

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

Tuesday, December 4, 2007

5:00 p.m.

**Holladay Municipal Center
4580 South 2300 East**

ATTENDANCE

Planning Commission Members:

Jim Palmer, Chair
Gene Carr
Richard Kimball
Cyrus McKell, Vice Chair

City Staff:

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

1. Field Trip/Discussion.

1.1 All agenda items may be visited, and or discussed.

2. Agenda Items.

Planning Commission Chair, Jim Palmer, called the meeting to order at 6:00 p.m. and read the Commission Statement.

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.

(18:05:54) City Planner, Alma Haskell, presented the staff report and stated that the property was located on Valley View Avenue, a few houses up from Holladay Boulevard. Upon first review of the project with the applicant, staff realized and indicated that the lot area would be close to the 10,000 square foot per lot requirement after the right-of-way is taken out. If the ordinances remained as they were prior to July of last year, the development would have been in compliance. Changes had since been made to the lot area requirements, which made the lots slightly under the 10,000 requirement. At the time, staff recommended the applicant obtain a survey and experiment with various configurations to see how close they could come to the required 10,000 square feet. The advice from the City Attorney, City Council, and Planning Commission was that approvals of projects that are 97% compliant or better could be defended legally. After trying to acquire additional land and experimenting with several different configurations, the applicant settled on the current design proposed.

Staff informed the applicant that they could present the plan to the Planning Commission but they had not yet seen a project requesting substantial compliance on lot area. They could get a subdivision design and apply if they felt it was worth testing the idea at the Planning Commission level. Since the time the application was made, clarification was sought from the City Attorney on issues regarding substantial compliance because of clarifications given to staff by the City Council. The City Attorney's opinion was attached to the staff report, which stated that law does not allow City planning staff to apply the principle of substantial compliance regarding lot size. Because of that, staff did not feel comfortable recommending approval of the substantially compliant subdivision, even though they supported the idea of three lots there. The applicant and staff asked the Planning Commission to consider the substantial compliance issue.

If the Planning Commission did not feel comfortable approving three lots, it was requested that two lots be approved tonight for preliminary plat given the provision that the final plat showing two lots comes back to the Planning Commission for final approval. The request was made since staff knew that two lots would fit on the site. They had no objection to the Commission granting the applicant a vested right so that they could more easily market the property and move forward.

(18:09:18) Staff recommended the Planning Commission choose one of the two recommendations. It was recommended that any motion be based on the findings contained in the staff report.

In looking at City Attorney Craig Hall's memorandum, it indicated that the staff did not have the ability to use substantial compliance regarding lot size. He did not necessarily address whether the Planning Commission had that authority either. Community Development Director, Paul Allred, speculated that Mr. Hall's opinion extended to the City's actions as they were not statutorily in the language. The conversation he had with Mr. Hall focused more on the idea that if the ordinance gives the City a specific ability, there was language within the ordinance allowing substantial compliance to be considered. Because there was no language granting any kind of authority, Mr. Hall believed it would be inappropriate for staff to exercise that kind of jurisdiction. He thought the Commission could extrapolate that that would probably apply to the Planning Commission. He thought the Planning Commission should make the determination.

(18:12:56) Commissioner Carr stated the City Attorney's reference to the Supreme Court's 1999 use of the substantial compliance doctrine in the face of ordinances that are expressly mandatory, was erroneous. It did not specify who was using the authority to determine substantial compliance. In this case, the request was for preliminary plat approval and the Commission was simply giving approval for the applicants to proceed to the next step in the process. Mr. Allred explained that the matter would not come back to the Planning Commission and be approved further at the staff level. Staff would sign off on the final plat. This would be the last public body that would see the plat.

Mr. Allred believed that the end result was that if the Planning Commission were to take an action to approve the preliminary plat and grant a vested right for a subdivision, the likelihood was that it would be challenged based on the idea of substantial compliance. That was an avenue the Planning Commission could choose, however, the City Attorney was being judicious in saying that the City should probably not use the substantial compliance rule because it would most likely be challenged. It was the Commission's discretion to decide what to do with the advice.

The applicant, Billie Poulos, remarked that she previously provided the City with a copy of her remarks. She thanked staff for their efforts. She reported that she and her late husband purchased the property over 30 years earlier. Until his death almost two years ago, they enjoyed the beautiful park-like setting of the property and continuously strived to maintain it in a manner that would beautify the street. Since placing her home up for sale, she had not had an offer for a single family home but had had great interest from developers. She documented at least five potential buyers who expressed interest, but because of the deplorable condition of her neighbors, Ralph and Sherry Love's property, prospective buyers would not consider putting a million-dollar home on the property. Mrs. Poulos was going through a difficult time and appreciated all of her neighbors who signed a petition. She believed, however, that if they had put as much energy into helping the Love's clean up their yard they would not have had to go through the great expense of creating an alternative plan. She believed what was proposed

would only improve the quality of homes on their street. She asked the City to approve the 97% compliance request. She found it interesting that one of the signers of the petition against the subdivision was someone who was now building a home in the area and had tried to come to some decision about purchasing her property if the three-lot subdivision was approved. Mrs. Poulos commented that the two-lot subdivision was not her preference.

Commissioner Palmer asked Mrs. Poulos if she had a two-lot split drawn up. Mrs. Poulos responded that she had not. She and the staff had discussed it and it was considered before they proposed the three-lot subdivision. When the engineer put the three-lot subdivision together she was thrilled with the plan and did not pursue the two lots. Commissioner Palmer stated that the Planning Commission could not approve a two-lot subdivision without seeing a plat. Mr. Haskell responded that that was probably the case, however, in the past the Planning Commission had approved projects and asked that the final plat be brought back for consideration. He knew there was adequate lot area to build two lots. Mr. Haskell felt comfortable asking the Planning Commission to approve a preliminary plat only with the condition that the final plat come back for approval.

(18:21:24) Commissioner McKell asked about the configuration of the hammerhead, which seemed to take up a fair amount of space on the back lot. He asked if it would be possible to reconfigure it to replace the hammerhead with an L-shaped turnaround that would provide more space. Mr. Haskell explained that that would not meet the Fire Department requirements for a turnaround. Both legs were required for a fire access to be viable. Commissioner Palmer explained that the Fire Department requires a certain turning radius. Mr. Haskell explained the difference between the concept and preliminary approvals.

Commissioner Palmer opened the item for public comments.

Written comments were received from Kathryn Carson who was opposed to the subdivision. Her comments were submitted and made part of the record. She thought the character of the neighborhood would be compromised by the proposed subdivision. Mrs. Poulos' property backed a subdivision that was approved by Salt Lake City prior to Holladay's incorporation. Ms. Carson's understanding was that the City incorporated to avoid the type of request proposed. She stressed the importance of rights-of-way being counted.

Written comments were also received from Phillip Boley. His comments were submitted and made part of the record.

(18:24:45) Omar Leeman was present representing a group of concerned citizens. He moved to the area two years prior from Texas after living in various places throughout the country. During their time in the neighborhood, they were thankful to see the wagon wheel house torn down and something respectable put up in its place. He was pleased with what was taking place in the City and wanted other similar kinds of things happen in the neighborhood. Mr. Leeman was very concerned about the congestion on Valley View Avenue. The proposed subdivision would create even more congestion, traffic, no sidewalks, and no underground utilities. He was very concerned about the quality of life. The group was also very concerned about substantial compliance and what that means going forward. Because Mr. Leeman intended to stay in Holladay, he was concerned about what the future will be as the community continues to improve. He stated that he had great neighbors and Mrs. Poulos was clearly one of them. He stressed that their objection had nothing to do with Mrs. Poulos or her family but what they wanted the future of Valley View Avenue to be.

Mr. Leeman also submitted written comments that were submitted and made part of the record.

(18:28:48) There were no further public comments. The public comment period was closed.

Commissioner Palmer did not think substantial compliance pertained to a lot split. Commissioner Carr got the impression from the applicant that her future would not be spoiled completely if two lots were allowed.

Commissioner McKell commented that the Planning Commission had been concerned since Holladay’s incorporation that there were a number of lots that were non-compliant. They had tried to emphasize the importance of staying within the zoning limitations in fairness to others. He was concerned that even substantial compliance did not address itself well to the principle of the idea. He recognized the area was very beautiful with an interesting configuration of lots. He was concerned about what the proposed division would do to set a further precedent.

(18:31:11) With regard to the issue of substantial compliance, Commissioner Kimball’s opinion was that the proposal might be acceptable with the overwhelming support of the neighbors. That was the only situation in which he would consider such an exception. Commissioner Palmer agreed and stated that the City Attorney’s opinion was that substantial compliance would not hold up in court.

(18:32:05) *Commissioner Carr moved to approve the two-lot subdivision contingent upon the following:*

Findings:

- 1. *Lot area and width requirements are met.*
- 2. *Right-of-way width is adequate for required road improvements.*
- 3. *Utility availability has been demonstrated.*

Completions:

- 1. *Curb and gutter shall be installed, and a delay agreement for sidewalk shall be executed. The City Engineer may authorize payment in lieu of curb and gutter installation at his option.*
- 2. *The preliminary plat approval is for two lots only.*
- 3. *The final plat must be approved by the TRC and then by the Planning Commission at a public meeting before it can be recorded.*

Commissioner Kimball seconded the motion. Vote on motion: Cyrus McKell-Aye, Gene Carr-Aye, Richard Kimball-Aye, Jim Palmer-Aye. The motion passed unanimously.

2.2 Dreyfous Farms PUD – 07-1-19 – 5950 South 2300 East – Concept Plan for Five-Lot PUD.

(18:34:15) Commissioner Palmer reported some ex parte communications he had had. He was good friends with the Dreyfous family and had met the previous day with Jim Dreyfous and reviewed his plans and gave him some suggestions. Commissioner Palmer’s intent was to recuse himself from voting on the matter. Unfortunately for the applicant, that meant that there would be only three votes remaining when four were needed. The public hearing would be held tonight, however, final approval would have to take place at a subsequent meeting.

Mr. Haskell presented the staff report and stated that the applicant would like to subdivide one lot from his farm and sell it. The proposed lot had been configured so as to provide enough acreage for the new lot to remain in green belt taxing status, which was desired by the applicant. To comply with taxing provisions of the green belt law, the applicant previously parceled off the main house putting it on a one-half acre lot. At a later time, Mr. Dreyfous created a one-acre lot for his son as an additional parcel. Both splits were done without going through the subdivision process. Because of the past actions, it would be difficult for the applicant to subdivide off the new lot on the north that he wanted to create. Creating a PUD could facilitate the creation of a new lot allowing the remaining property to stay in the open configurations as they currently are.

Mr. Haskell stated that the proposal met the overall density for the zone. With the 15 acres, the applicants could develop seven building areas. As proposed there were five. Their intent was to develop only three or four of them. Lot 5 on Pheasant Way was also owned by the applicants and included in the proposed PUD. The lot would be allowed to have a home on it without any Planning Commission action. It was an allowed use with staff approval. The applicant, however, wished to record an access easement across the lot for the new lot behind it.

The zoning data was reviewed. At least five acres are needed for a PUD. The applicants have 15.63 acres total. The density allowed would be seven dwelling units. Five potential dwelling units are proposed with only three being built currently. The lot width would need to be at least 150 feet but would vary with the plan. Mr. Haskell was unsure of the width of the one-half acre lot but thought it was 134 feet. With the PUD, lot sizes, setbacks and lot widths can be varied. Things that could not be varied were building height, density, and use.

Staff had visited with the property owner on Pheasant Way who requested buffering between their lot and the new private drive. Others had concerns about construction and traffic for future development of the property. Staff asked that the Planning Commission discuss with the applicant the future plans for the guesthouse on Lot 3. Staff wondered if it was legal or possible to have an accessory use on a lot without a primary use. Mr. Haskell explained that Lot 3 encircled Lot 1. Staff suggested there be some discussion in that regard prior to the applicants requesting preliminary plat approval.

Since there were no new homes proposed on the south side of the project, staff suggested the accesses be allowed to stay as they are but that a note be put on the final plat that as any home is torn down and rebuilt or substantially remodeled, they must comply with the fire access requirements. Staff felt that an approval of the concept plan was appropriate. There were items that would have to be ironed out before a preliminary plat or conditional use permit for the PUD could be granted. Staff recommended approval based on the following findings and conditions:

Findings:

1. The project meets the overall requirements for a PUD including minimum acreage and overall density.
2. Recording of the final plat will resolve outstanding legal issues surrounding parcels as now constituted and will provide access to the new lot.

Conditions:

1. The maximum number of dwelling units permitted for the entire property cannot exceed a total of seven dwelling units, proposed or existing including the existing guesthouse.

2. A five-foot landscaped buffer shall be provided along the access easement across the lot on Pheasant Way between the private drive and the property to the east. Such easement shall be at least twenty feet (20') wide.
3. A preliminary plat for the PUD shall be submitted to the Planning Commission for review and approval within one year of this decision or the approval shall expire.

(18:43:45) The applicant, Jim Dreyfous, was present on behalf of his parents. He reported that his grandfather bought the property in 1919 and he was raised there along with his sister. It was his intention to keep the remaining 10 acres in perpetuity. They were selling the 5 acres as well as the lot on Pheasant Way. It was listed now as one unit. It was their hope that the view would be maintained.

In speaking with neighbors who are contiguous to the property, someone suggested a deed restriction. Mr. Dreyfous discussed with Commissioner Palmer how to implement that. It would be their desire and wish to have a permanent deed restriction limiting development to one house on Lot 4, which was 5 acres in size. Mr. Dreyfous clarified that the line shown on the map was an existing sewer line that was put in 30 years earlier. There were rumors that a road was planned to 2300 East. He clarified that it was not a road and there was no intention to put a road in. Mr. Dreyfous stated that they had no intent to develop anything more than the sale of the pasture.

(18:45:41) With regard to the guesthouse, Mr. Dreyfous clarified that it was a caretaker's house. It is currently occupied by a full-time resident whose job was to take care of Mr. Dreyfous' parents who were relatively immobile. It is a home provided to the caretaker for her use and there was no plan for further development.

Mr. Dreyfous confirmed that a neighborhood meeting was held on November 27. With regard to the 40-foot height restriction, there would be CC&Rs that would be substantially stricter than what was referred to in the staff report.

Commissioner Carr asked about the existing sewer easement. Mr. Dreyfous confirmed that the sewer was already there and been in existence for 30 years. He stated that all of the houses on Brentwood Circle and to the west and south of Brentwood Circle flowed through that system. The sewer easement was located in the open pasture. Commissioner Palmer reminded the Commission Members that they visited the site during their field trip a few weeks earlier. The area referred to was essentially an open horse pasture.

(18:48:04) Commissioner Palmer reported that one comment form was previously submitted by Mr. Kent Chard, which was read. The letter was submitted and made part of the record. Mr. Chard was a neighbor and expressed support for Mr. Dreyfous' project. He believed it would be a perfect complement to the existing neighborhood and would preserve the open country feel of the area.

Commissioner Palmer opened the meeting to public comment.

(18:48:55) Barbara Dunn gave her address as 2250 East Pheasant Way. She and her husband were the owners of the property that would possibly be along the proposed right-of-way on the lot to the west that would serve the new lot. She thanked Mr. Dreyfous for being amenable to putting in a buffer between the right-of-way and their home. She and her husband were good friends with the Dreyfouses and supported their development of the property. They were happy

to see that the 5 acres in the back of their lot would be deed restricted. Her only concern had to do with the lot on Pheasant Way that will remain. It was presently a non-conforming lot and was .84 acres in size. She pointed out that upper Pheasant Way was zoned R-1-87. She was unsure whether downsizing the lot to a further non-conforming lot by taking away the right of way to the new lot was an issue. Mrs. Dunn appreciated the fact that the Planning Commission donates their time. She commented that she donated her time as well to the City and realized it took a lot of time to listen and make decisions.

(18:51:35) Harold Christensen, a Pheasant Way resident, had always been concerned about development that puts more traffic on Pheasant Way, which the proposal would to a very limited degree. He suggested to Mr. Dreyfous that he would like to see him record a covenant running with the land or a deed restriction pertaining to Lot 4, that would prevent the construction of more than one single-family dwelling on the lot. The access from Pheasant Way to the lot would serve that structure only, which he thought would be a reasonable way to develop that portion of the property. He would oppose the plan except for those conditions and based on that understanding.

(18:53:20) Tom Nielson gave his address as 2155 Pheasant Way. He noted that the Dreyfouses had both visited with him and he supported the notion of keeping the property in green belt in a large parcel as opposed to what could potentially be done with it. His understanding was that the lot on Pheasant Way was to be joined with the 5 acres as a single parcel. It was described to him as being taken out of the Cottonwood Glades Subdivision and made part of the PUD. That would be one lot and there would be one house on the lot, including the lot on Pheasant Way. If the proposal was to have the lot on Pheasant Way be buildable and another home built on the additional acreage, he would be strongly opposed. That would increase traffic to Pheasant Way and historically that has never been done. Mr. Nielson remarked that there were three private lanes that feed onto Pheasant Way and empty onto Highland Drive. All three lanes pre-dated the Cottonwood Glades Subdivision. He thought it was a dangerous precedent to take property that has been historically serviced from 2300 East and link it to another parcel. He would have no objection if it kept the number of lots opening onto Pheasant Way the same.

(18:56:44) Harvey Lloyd gave his address as 2119 Pheasant Lane, which feeds into Pheasant Way. He was quite concerned about the Cottonwood Cove covenants written years ago and recorded with the original subdivision that stated that there would be no additional accesses onto Pheasant Way. The right-of-way proposed would void those prior rulings. Mr. Lloyd did not want to see the right-of-way added since it would impact other people. He was opposed to congesting Pheasant Way with more traffic.

Mrs. Dunn mentioned that at the very end of Pheasant Way they had very low water pressure. Commissioner Palmer recognized that was an existing problem. The City was aware of it and he, Mr. Nielson, and the Dreyfouses were trying to resolve it. Before any development takes place on the property the applicant would have to submit a utility availability letter showing adequate culinary water service. He did not anticipate that would be an issue. Mrs. Dunn mentioned that the Fire Department's map showed a fire hydrant directly across from her property at the Casper property. The Fire Department had been to the Casper property on several occasions looking for the fire hydrant but could not find it. They do not believe it exists. She stated that in the area there is a four-inch water line without a fire hydrant near the Casper's. Commissioner Palmer urged Mrs. Dunn to get with Mr. Nielson who had been working with maps in the area.

(19:01:51) Commissioner Palmer asked about the status of the lot on Pheasant Way. Mr. Allred responded that it was a legally recorded lot but does not meet the current minimum area requirements for the zone. He spoke briefly about some of the discussions he had earlier in the week with Barbara Dunn and Tom Nielson. From his perspective, the lot must be included in the subdivision and attached to the larger parcel if it is to be a PUD lot and there is to be an access given. If the lot is not attached to the proposed subdivision, he did not believe it would be legal to grant an access across it because the City's rules now require any property contained in a driveway access to be excluded from the area. By granting a driveway across the lot, a greater non-conforming use would be created. That was not advisable and he thought it would in fact, be illegal. He stated that some of the neighbors had expressed great concern about the private road going onto Pheasant Way. He thought the lot must be included, which would require it to be removed from the original plat, and included in the new plat for this PUD. Without doing that he did not believe an access could be given across it to the other lots. He thought that would be a more involved process than the Dreyfouses might want to consider.

When considering a PUD, Mr. Allred urged the Commissioners to remember that the minimum lot size rule did not apply. In a standard subdivision, a minimum two-acre parcel would be required in the R-1-87 zone, which was what the bigger parcel was zoned. Because it is a PUD, density is the most important issue, not individual lot size. Here they must show that they will not have more than one house for each two acres in the PUD. Mr. Allred thought the lot on Pheasant Way would be problematic unless it is included in the subdivision.

Mr. Haskell further clarified that the lot was included in the PUD but as a separate buildable lot. There was one buildable lot on Pheasant Way with the 5 acres comprising another buildable lot. They were listed together as 5.5 acres but it would be recorded as a separate lot with a separate Tax ID number. Mr. Allred stated that it would not be a problem to do it that way under the PUD. Five lots were shown on the plan. One was the existing lot on Pheasant Way. The second lot would be the 5 acres that would be sold off. The third lot would be the existing home owned by Mr. Dreyfous' parents. The fourth would be the lot Mr. Dreyfous' home was on. The fifth would be the 8 acre lot surrounding the main house. If Mr. Dreyfous proposed a home on the fifth lot he would have to meet the access requirements of the Fire Department. That portion was to be left in green belt and was the reason it was configured in the manner it is.

(19:06:44) Mr. Allred urged the Commission Members to remember that a PUD is a conditional use and not just a subdivision. It would require a separate public hearing with conditions attached to it. Concerns that the neighborhood might have about the configuration and layout of the lots and reasonable conditions attached to the subdivision would be considered in a public hearing. He mentioned to Tom Nielson and Barbara Dunn that if they have extreme concern about the access, they could ask the Planning Commission to consider it as either not a condition of approval or have a condition attached to it that it may only service the one lot.

Mr. Allred was concerned about the guesthouse not being on a lot with one of the existing homes. Currently, guesthouses were allowed but must be on a property with a primary use. Because it is a fully functional home, his understanding was that it needed to be counted toward the number of dwellings on the site. Commissioner Palmer's understanding was that it was being counted.

Mr. Allred explained that with regard to conditional use permits; a conditional use would run with the land. Whatever is done on the property would have to comply with the conditions placed on it when the approval was given or as that permit may be amended in the future. A

conditional use permit could be obtained for the subdivision, but at some point in the future, a property owner could request an amendment to that conditional use.

(19:11:40) Mr. Dreyfous stated that there was a permanent deed restriction for one house on the pasture. Future homes and development could never happen on that lot. Mr. Dreyfous was working with an attorney who informed him that the deed restriction could run in perpetuity with the land. With a permanent deed restriction, there would never be more than one house in the pasture.

Commissioner Carr asked if Lot 5 was acquired by the Dreyfous family for the purpose of gaining access. Mr. Dreyfous responded that the only time it was used was to bring hay trucks across to the barn. The easement had been in existence since 1952 when the Dreyfous family purchased the property.

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

It was recommended that the matter come back as a concept and preliminary plat approval at the same meeting. The matter was continued.

2.3 Berrett Garage – 07-2-10 – 2019 East Waldo Drive (4570 South) – Conditional Use Permit for a 1,288 Square-Foot Garage.

(19:16:25) Mr. Haskell presented the staff report and stated that the Planning Commission intended to have fewer garages coming before them for approval. The codes were rewritten in an attempt to do that, however, in some cases, it made it so that more were actually coming forward. He suggested the code be revisited with the Planning Commission and the Council. The subject property was located on Waldo Drive. The applicant owned one of the deepest and largest lots on the street on the outside of the curve. The lot area allowed a guesthouse of up to 1,000 square feet. The applicant was asking for 1,288 square feet. With the current codes, the applicant would be required to be seven feet from the property line with any accessory buildings; a 12-foot setback was currently shown. The maximum height allowed behind the building corridor and for accessory buildings was 20 feet. The proposal was for 19.5 feet from the lowest point on the grade to the highest point of the flat-roofed garage. The proposed structure was found to comply with the graduated height requirements.

Coverage restrictions were discussed. Mr. Haskell stated that the applicant was allowed to cover 25% of his lot with structures. The lot coverage would be 11% after construction of the garage. The applicant was also allowed to cover 30% of the lot with impervious structures. He proposed to cover approximately 25% of the lot. There was a possibility that he would do another addition on his home in the future and the amount of coverage remaining would leave him just enough room to do that.

With the design of the garage, there was only one code that staff felt might not be met, which was the building massing code. It was on the wall facing into the applicant’s own lot. The code prohibited any wall from exceeding 40 feet without some type of articulation or change in roof height. Staff felt that on the east side the window structure was enough of an architectural change. The applicant proposed putting the same window element on the east side of the home. Staff recommended approval of the conditional use permit for the Berrett garage based on the findings and conditions contained in the staff report.

The applicant, Blake Berrett, gave his address as 2019 East Waldo Circle. Originally in the design they were looking for 1,500 square feet on the garage connected to the house but realized later that detaching it would decrease the overall massing of the home and garage together. For that reason, they started looking at separating the two and tried to scale the garage down to 1,288 square feet. Currently, the proposal was found to meet current zoning ordinances other than the additional 288 square feet.

(19:23:35) Commissioner McKell asked Mr. Berrett what the intended use would be for the proposed building. Mr. Berrett responded that the additional length was meant to allow for storage of a truck and trailer or an RV.

Commissioner Palmer opened the public hearing. There were no public comments. The public hearing was closed.

Commissioner Carr referred to the fourth proposed condition and asked what the purpose was of adding the awning and windows. Mr. Haskell responded that the intent was to break up the massing of the bare wall facing into the applicant’s own yard. Commissioner Kimball asked if a bush or tree would accomplish the same purpose.

(19:26:10) *Commissioner McKell moved to approve the request based on the following:*

Findings:

- 1. *The plans show conformance with the newly adopted zoning regulations, and complies with the intent of the general plan.*
- 2. *The lot is large enough to allow the use.*
- 3. *The proposed use is not detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to the property or improvements in the vicinity.*

Conditions:

- 1. *Building permit will comply with all zoning regulations.*
- 2. *The garage may not be used for commercial or other prohibited uses.*
- 3. *Lighting and noise ordinances will be followed with no light or noise from the use trespassing off-site.*
- 4. *Building design to be altered to meet mass and scale requirements (at least add awning and windows on east side as shown already on the west).*
- 5. *Corrections listed by staff on 11/20/07 shall be made, and included with this permit.*

Commissioner Carr seconded the motion. Vote on motion: Cyrus McKell-Aye, Gene Carr-Aye, Richard Kimball-Aye, Jim Palmer-Aye. The motion passed unanimously.

2.4 Holladay Cottages – 07-2-09 – 2448 East 3900 South – Concept Plan for a Six-Unit Development on a .93-Acre Lot in the RM Zone.

(19:32:20) Mr. Haskell presented the staff report and stated that the site was just east of the Summerfield Condominiums and had been cleared of homes and vegetation. There were some corrections and clarifications that would be necessary prior to preliminary plat, however, nothing would hinder the density or basic layout from moving forward. The main items to be approved at the preliminary plat stage would be architectural details, double checking the coverage after trash areas are installed, resolving the grading and drainage issues, and dedication of the right-of-way.

Mr. Haskell reviewed zoning data and stated that the requirement for lot area in the RM zone was 2,722.5 square feet per unit. With the six units proposed, there were 6,560 square feet per unit. The applicants proposed lot widths of at least 80 feet for the smallest lot, which was more than what would be required in the R-1 zones. There was no minimum requirement in the RM zone. Setback issues were discussed. Mr. Haskell stated that the applicants had exactly what would be required by code. They had a 25-foot front yard setback after the dedication, a 20-foot rear yard setback, 15-foot side yard setbacks, and at least 16 feet between the buildings in all locations. The maximum building height would be 35 feet.

Mr. Haskell identified another correction from the right-of-way engineer with regard to the width of the entry onto 3900 South. It was felt that that should be at least 25 feet wide to allow easier turning movements in and out.

Staff recommended approval of the Holladay Cottages conceptual plan based on the findings and completions set out in the staff report.

Mr. Haskell stated that with regard to site drainage, the applicants obtained preliminary calculations that were reviewed by City Engineer, Clarence Kemp. While some corrections were needed, Mr. Kemp did not think the applicants were far off in what they were proposing.

(19:37:33) Commissioner Kimball referred to the lot area requirement in the staff report. It looked to him like the ratio of two other numbers. Mr. Haskell recalled that the figure was based on 16 units per acre.

The applicant identified himself as Tom Henroid of Wentworth Development. With regard to drainage, he stated that they were looking seriously at it. He remarked that it was something they were concerned about but it was solvable. As far as trash facilities, they proposed there be individual receptacles. They would then have a private contractor pick them up individually to avoid having a dumpster on site. He thought the increase in width on the drive to 25 feet seemed reasonable.

Commissioner McKell asked about the number of spaces provided for visitor parking and thought the number proposed seemed low. Mr. Henroid stated that with the garages there should be two off street spaces as well as two in front of every garage.

In response to a question raised by Commissioner Carr, Mr. Henroid stated that the Type-A units would have 1,700 square foot footprints with a full basement and partial upper floor. Including the basement, the total square footage would be 4,100 square feet. The Type-B units would not have an upper floor. They would feature a main floor footprint of 1,500 square feet and a full basement. The total square footage would be 3,000 square feet.

Mr. Henroid asked whether tonight’s public hearing would count as the neighborhood meeting since it was noticed. Commissioner Palmer encouraged the applicant to hold an actual neighborhood meeting before coming back for preliminary plat approval.

Commissioner Palmer opened the public hearing.

(19:45:00) James Faust was present on behalf of himself and Jerry Nielson, who were the owners of the two lots abutting the south border line of the proposed project. The project had some challenges with its topographical slope, not only in terms of drainage, but because the ground continues to slope past a fence line onto the level of the street where they were required to build their houses. If a survey went from 3900 South to the center of Lexington Circle, there would most likely be a drop off in excess of 30 to 35 feet. He provided photographs to illustrate the tremendous drop. Mr. Faust stated that when they built their houses in the early 1990s, they were required to build on grade with Lexington Circle rather than 3900 South. As he had spoken with the developer, he expressed their concern about a privacy barrier or some type of landscape buffer, berm, or height restrictions being placed on buildings that would be the closest on the south boundaries to prevent visibility into their windows. He tried to eliminate some of the difficulty on his lot by building a cinderblock wall on the one side. Although it was within the boundaries of the zoning, they were concerned about the height and recommended there be some kind of fence or barrier between the two parcels. Mr. Faust stated that the property sloped significantly to the southwest and his neighbors, the Nielsons, were routinely flooded about once per summer.

(19:49:45) Mr. Haskell stated that staff recognized drainage might be a major issue. The applicant acknowledged that and informed staff previously that they would look into the situation before moving forward. The City Engineer determined that incorrect curve data may have been used by the applicants; however, the general end result was about right in his judgment.

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

Commissioner McKell noticed that there was a slope or widening of the property on the west side. He thought there might be some space in that area where perhaps some kind of retention pond could be located. Commissioner Palmer suggested the Commission not try to design the project and instead leave it up to the engineers.

With regard to height, Mr. Henroid pointed out that the duplexes on the south side would be only one story. With regard to drainage, they would provide a detention area that would stop any runoff to the south or west.

(19:55:09) *Based on the following,*

Findings:

- 1. ***Density, lot area, width, and setback requirements are met.***
- 2. ***Street infrastructure in the area is adequate for the additional lots.***

Commissioner Carr moved to approve the conceptual plat subject to the following completions to be completed prior to Planning Commission consideration of a preliminary plat or conditional use permit:

- 1. ***Site drainage will need to be considered and approved by the City Engineer.***

2. *Trash facilities that must be shown.*
3. *The approach from 3900 South must be 25-feet wide.*
4. *Coverage restrictions must be recalculated after adding trash facilities, widening the drive, and deducting the seven-foot dedication.*
5. *Note that all zoning code requirements (height, setback, coverage) will be re-reviewed against codes when preliminary plat is submitted.*
6. *Sidewalk, curb, and gutter will need to be installed or bonded for prior to final plat.*
7. *Dedication of any land within the 40 feet of the center line of 3900 South is required.*

Commissioner McKell seconded the motion. Vote on motion: Cyrus McKell-Aye, Gene Carr-Aye, Richard Kimball-Aye, Jim Palmer-Aye. The motion passed unanimously.

3. Consent Items.

3.1 Approval of Minutes – Planning Commission Meeting – November 7, 2007, November 20, 2007.

(19:57:20) Commissioner McKell stated that the minutes of November 7 had been reviewed carefully and some corrections had already been made. He offered one small correction and asked that Commissioner Kimball not be listed as an alternate.

Commissioner Carr referred to page 3 of the November 7 minutes where Mr. Longson commented that Main Street would have 15-foot sidewalks. According to the plan, the sidewalks were actually 20 feet. City Planner, Pat Hanson, was confident that Mr. Longson referred to at least 15-foot sidewalks. Commissioner Carr stated that that would be incorrect also since the sidewalks were 20 feet. Commissioner Palmer did not view the proposed correction as a material change because it was someone's opinion.

To the November 20 minutes, Commissioner Palmer referred to page 13. He suggested the parentheses on lines 11, 23, 24, 26, 39, and 40 be stricken. To line 37, he asked that reference specifically to the hours of 8:00 a.m. to 10:00 p.m. be stricken. The intent was to comply with the Salt Lake Valley Noise Ordinance as modified by the City of Holladay.

Commissioner McKell suggested the November 20 minutes reflect that he attended the field trip but was not in attendance at the regular meeting.

(20:07:32) Commissioner Carr had a problem with the writing style of the minutes and thought more specificity was needed with regard to who initiated the discussion of specific items.

Commissioner McKell referred to page 16, lines 15 and 16 and suggested "December 2nd" be changed to "December 4th".

Commissioner Carr referred to page 5, line 6, and asked for more specificity as to who introduced the changes to page 3. To line 28 on page 9, he suggested clarification be added that the aggregate square footage was being referred to.

To page 7, line 34, Commissioner McKell suggested "they" be changed to "he".

The corrected minutes of November 7, 2007 and November 20, 2007 were approved with the unanimous consent of the Commission.

3.2 Approval of 2008 Agenda.

(20:18:16) Ms. Hanson introduced the 2008 Planning Commission Meeting Schedule. She reported that in January the schedule would be shifted back one week because there were five Tuesdays that month. Changes to meeting dates scheduled throughout the year were reviewed.

(20:20:13) *Commissioner McKell moved to accept the meeting dates of the Planning Commission as listed in the 2008 calendar. The motion passed with the unanimous consent of the Commission.*

3.3 Election of Chair and Vice Chair.

(20:20:41) Commissioner Palmer suggested the above item be deferred.

4. Adjourn.

The Planning Commission Meeting adjourned at 8:21 p.m.

I hereby certify that the foregoing represents a true, accurate, and complete record of the Holladay City Planning Commission meeting held Tuesday, December 4, 2007.



Teri Forbes
T Forbes Group, Inc.
Minutes Secretary

Minutes approved: 1-8-08