

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

Wednesday, February 20, 2008

5:00 p.m.

**Holladay Municipal Center
4580 South 2300 East**

ATTENDANCE

Planning Commission Members:

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

City Staff:

Paul Allred, Community Development Director
Rick Whiting, City Planner
Pat Hanson, City Planner
Jon Teerlink, City Planner

The Work Meeting commenced at 6:38 p.m.

1. Field Trip/Discussion.

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

(18:39:07) Commissioner Carr remarked on a proposed bill pertaining to the Open and Public Meetings Act with regard to minutes. He explained that written minutes of an open meeting are public records at the time they are distributed to the public body for approval. Recordings similarly are public records and shall be available for a reasonable period of time. Minutes must be posted within a period of 14 days.

Mall issues were discussed.

Commissioner Shupe commented that with regard to Dreyfous Farms, a motion should be made to vacate Lot 20 from the Cottonwood Glade subdivision. Community Development Director, Paul Allred, clarified that three motions would be needed. The first would be to vacate Lot 20 of the Cottonwood Glade subdivision. The second would be to approve the preliminary plat for the subdivision. The third would be on the conditional use permit.

PUD issues were discussed. City Planner, Pat Hanson, explained that a PUD would not give a property owner the right to subdivide.

Mr. Allred remarked that the neighbors were not opposed to the subdivision but rather to the road going through. He viewed that as a non-issue. Staff had received five or six letters in addition to several meetings that were held with one neighbor who is quite opposed.

Commissioner McKell called the meeting to order at 7:06 p.m. and read the Commission statement.

2. Agenda.

(19:10:15) *Commissioner Carr moved to modify the agenda to hear item 2.2 before 2.1. Commissioner Scott seconded the motion. Vote on motion: Cyrus McKell-Aye, Gene Carr-Aye, Lori Khodadad-Aye, Richard Kimball-Aye, Brad Scott-Aye, Lynda Shields-Aye, Paul Shupe-Aye. The motion passed unanimously.*

The Commission next dealt with agenda item 2.2.

2.2 Public Hearing – Dreyfous Farms PUD – 07-1-19 – 5950 South 2300 East – Preliminary Plat Approval for Five-Lot PUD.

(19:11:30) City Planner, Rick Whiting, presented the staff report and stated that the request is for the creation of the Dreyfous Farms PUD. It would involve the vacation of the Cottonwood Glades subdivision Lot 20 and the creation of a PUD subdivision. The applicant proposed to subdivide one lot, which would be Lot 4 of the PUD. His intention is to sell Lot 4 and Lot 5.

Mr. Whiting stated that the Commission approved a concept plan for the project at their December meeting and the applicant agreed to place a deed restriction on Lot 4 that would preclude future subdivision of any new lots. Even though the density allowed up to seven lots for the project, the applicant had voluntarily proposed that it be a maximum of six lots. The deed restrictions proposed by the applicant would prohibit any future access through the project. The applicant proposed that one gate be constructed to block access to Lot 3 from Pheasant Way and that three gates be placed between Lot 4 and Fardown Avenue and 2300 East. The applicant proposed there be no public access or thoroughfare through the development but only private access with the controlled gates. Currently, there is only one access from the property to Fardown Avenue that crossed an easement across property that the applicant does not own. Mr. Whiting reported that a neighborhood meeting is held on November 7, 2007, to which 11 people attended. All questions raised were answered. The applicant drafted CC&Rs to clearly define the future development and use of the PUD, including the deed restrictions.

Mr. Whiting reported that the applicant is working with Tanner Ditch in a regional restructuring of canal and culinary water connections. The easements would provide adequate water and fire protection for the proposed new structures. The property owners to the east of the new right-of-way on Pheasant Way requested buffering between their lot and the new private driveway. The applicant agreed to provide it. In addition, the Unified Fire Authority favored approval of the application with the easement across Lot 5 to Lot 4 and with access being provided to Lot 3, where private structures exist and are inaccessible.

Staff recommended approval of the vacation of Lot 20 from the Cottonwood Glade subdivision (Lot 5 as proposed) as well as a preliminary plat and conditional use permit to create the Dreyfous Farms PUD based on the findings and conditions outlined in the staff report.

(19:16:55) James Dreyfous identified himself as the son of the applicant Jules Dreyfous. Mr. Dreyfous stated that his grandfather purchased the property in 1924 and his family had resided on the property since that time. For 84 years his family had protected the land, which is extremely important to them. With the price of property and the pressure they had had to sell, they proposed to cut off 5 ½ acres and take Lot 4 and Lot 5 and sell them as one unit. They hoped to sell the property to someone who wants to preserve it as green belt. That is also a request of his father's because he did not want to see houses in the pasture next to them. Mr. Dreyfous stated that they were proposing a PUD because they incorrectly split off the one-acre lot that he lives on now, which is the original house that is built in 1919. They incorrectly

split it off without a PUD or a subdivision so that when they approached the City, a PUD is recommended.

Mr. Dreyfous remarked that they had spent a lot of time talking to their neighbors and working with the City. There were two main things their neighbors wanted. First, they wanted to make sure there would only be one house on Lot 4. The other is to make sure there is a guarantee that there will not be thoroughfare access from Pheasant Way to Fardown or 2300 East. Mr. Dreyfous stated that the CC&Rs were in draft form and very restrictive. There were also height limitations that were more restrictive than the City's. Dark sky compliance requirements were also imposed on the project. Mr. Dreyfous stated that his intent is to continue to live on the remaining property that consisted of 10 ½ acres. He stated that the 5 ½ acres being sold would allow him to keep the 10 ½ acres in perpetuity.

(19:19:55) In response to a question raised by Commissioner McKell, it is clarified that 5 ½ acres were required for green belt status.

The public hearing is opened.

Barbara Dunn gave her address as 2250 East Pheasant Way and identified herself as the neighbor to the east of the lot on Pheasant Way. She is very much in favor of the plan. She and her husband had had reservations about the access going beyond Lot 4. Their concern had been that there is a lot of traffic that goes up Pheasant Way looking for Holladay Boulevard, Fardown Avenue, and Walker Lane. She stated that if there is a gated area it might mitigate the traffic. She mentioned that the concept plan is not technically approved at the previous December meeting as reported by staff because Commissioner Palmer recused himself from the discussion and vote. Mr. Allred agreed and advised the Commission to include the Concept plan approval in their motion.

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

(19:24:20) Commissioner Shupe asked about the location of improved water line connections and hydrants. Mr. Allred responded that the Fire Authority would mark the map and show where hydrants will go. Ms. Hanson's recollection is that actual locations had not yet been determined. The intent is for it to be a looped system. Mr. Dreyfous confirmed that the actual locations were not yet known. He planned to meet with Salt Lake City representatives the following day and stated that the actual location would depend on the potential and future acquisition of Tanner Ditch by Salt Lake City and what that will do for fire prevention in the greater Holladay area. After speaking with Unified Fire Authority, they stated that there would be one fire hydrant near Lot 4 and one somewhere on Lot 3.

Commissioner Carr asked if the Fire Authority would still have a concern about the access from Fardown. Mr. Allred responded that the Fire Authority recommended there be an access from Pheasant Way into the site from the north. Additionally, in order to service Lot 4 correctly the access from Fardown is inadequate and unsafe. The Fire Authority's preference is to have an access from Pheasant Way into Lot 4.

(19:30:55) Commissioner Carr moved to approve the vacation of Lot 20 from the Cottonwood Glades subdivision finding that neither the public nor the residents of the project would be materially injured by the vacation of Lot 20 of the Cottonwood Glade subdivision.

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

(19:32:01) Commissioner Shupe moved to approve the Dreyfous Farms concept plan, preliminary plat and conditional use permit to create the Dreyfous Farms PUD subject to the following:

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 the parcels as now constituted and will provide access to the new lot (Lot 4).*
- 3. The PUD is necessary and desirable because it allows expanded land use by the property owner. It protects the right of efficient access to portions of the property that might otherwise be curtailed. The project enhances the well being of the neighborhood by maintaining and protecting the agricultural and open nature of properties in the area.*
- 4. This project will not be detrimental in any reasonable way to neighboring properties. Building of single-family structures on the site would not block views, restrict sunlight, airflow, or access to individual properties.*
- 5. The application is in compliance with the provisions of the City's General Plan.*
- 6. The proposed PUD has direct access to an established public road, Pheasant Way. No new public roads are required.*
- 7. The Unified Fire Authority (UFA) access would be improved with the proposed right-of-way easements improving health, safety, and welfare of residents in the PUD and in the general vicinity.*
- 8. The proposed preliminary plat complies with the concept plan discussed by the Planning Commission on December 4, 2007.*
- 9. Installation of improved water line connections and fire hydrants by the applicant will improve the health, safety, and welfare of the residents in the PUD and in the general vicinity.*

Conditions:

- 1. Installation of a 20-foot wide easement with a five-foot-wide landscaped natural buffer with trees, shrubbery, and a fence that the parties mutually agree to, along the access easement across Lot 5 from Pheasant Way between the private drive and the property to the east. The owner of Lot 5 shall maintain this landscaped buffer. Any fence in this buffer area shall meet City code in terms of height and location*
- 2. The maximum number of dwelling units permitted by the zone standards on the entire property would be seven. The applicant, however, is requesting six dwelling units, including the existing guesthouse. This approval is for six units. Any additional unit would need to be approved through the Planning Commission.*
- 3. Approval of the CUP at this time does not allow public vehicular traffic from Pheasant Way to Fardown or 2300 East.*
- 4. A final plat and other stipulated requirements for the PUD shall be submitted to the Technical Review Committee for review and approval within one year of the Planning Commission's decision or it shall expire.*

5. *The Planning Commission shall review the final plat for compliance to this approval and may recommend any potential other conditions the Commission might see at that point.*

Commissioner Shields seconded the motion.

(19:37:10) Commissioner Khodadad recalled that one of the conditions is based on Planning Commission approval of the concept plan on December 4. She suggested that issue be addressed before passing the motion. Mr. Allred had a similar thought and recommended finding number 9 be modified. He also suggested more specificity be adding to condition number 1. Commissioner Shupe stated that those changes could be added when the final plat is reviewed.

Commissioner Khodadad suggested a fence be required in addition to green shrubbery and trees along the drive. Mr. Allred agreed. He explained that normally a final plat does not come before the Commission and the landscape buffer is not really part of the final plat. The final plat is in actuality the legal document that lays out the configuration of the property. He suggested the Commission deal with that issue as part of the conditional use rather than the final plat. As discussed, changes were made accordingly to the motion language.

Commissioner Carr clarified that in this zone, seven units could be allowed. Six were being approved. He asked that that be corrected. The applicant wants to keep the maximum at six, a self-imposed restriction by the applicant. Also, the Commission is approving the number of units rather than the number of lots.

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

2.1 Public Hearing – Amendment to Chapter 13.82.180, Prohibited Signs – Amendment to allow the relocation of non-conforming billboard from the Holladay Village Zone.

(19:49:17) Mr. Allred presented the staff report and stated that the item is a proposed amendment to Section 13.82.180 of the zoning ordinance regarding prohibited signs. The matter is properly noticed as a code amendment and would be presented to the City Council the following night.

Mr. Allred explained that in order to develop the Village project, the City purchased the Little Caesar's property that would be part of the Town plaza. Part of the property purchase involved a billboard. In order for the City to relocate the billboard out of the plaza, they would have to find a way to move it. That is not possible since billboards are not currently allowed in the code. The draft language would suggest simple ways for the City to consider the relocation of the billboard. The proposed language is presented and reviewed.

Mr. Allred stated that the City Council had already discussed the matter. Due to litigation and legal issues, the Council had to consider the matter prior to it coming before the Commission. He explained that the City could not afford to buy the billboard outright and do away with it. The City would have to pay to have the billboard relocated. The proposed option would realize a significant cost savings to the City versus purchasing it outright.

(19:56:55) Commissioner Shupe suggested a few minor changes. To item number three he suggested the word “viewer ship” be replaced with “exposure”. To line B, he suggested “scenario” be changed to “conditions”.

Commissioner Carr commented that item A is redundant. He suggested a period be added after the word “prohibited” and the remainder of the sentence stricken.

Commissioner Carr asked whether the Reagan Company had approved the requested location. Mr. Allred is unsure but understood that the matter is being negotiated. He stated that the proposed location is probably the best because of the volume of traffic and exposure.

Commissioner McKell suggested item number 5 be modified to read: “The relocation of the billboard is subject to the agreement of the parties and approval of the City Council.”

(20:03:20) Commissioner Carr pointed out that the sign chapter did not contain a definition for “billboard”. Ms Hanson replied that the definition typically used is the appears in the sign section of 13.82 under “Outdoor Advertising”. Some of the Commission Members were missing pages and asked to be provided with a full document.

The Commissioners reviewed the definition and agreed that the current definitions are inadequate. Mr. Allred could see no language referring specifically to a billboard. Aside from the issue at hand, the Commission could direct staff to come back with some definitional language.

Mr. Allred agreed to mention to the City Council the following night that the Commission noticed that the ordinance is lacking a definition for “billboard”.

(20:11:45) *Commissioner Shupe moved to approve the language amendment to 13.82.180 – Prohibited Signs – with the following modifications:*

1. *Item A should be changed to read, “All signs, including billboards, except as provided herein, are prohibited.”*
2. *Item B should be changed to replace the word “scenario” with “conditions”.*
3. *Item 3 should be changed to replace “viewer ship” with “exposure”.*
4. *Item 5 should be changed to read, “The relocation of the billboard is subject to the agreement of the parties and the approval of the City Council.”*

It is recommended to the City Council that a better definition of “billboard” be added.

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

3. Ordinance Discussions.

3.1 PC Policies and Procedures.

(20:14:45) Mr. Allred reported that the City Council recently considered the proposed changes to the Planning Commission policies and procedures. Over the past year, the Commission proposed some very detailed rules. The City Council’s opinion is that there is too much detail. Mr. Allred and the City Attorney took the language and condensed it to the extent possible. The Council determined that the Commission should be able to manage itself. Currently, the rules

say that the Council has to approve them. The Council would like the Planning Commission to consider an amendment to the ordinance preventing the Council from approving the rules and regulations. Mr. Allred proposed bringing forward to the Commission an amendment to the code in response. He commented that the matter would be brought forward for a public hearing at the next meeting.

Commissioner Khodadad stated that she was originally told that she would serve a four-year term and then was informed that it would be a six-month term. She asked for clarification. Mr. Allred stated that Commissioner Khodadad's term would expire June 30, 2008, at which time she could be reappointed. He remarked that all Planning Commission appointments are subject to the City Manager and review by the Mayor and City Council.

4. Planning Commission Business.

4.1 Election of Chair and Vice Chair.

(20:28:15) Commissioner Carr moved to nominate Paul Shupe to serve as Chairman. Commissioner Shields seconded the motion.

Commissioner McKell moved that nominations cease. Commissioner Carr seconded the motion.

Vote on appointment of Paul Shupe to serve as Chairman: Cyrus McKell-Aye, Gene Carr-Aye, Lori Khodadad-Aye, Richard Kimball-Aye, Brad Scott-Aye, Lynda Shields-Aye, Paul Shupe-Abstained. The motion passed.

(20:29:40) Commissioner Shields moved to nominate Cyrus McKell to serve as Vice Chair. Commissioner McKell refused the nomination.

Commissioner Shupe moved to nominate Commissioner Shields to serve as Vice Chairman. Commissioner Shields refused the nomination.

Commissioner Shields moved to nominate Brad Scott to serve as Vice Chairman. Commissioner Shupe seconded the motion.

Commissioner Carr moved that nominations cease. Commissioner Shields seconded the motion.

Vote on appointment of Brad Scott to serve as Vice Chairman: Cyrus McKell-Aye, Gene Carr-Aye, Lori Khodadad-Aye, Richard Kimball-Aye, Brad Scott-Aye, Lynda Shields-Aye, Paul Shupe-Aye. The motion passed unanimously.

5. Consent Items.

5.1 Approval of Minutes – Planning Commission Meeting – February 5, 2008, January 22, 2008.

(20:31:23) Commissioner McKell stated that with regard to approval of the minutes of January 22, 2008, there is no second to the previous motion made. Brad Scott recalled that he seconded the motion.

(20:31:50) *Commissioner Scott moved to approve the minutes of January 22, 2008, subject to any minor submitted corrections. Commissioner Carr seconded the motion. Vote on motion: Cyrus McKell-Aye, Gene Carr-Aye, Lori Khodadad-Aye, Richard Kimball-Aye, Brad Scott-Aye, Lynda Shields-Aye, Paul Shupe-Aye. The motion passed unanimously.*

Corrections to the February 5, 2008, minutes were made.

(20:36:20) *Commissioner Scott moved to accept the minutes of February 5, 2008, as corrected. Commissioner Carr seconded the motion. Vote on motion: Cyrus McKell-Aye, Gene Carr-Aye, Lori Khodadad-Aye, Richard Kimball-Aye, Brad Scott-Aye, Lynda Shields-Aye, Paul Shupe-Aye. The motion passed unanimously.*

5. Adjourn.

(20:37:14) *Commissioner Shupe moved to adjourn. Commissioner Scott seconded the motion. The motion passed by the unanimous consent of the Commission.*

The Planning Commission Meeting adjourned at 8:37 p.m.

I hereby certify that the foregoing represents a true, accurate and complete record of the Holladay City Planning Commission meeting held Wednesday, February 20, 2008.



Teri Forbes
T Forbes Group
Minutes Secretary

Minutes approved: 3-4-08