked that it be waived on the interior lot lines and the setbacks reduced to

what was shown. Mr. Ivory explained that that was one concession he was asking for in exchange for reducing the density to four units.

Mr. Ivory explained that the Lot 4 setback was smaller in front making it further away from Rainbow Point. He believed that the reduced setback would give the potential owner some leniency in design. Parking issues were discussed. Mr. Ivory felt that a 30-foot road in such a small subdivision was overkill. He asked that it be reduced to 27 feet.

(19:41:20) Commissioner McKell opened the meeting to public comment.

Sonja Wallace a Rainbow Point resident, was the property owner that granted the easement for the sewer line. By allowing the easement, her understanding was that the homes would be built lower which would be to her advantage. She had found Mr. Ivory to be easy to work with and open to suggestions. She liked the fact that only four homes would be built on the site. She supported the idea of allowing flexibility with Lot 4 and having it go no more than 30 feet back.

(19:45:20) Kent Wright, a Marwood Circle resident, stated that his home is higher than 35 feet. Three other homes had been built on the circle in the past three years that are also higher. He expressed his support for the proposed height since it would be more contiguous with the surrounding area.

(19:46:45) Tyler Wright reported that he grew up in the area and had seen it change a great deal over the years. He realized that the proposed site is quite a bit lower than Rainbow Point so it made sense to allow the height increase.

(19:47:30) Debbie Stevens reported that she was one of the original owners in Rainbow Point and lives directly west of the site. She felt fortunate that the density was limited to four lots. It seemed that the plan was well thought out and well designed. She was comfortable with the height restrictions.

(19:48:30) Jannie Spader gave her address as 2069 Marwood Drive. She reported that her property backs Lot 1 on the north side. She was happy with the adjustments made by Mr. Ivory to the original application and voiced support for the proposal.

(19:49:15) Hal Hansen gave his address as 2090 Rainbow Point Drive. He acknowledged that the applicant had resolved most of the issues raised previously. He liked the layout as proposed. His only remaining concern was with the rear yard setback. He remarked that with only a 20-foot setback, the homes would be very close to those in Rainbow Point. He was not opposed to the 35-foot height as long as the rear setback is 30 feet from the rear property line on Lot 3.

(19:52:45) Elizabeth Giraud was present on behalf of her mother Helen Eggleston who resides on the corner of Oliver Drive and Cumberland Drive. She thought 35-feet was too high and asked that it be reduced. It would still allow a large house to be built that would be more in character with the Rainbow Point subdivision, the homes along Cumberland Road, and Marwood Drive. She hoped staff's recommendation on the front yard setback on Lot 4 would be considered.

There were no more public comments.

(19:54:20) Commissioner McKell closed the public hearing.

Commissioner Shupe asked what the elevation difference was between the old layout and the new layout. Mr. Ivory responded that they planned to bring in several feet of fill. The difference was 4 to 5 feet. Setback issues were discussed. Commissioner McKell pointed out that setbacks would not necessarily indicate the building footprint.

Commissioner Shields suggested waiving the front setback and allowing the applicant to build closer to the street. She recognized that many wanted the backyards to be larger. It was noted that all were shown with a 20-foot setback. The applicant did not feel that more than 20-feet was necessary. He remarked that the plan was that the rear portions of the homes would be only one level.

(18:01:35) Commissioner Carr asked what the differential was between the proposed and existing homes. Mr. Ivory responded that there was an 8-foot difference at the east end of the lots and less at the west.

PUD issues were discussed. Commissioner Diederich remarked that with a PUD the Commission normally receives building plans prior to imposing conditions. They normally see designs showing how the PUD is better than a traditional subdivision. He questioned whether they should specify lot setbacks and height unless they see a design that makes the plan better. Mr. Ivory responded that his goal was to have a custom home development. He wanted the custom lot buyer to determine the kind of home that will be built. Restrictive covenants were imposed to ensure architectural quality.

Community Development Director, Paul Allred, suggested that a condition be added to the conditional use permit that the installation of park strip and sidewalk be waived because of what surrounds the site. With regard to Lot 4, he suggested the applicant be required to work with the required setback. He expressed concern with the setbacks currently allowed in the R1-15 and R1-21 zones. He suggested they be increased to at least 30 to 40 feet. Efforts made by the applicant were discussed. He recommended the Commission determine the importance of keeping with the development pattern on the public road. His preference was to give more flexibility along the back of the lots than on the front since they front a public road.

(20:15:32) Mr. Allred made suggestions with regard to the findings and conditions. He thought it was up to the Commission to allow the 35 foot height limitation. Commissioner Diederich's understanding was that final approval would be based on the design of the home. Mr. Allred responded that the final plat would only come to the Commission again for the signature of the Chair. With regard to fencing, he thought it would be wise to impose some kind of requirement with regard to uniformity in fencing height and style. He clarified that the irrigation lateral cannot be covered, fenced, or blocked.

Mr. Haskell clarified that the parking requirements were .5 stalls per unit. He remarked that most of the homes would likely have three-car garages. Mr. Allred thought that installing 10% less pavement would contribute to a reduction in urban heating, drainage, maintenance, and cost. Setback issues for Lot 4 were discussed. Mr. Allred explained that 80% of the frontage was on Cumberland. His preference was to provide more flexibility in the back although he recognized that was not something the neighbors would agree with. He believed they were protected by the graduated height requirement. He thought there was ample width on the west property line for a large home.

Mr. Allred did not recommend that the Commission impose architectural elevations on individual homes. He clarified that between the homes the graduated height requirement would not apply. The 40% lot coverage requirement was discussed. Mr. Ivory hoped to maintain as much flexibility as possible.

Because the project was a non-conforming PUD, Commissioner Diederich's understanding was that it would not go through the same phases as laid out previously. It was clarified that the project would have only one phase. He suggested that a stipulation be made with regard to PUDs specific to this type of development with non-identical housing. Mr. Allred suspected that the issue would be studied further during the moratorium period.

Mr. Allred remarked that there had been problems lately with PUDs that have been built higher than what was shown on the plans. He wanted to make sure that there is a vertical control on the individual lots. Mr. Haskell responded that there was a project benchmark at the sewer manhole on Cumberland Road. He explained that the building permit would be looked at against the preliminary plat to determine the lowest point from natural grade on the building footprint based on the contours that are shown. From that, staff could determine what the finished floor elevation would have to be in order to comply. It was clarified that the reference point should be the natural grade inside the development which is lower on each lot.

(20:32:59) Commissioner Scott asked why staff recommended that the road narrow from 30 feet to 27 feet. He expressed concern with constricting the right-of-way with boats, trailers, cars, etc. Mr. Allred responded that the 27-foot width would still allow parking on one side of the road and leave 20 feet. Commissioner Scott thought that realistically there would be cars on both sides of the road leaving 18 feet which could create problems. Mr. Ivory remarked that there would be rolled curb rather than traditional high back curb. As a result, there would be four additional feet that could be parked on. He clarified that a sewer agreement had been recorded.

(20:36:20) Commissioner Diederich moved to approve the preliminary plat as shown with the following findings and conditions:

Findings of Approval:

- 1. The use is low density and the developer is asking for less density than the zone allows.***
- 2. The lot and road layout are generally acceptable.***
- 3. The PUD should have little or no negative impact on surrounding properties. Good solar orientation shall be promoted.***

Conditions of Approval:

1. *The construction drawings be approved and issued by staff prior to recording the final plat and corrections thereto.*
2. *Height of home shall be allowed to go to 35 feet maximum from natural grade for all units with the exception of Lot 4. The height of the new house on lot 4 must be based on the finding that the height is not in conflict with the surrounding properties on Cumberland .*
3. *Perimeter fencing and retaining walls combined be limited in height to existing fencing in each location.*
4. *The irrigation lateral to the south remain open for access and maintenance.*
5. *Each individual lot will provide one visitor parking stall in addition to the two stalls required for each home. Said stall will not be in tandem with the two required stalls. Parking shall be required on one side of the street in order to be in compliance with the fire code.*
6. *The setback from the public road on Lot 4 shall be 20 feet.*
7. *Area and all buildings on each lot shall not cover more than 40% of the lot area including accessory buildings.*
8. *Drawings included in the preliminary plat (3 total, drawing numbers 1, PP1, and L-1) are all part of the conditional use permit and must be complied with as amended.*
9. *Do not waive the graduated height requirement and give staff vertical control specific to the control point being from the natural grade.*
10. *The CC&Rs shall be filed along with the plat.*
11. *Waive the sidewalk and park strip requirement.*
12. *Waive the graduated height requirement as needed.*

Commissioner Carr seconded the motion.

Commissioner Diederich clarified that Lot 4 could not be as tall as the others in the subdivision. His preference was that it be more in contour with the homes on Cumberland. He clarified that the graduated height should not be applied between units.

Mr. Ivory clarified that he was losing two lots worth of density. In exchange, he asked for setback variances that he didn't get. He asked simply that the graduated height requirement apply only to the entire perimeter of the subdivision. He thought this was critical because six homes could be situated in between the gaps. Commissioner Shupe commented that he would be more comfortable if the setbacks were 20 feet on the street and allow the graduated height to be waived on the interior and the exterior kept within the graduated height according to the ordinance. Commissioner Diederich's concern was with pulling the structures within 10 or 15 feet of each other. His intent was that the graduated height requirement apply only to the perimeter. His belief was that in order to create a better development and grant the increased height, there must be a tradeoff. Commissioner Shupe didn't want to see homes built 15 feet from the street and suggested the front be addressed as well.

Mr. Allred explained that pushing the homes forward would not have a negative impact because they don't front on anybody. He remarked that the lots on the west side of the project have a very narrow radius on the cul-de-sac. He could see how the graduated height might be difficult to comply with at that end. He was willing to grant an exception as needed.

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

(20:57:10) Commissioner Carr moved to postpone the public hearing until 9:30 p.m. The motion was seconded by Cyrus McKell.. Vote on motion: Howard Diederich-Aye, Gene Carr-Aye, Brad Scott-Aye, Lynda Shields-Aye, Paul Shupe-Aye, Richard Kimball-Aye, Cyrus McKell-Aye. The motion passed.

6. Conditional Use Amendment – 04-1-11 – Holladay Highlands Lot 5 Amended PUD 5441 S. 2900 E.

(20:57:40) Alma Haskell presented the staff report and explained that it was an issue of building height. Since the public notice was sent out, staff independently reviewed the building height against the contours shown on the USGS survey. They found that the applicant was in conformance with the building height requirement. As a result, it was felt that the application would be withdrawn. If not withdrawn, it still would not be ready for a decision now. He remarked that members of the public may still want to comment on other issues that were not germane to the height change request other than that they raised the foundations and thereby raised the grade around it. He suggested that the Commission take public comment if inclined to do so even though a decision would not be made tonight and the application would most likely be withdrawn.

The applicant, Jeremy Whitehouse, gave his address as 2099 Country Pine Cove and explained that he was present to discuss the height issue. The canal was addressed as a possible flooding issue. As a result, the contractor decided to raise the foundation up one foot from the original approved height to eliminate the possibility of flooding or loss in the future. That was what first raised the question of a possible breach of the height requirement. They felt a great deal of time had been spent with staff to determine that they were under the height requirement. Additional drainage was also added between the homes.

(21:02:40) Ed McDonald gave his address as 5425 South 2900 East. He expressed concern with the amount of time it had taken for the matter to be brought forward and with water to the project. He remarked that currently there still was no water to the project. His biggest concern was that the applicant had complied with the letter of the law but not the spirit of the law. He explained that the houses are six feet higher than signed off on by the Planning Commission. Road issues were discussed. He thought the bigger issue was that the developer blatantly disregarded the approved set of plans. He stated that the home was actually raised five feet. He expressed concern with the retaining wall on the west side of the property. A grade change was never dealt with that should have been. Currently a 14-foot retaining wall was built on a rock. He reported that it was built without any kind of membrane or compaction and would eventually fall. He viewed the most important issue as the turnaround required on the plan. He suggested that the Commissioners study the plan specific to the location of the turn around. From the road to the garage there was a grade change of 12 feet. He questioned how a turnaround could ever be built in that area. He contended that there were serious safety issues that needed to be addressed as a result, he thought Holladay City would have some exposure on the issue. He recommended the City continue the stop work order recognizing that the applicant

would disregard and continue to work on the project. As a neighbor he would not accept that. He was upset that the approved plans were not adhered to. He asked that the stop work order be kept in place and require the applicant work with the neighbors to ensure the safety of the project. He asked for assurance that the neighbors would have the opportunity to work with the applicant and staff. Mr. Haskell agreed to include the applicant in discussions with the neighbors.

(21:11:12) Mr. Allred remarked that staff visited the site earlier in the day and noticed work was taking place. They were told to stop immediately. He was also concerned about the turnaround area due to the grade difference between the two homes. Mr. Haskell clarified that staff's position was that the majority of the height issue had been resolved. Staff realized the various other issues needed to be resolved and had no intention of lifting the stop work order until they are taken care of. He stated that if the stop work order was not complied with, the compliance officer would be asked to visit the site and take appropriate action.

(21:14:45) Cathy Porter gave her address as 2912 Hillsden Drive. She had noticed that there was no place for emergency vehicles to access the site and turnaround. The applicant promised the neighbors that an adequate turnaround lane would be provided but did not.

(21:15:40) Von Taylor gave his address as 5451 Indian Rock Road and identified himself as the property owner to the west of the retaining wall. A number of months earlier they were approached by the developer who asked if they would be willing to work with him so that he could build the wall. Their concerns started when they saw the wall being built. The lack of engineering created safety concerns in their minds. They contacted the City Engineer who agreed to have the builder's engineer provide a document indicating that the wall was safe. He asked that the City take action with regard to the safety concerns raised.

(21:17:10) Commissioner McKell closed the public hearing and advised staff to work with the neighbors and the developer to make sure the project is done properly.

7. Conditional Use – 02-2-21 – Jordan Valley Water Conservancy Dist. – 2129 E. Murray Holladay Rd.

(21:17:28) Commissioner McKell introduced the item by stating that a report was available and would be presented by the Jordan Valley Water Conservancy District (JVWCD) with regard to the tests conducted on the well along Murray Holladay Blvd.

Mr. Haskell reported that JVWCD applied previously for a conditional use permit which was tabled indefinitely until the test wells were done and the water companies reached an agreement. An agreement was reached and an independent engineer would check the agreements. He reported that the new well would not adversely impact the Holladay Water Company or other residential wells in the area. Plans for the site work were provided to the Commission. Staff felt the plans presented were adequate.

(21:20:17) Alan Packard introduced himself as the Engineering Department Manager for JVWCD. Since the last time they met with the Commission, they met with Holladay Water Company who was concerned with impacts the proposed well may have to them. JVWCD

agreed to proceed in an open manner and drill a test well. The two entities jointly retained an independent hydro geologist to look at the results of the test well and analyze whether it was feasible to develop groundwater at the proposed location without adversely impacting the water company. Mr. Packard thought the primary issue was whether they could construct the production well in a manner that is compatible with surrounding residential uses. He reported that they had had success doing that in the past.

In response to a question raised by Commissioner Diederich, Mr. Packard stated that the change application was approved by the State Engineer in late 2003. The right was originally located at 3500 South 300 East. In 2002, JWCD made application to change the point of diversion to the subject location. Mr. Packard reported that the house had been vacant since they purchased it in 2002. Commissioner Diederich thought it was an eyesore. He asked about the reasoning behind the request for a variance to the noise ordinance. Mr. Packard responded that the City had adopted the Salt Lake Valley Health Department noise regulations, which feature a mechanism for temporary construction work to exceed normal operating noise levels. If all reasonable mitigation is done, those regulations allow an exemption for a temporary period.

(21:25:54) Commissioner Diederich asked if JWCD would be willing to put a new fence along 4500 South. He did not think that condition number 9 dealing with the maintenance of landscaping was being adhered to. Mr. Packard acknowledged that maintenance of the property had not been up to their normal standards. The site plan proposed a new fence along Murray Holladay Road that would be a combination of wrought iron and brick.

Commissioner Diederich asked if a contingency plan was in place should things not work out. Mr. Packard responded that JWCD was committed to abiding by the terms of the conditional use permit. If it turns out that the well is a complete failure, they would rehabilitate the property to some level of operating capacity. If that failed, they would mostly likely abandon the well and sell the property for residential use again.

Commissioner Scott's understanding was that the water was better in the proposed location and would require less treatment. He hoped it would not adversely affect the water system in place.

(21:30:38) Commissioner McKell opened the meeting to public comment.

Marlin Sundberg introduced himself as the Manager of Holladay Water Company. He had worked with JWCD and Bowen Collins and had looked at the study. He remarked that the State Engineer's criteria for adverse effect would be if the proposed pump draws Holladay Water's wells down 12 feet. They asked that the conditional use permit include those criteria. He wanted to know what would be done to mitigate the adverse effect if it occurs.

Commissioner McKell clarified that the City cannot deal with the mitigation of the water aspect since it is a State-issued permit. If problems do occur, the City would raise the issue with the State on behalf of Holladay Water.

Mr. Sundberg stated that there are regulations on where the water can go. He explained that drinkable water is not first pumped from the well. Water discharge issues were discussed. It

was recommended that the discharge water be put into individual containers and disposed of rather than being put into the sanitary sewer system.

Wendy Anderson gave her address as 4743 S. Holly Lane, directly next door to the proposed site. Although the site was characterized as an “eyesore” she remarked that it looks better than it had over the past 20 years since Jordan Valley took over the site. She thought it would be a better addition to the neighborhood than multi-family housing. It was clarified that water could be pumped 24 hours per day for 3 to 4 weeks. Mr. Haskell stated that in order to that certain conditions would need to be met. Ms. Anderson objected to the pumping taking place 24 hours per day.

(21:43:56) Mr. Packard remarked that for a well of this size, it was risky and impractical not to drill 24 hours per day. On other projects they utilized noise walls to protect the neighbors from the sound. They would be 15 to 20 feet high and consist of an insulated blanket or insulating panels. In the past they had been successful in mitigating the noise impacts.

(21:48:30) Commissioner McKell closed the public hearing.

In response to a question raised about setbacks, Mr. Haskell explained that in the R1 zones there was a provision that main buildings, other than residential buildings, have 20-foot side yard setbacks. The Planning Commission could reduce those requirements if there is no impact to the neighborhood. Staff felt that due to the residential character of the building, they had no problem recommending a reduction of the setbacks to what is normally allowed in the zone.

Commissioner Scott thought 24 hour drilling seemed excessive in a neighborhood by a school. Chris Michael of Bowen Collins Engineers stated that wells are close to a \$1 million investment and significant risk is involved in turning the rig off at night. The drilling process was expected to take 3 to 4 days for a 1,011-foot hole for the first pass and another four days for the second pass. The result would be 8 to 10 days where there would be 24 hour a day drilling. The entire well drilling process would take one month. Mr. Michael stated that most neighbors are interested in the well drilling process and are willing to put up with the temporary inconvenience. It was estimated that the connection would serve approximately 1,000 people within the City.

(21:56:25) Commissioner McKell asked about the sound barriers. Mr. Michael stated that they must comply with the Salt Lake County health ordinance as well as JWCD’s own noise requirement. It would require 20-foot high sound curtains that would fully enclose the site at all times. Special mufflers would also be required on some of the drilling equipment and compressors.

(22:01:15) *Commissioner Scott moved to approve item 7, conditional use Jordan Valley Water Conservancy District, in accordance with State requirements with the following conditions:*

- 1. The pump can only be operated at a level that does not adversely impact other wells in the area as monitored by independent engineer retained by JWCD and Holladay Water and no more than a 12-foot draw down according to State regulations.*

2. *Noise from the pump after construction has been completed shall comply and be applicable with the noise ordinance.*
3. *Permits will be obtained from the Salt Lake Valley Health Department for relief from noise ordinances prior to construction activities violating noise ordinance for the three-week period of 24-hour operations. Once the 24-hour operations begin, surrounding neighbors shall be notified.*
4. *Noise ordinances will be observed during all other phases of construction.*
5. *Road cut and lane closure permits will be required prior to any work in the public right of way.*
6. *Dedication of 40-feet from the center line of Murray Holladay Road is required.*
7. *The construction plans for the site which are attached to this permit are a part of the conditional use permit, and must be complied with, including but not limited to landscaping, fencing, paving, building design, and surface drainage.*
8. *The applicant must go forward with permits as required by the various State departments.*
9. *A full building permit that complies with this conditional use permit and attached plans is required for the pump house and site improvements before they are constructed.*
10. *Landscaping will be maintained in good condition by JWCD.*
11. *Construction shall be completed within two years from the approval of this conditional use permit.*
12. *In the event that the well should be abandoned, JWCD will restore the lot to a residential and home ready state within 180 days.*
13. *The electrical line needed to run the pump shall be placed underground.*

Commissioner Shields seconded the motion.

Mr. Allred referred to condition number 12 and questioned whether a bond should be posted. Commissioner Scott wanted to but thought it was impractical. He preferred to have the ability to place a lien or judgment on JWCD if they do not comply. Mr. Allred questioned the amount of leverage the City would have in that regard.

Commissioner Diederich asked if the 24-hour drilling operation should be limited to a three-week period, which was the understanding of staff. Commissioner Diederich asked if the neighbors would be notified when the 24-hour drilling operation is to take place. Commissioner Scott added on to condition number 3 to address those concerns. If more than 3 weeks are needed for the 24-hour operation, he stated that the City would have to be notified as to why.

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

CONTINUED PUBLIC HEARING DISCUSSION AND RECOMMENDATION

Holladay Village – Amending Title 13.04, 13.05, 13.70 and 13.71, Holladay Village Development Standards and Amending the City Zone Map.

(22:14:26) Dan Lofgren acknowledged the presence of Mr. Lindberg who did the drafting on the proposed ordinance. Since the last meeting, there had been a new version of the ordinance circulated. He suggested that the Commission focus on the points outlined in the newest version

and move through the list. Mr. Lofgren commented on language dealing with the creation of a typical street landscape that visually ties the HVC together. He suggested that a specific proposal be hammered out with specifics for that piece.

Uses allowed within the zone were discussed. He asked whether uses had been sufficiently described. He remarked that the City often treats medical office spaces differently because of parking requirements. He suggested that it be dealt with as a different class and included as a use. He thought a dental practice in a second floor office space in the Holladay Village Center was a perfectly appropriate use. The issue would be ensuring adequate parking to accommodate the use. Commissioner Diederich noted that current dental practices were being displaced with the different zones proposed. He thought they should be accommodated back into the development.

Locally owned business issues were discussed. Mr. Lofgren stated that they would filter out the inappropriate franchises. Square footage limits were mentioned. It was felt that if good design guidelines are in place and tenants are willing to meet them, all must be allowed.

(22:27:00) Commissioner Shields questioned whether franchises create the atmosphere they want to achieve. Mr. Lindberg explained that the landlord can discriminate against various types of owners where the government cannot. Commissioner Carr suggested that drive thrus be prohibited.

Mr. Allred acknowledged that the Council and the community had expressed a strong preference for local businesses. On a recent trip, he visited a shopping area in Freeport, Maine, that featured a nice mixture of national chains and local businesses. The ones that stood out the most were the national chains. Commissioner Shields responded that national chains are put on an unequal footing and given more government funding. Mr. Allred was unsure how to limit franchises. Commissioner Diederich did not believe that legally franchises can be restricted. He suggested the Commission recommend to the developer that they give preference to locally-owned businesses. Mr. Allred remarked that the national chains he visited adapted their facades to the area.

(22:31:49) Commissioner Shields questioned the number of people who would make an effort to come to Holladay if the area includes franchises that are everywhere. She was concerned that franchises were taking over and making it difficult for local businesses to survive. She remarked that when she shops she tries to find a unique, historical part of town to patronize.

Mr. Lindberg agreed with Commissioner Diederich and did not think restricting franchises was legally justifiable. He stated that design standards could be set that franchises would have to comply with. If they are willing to meet them, they would have the same entitlement as a locally owned business. Commissioner Diederich thought the design standards would restrict the type of applicant that comes in.

Commissioner Shields remarked that Springdale has a very unique main street that consists almost exclusively of locally-owned businesses. Subway was making efforts to locate there and the City was trying to stop it. They were forming a historic district to restrict franchises from

locating in that particular area. Mr. Lindberg agreed to investigate the matter. How the matter could be addressed through the RDA was discussed. It was believed that the City, as a government entity, has anti-discrimination rules that it must follow.

(22:41:32) Drive thru issues were discussed. Commissioner Carr thought they would present a conflict with the pedestrian scale and flow of the area. Mr. Lindberg thought such a restriction would do a lot to limit the number of franchise tenants. Commissioner Scott suggested allowing a single drive thru for a financial institution.

Commissioner Diederich brought up the issue of parking and explained that in the end the design standards will dictate what can and can't be done. Parking issues were discussed. Shared parking issues were raised. Mr. Lindberg thought the standards could be strengthened. He explained that when shared parking is requested with most ordinances, a study is required as to the actual uses involved and a demonstration as to how it will work. Mr. Allred stated that he did not have a lot of confidence in the existing ordinance and thought that whenever there are multiple uses in a small area there needs to be a lot of cooperation.

Building height and setback issues were discussed.

The Commissioners suggested that clarity be added to the submission process as well as the roles and responsibility of the DRB. Mr. Lofgren encouraged the city to develop the character of the village through architecture, design, streetscapes, and lighting

Adjourn

(23:22:35) Commissioner Shields moved to adjourn. The motion was seconded by Commissioner Shupe. Vote on motion: Howard Diederich-Aye, Gene Carr-Aye, Brad Scott-Aye, Lynda Shields-Aye, Paul Shupe-Aye, Richard Kimball-Aye, Cyrus McKell-Aye. The motion passed.

The Planning Commission Meeting adjourned at 11:22 p.m.

I hereby certify that the foregoing represents a true, accurate and complete record of the Holladay City Planning Commission meeting held Tuesday, August 1, 2006.



Teri Forbes
Minutes Secretary

Minutes approved: 9-19-06