

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

Tuesday, January 17, 2006

6:00 p.m.

Council Chambers

4707 S Holladay Blvd

ATTENDANCE

Planning Commission Members:

Jim Palmer, Chair
Gene Carr
Howard Diederich
Cyrus McKell
Brad Scott
Lynda Shields
Paul Shupe

City Staff:

Paul Allred, Community Development Director
Alma Haskell, City Planner

Chairman Palmer called the meeting to order at 6:06 p.m. and Commissioner McKell read the Commission statement.

1. Decision Items.

1.1 Preliminary Plat – Madsen Manor Estates – 5930 South Holladay Boulevard.

City Planner, Alma Haskell, presented the staff report and stated that since the last meeting, concerns had been raised about the access to Lot 1 on the north side of the development. At that time, a question arose as to whether or not the applicant has the right to use the right-of-way from Holladay Boulevard since it is not actually part of the subdivision. Landowners expressed concern. Staff asked the engineers working on the plat to provide proof that the applicant has a legal right to use the north right-of-way. Staff received a title report from the engineers showing that the applicants have a right to use the access road. Staff had not had an opportunity to review the document adequately to be assured that that was the case.

In reviewing the application, it became apparent to staff that the fire review was not in the file regarding the north right-of-way. The applicant provided a site plan for the lot showing that the Unified Fire Authority had reviewed the proposal at the 16-foot width and with the requirement that fire sprinkling be installed in the home on Lot 1. Because the access is only 16-feet wide, it may be encroached upon by large trees and utility wires hanging over the right-of-way. The Planning Commission directed staff to have the plan re-reviewed. The Planning Commission and staff expressed concern about the buildable area of Lot 5, which has the smallest buildable area of all of the lots in the subdivision. Mr. Haskell, however, thought there was still room for a moderate to large home, depending on the design.

Robert Jones introduced himself as the engineer and surveyor of the subdivision. It was his understanding that the request was granted preliminary approval just over one year ago. Due to problems obtaining rights-of-way to access the back property on the south end, the project had been held up until recently. He believed that as proposed, the subdivision complies with all City requirements. He hoped it could be approved in its present form. He explained that the 16-foot right-of-way to the north had been part of the deed of the owners since they took title to it over 60 years ago. Right-of-way and access issues were discussed.

Chair Palmer invited public comments.

Jim Johnson was present representing his brother David Johnson, the property owner adjoining the 16-foot right-of-way. He clarified that his brother was also deeded the right-of-way as were other property owners in the area. He saw no problem with the proposed subdivision except for the attempt to establish a 16-foot right-of-way access to Lot 1. He thought the conditional use to use the 16 feet creates a safety hazard for fire trucks because of the large trees. He thought there was plenty of ground that could be used that would allow the applicants to design the subdivision in a legal and lawful manner according to Code. It was mentioned previously that a title commitment had been submitted, however, it had not been examined or a legal opinion provided by the City Attorney. Mr. Johnson did not feel the 16-feet was adequate to grant access for a new subdivision and suggested it have its own access. He recommended the Commission table the issue until all of the issues could be properly analyzed.

In response to a question raised by Commissioner Palmer, the applicant described changes made to the plat since it was reviewed one year earlier.

Mr. Haskell confirmed that Mr. Jones provided a copy of the sign-off from Stewart Gray, the Area Fire Inspector for the Unified Fire Authority, which required fire sprinklers on the home on Lot 1 to mitigate the access width. He was unsure whether Mr. Gray had personally inspected the site and agreed to ask him to re-review the matter.

It was confirmed that the title report was available and showed that the applicant has a right-of-way access which was provided to the applicants when they bought the property. He stated that the access was available for the full length of the Madsen property. Currently, the only person he was aware of that was using the right-of-way was Mr. Johnson and the applicants. Maintenance issues were discussed.

Commissioner Palmer noticed that the project was drafted as a standard subdivision. He asked if the applicants had considered using a PUD. He acknowledged that with two existing homes on the property, it would be difficult to draw in the lines where they have them. Mr. Jones thought they worked and provided plenty of square footage to build on and did not restrict the use of the existing homes.

Commissioner Palmer asked if Lot 5 with the setback from the creek would have adequate buildable area. Mr. Jones stated that it would. Commissioner Palmer asked if the prospective owners of Lot 4 would object to having the road snake through the front of their lot. Mr. Jones

stated that the owner's son would be purchasing Lot 4 and was aware of the configuration. He clarified that only Lot 4 had a pre-designated owner.

Commissioner McKell asked if the applicants had considered a potential access through Lot 6 to Lot 1. Mr. Jones responded that they had considered every possible configuration and the one proposed seemed to be the best. Commissioner Palmer recalled that previously there was an idea of trying to obtain a cooperative agreement to the private lane to the south. Mr. Jones responded that there was no possibility of that happening.

In response to a question raised by Commissioner Carr, Mr. Johnson explained that the right-of-way had never been defined. There had also been no analysis of what other rights are owned by other adjoining property owners. The result was that a subdivision lot wants to use a right-of-way that is owned by other people without the benefit of a public meeting, no input, and no legal opinion. He believed the City would in effect be "buying itself a lawsuit". Fire issues were discussed. Mr. Johnson believed that the subdivision should require a 20-foot right-of-way which could be provided through the rest of the Madsen property. He explained that none of the neighbors want to grant use of the right-of-way for a subdivision plat. His brother, the Hansens, and the Palmers, were all concerned that the subdivision was being approved without the right review. They suggested the matter be continued and the project reviewed to ensure that it is being built according to City ordinance. Sewer concerns were identified.

Right-of-way and property ownership issues were discussed. Mr. Allred's impression was that the Williamsons and the applicant actually own the land and had been granting rights-of-way over their land to various entities. Defacto ownership versus prescriptive right issues were discussed.

(6:40 p.m.) *Commissioner McKell moved to continue the application until:*

- 1. *Information is clear as to the rights and ownership of the 16-foot access road, and*
- 2. *There is a clarification of the Fire Department Review as well as sewer and water access.*

The matter should be continued until the above information is clear. Commissioner Diederich seconded the motion.

Commissioner Diederich suggested an amendment to the motion to ensure that in addition to the legal review, that the City also notify the surrounding neighbors to allow them time to conduct a neighborhood meeting on the matter before it comes before the Planning Commission again. Commissioner McKell accepted the amendment. Vote on motion: Brad Scott-Aye, Cyrus McKell-Aye, Jim Palmer-Aye, Paul Shupe-Aye, Lynda Shields-Aye, Howard Diederich-Aye, Gene Carr-Aye. The motion passed.

Commissioner Palmer encouraged the applicant to consider a PUD. He thought perhaps a better plan could be designed that still serves the goals of the neighbors.

1.2 Preliminary Plat for Woodruff Cove Subdivision – 2040 East 6060 South.

Community Development Director, Paul Allred, presented the staff report and stated that the last time the matter was before the Commission there were a few problems with the subdivision. One was that the property line boundaries of the abutting properties were unclear. The applicant

was asked to clean that up. Another issue had to do with lot width. One of the lots proposed was artificially narrow and the applicant was asked to widen it. The biggest issue was whether or not a full cul-de-sac would have to be built. The Planning Commission indicated previously in a work meeting that their comfort level with the half cul-de-sac was very low. Their preference was to see the full cul-de-sac implemented. Staff simply wanted to ensure that an adequate turnaround is provided for garbage collection and fire access. Installing a full cul-de-sac now would create problems for the neighbors since it would be pushed very close to existing buildings. He remarked that the lot width issue had been resolved but the other two issues were still outstanding. Staff's preference was to not approve the preliminary plat until drawings are submitted showing that there would be no material change to the compliance of the subdivision with the Code. Staff recommended if a motion were made to approve the preliminary plat, that a condition of approval be added that the property line issues be resolved prior to the preliminary plat being official.

Alan Prince, of Prince Development, illustrated the east boundary issue. A possible solution was discussed. The west side property issue was described. Mr. Prince agreed to use the fence as the property line. Staff disclosed to the applicant privately that they didn't like the site for single-family homes, and preferred clustered townhomes. He explained that he had never been asked in all of the developments he had done to do anything other than a hammerhead in similar situations.

Commissioner Palmer clarified that the drawing showed slightly more than half of the cul-de-sac and was wider than the edge of the asphalt coming into it from 6060 South. Mr. Prince clarified that 6060 South is a non-conforming public road. Culinary water issues were raised. Mr. Prince explained that they would be able to run a new main to service the fire hydrant on the site.

Mr. Haskell explained the difference between a hammerhead and a turnaround. If a street were put in that does not meet public standards, the Code states that lots on private right-of-ways need to have at least one-half acre. The result would be that this lot could not be divided into two lots. It was suggested previously by a staff member that half of the cul-de-sac be constructed now and the rest later.

Commissioner Palmer opened the meeting to public comment.

David Bollinger stated that he lives across the street from the property at 2045 East 6060 South. He recommended a hammerhead for the turnaround. He planned to keep his property in its current condition and not develop. In case of a fire, driveways to the homes could be utilized to turnaround. Mr. Prince described how the hammerhead turnaround would be designed. Traffic issues were discussed. In response to a question raised by Commissioner McKell, Mr. Bollinger stated that currently there are four homes on each side of the access road.

Commissioner Shupe asked if the hammerhead would facilitate splitting the property into two one-quarter acre lots. Mr. Allred responded that the Code would not allow a hammerhead on a public street. There was one-half acre on each side of the cul-de-sac. Based on the zoning, there would be a potential for two lots on the north side and two on the south side. Mr. Bollinger clarified that his family owns two lots on their side presently.

Road issues were discussed. Many had felt that the access road was a private lane, however, it had received public services from the County for some time, which took away the private lane designation. A hammerhead was determined to be an inappropriate ending to a public road. It could be expanded in the future if the Bollinger's sold their property.

In response to a question raised by Commissioner Carr, Mr. Allred explained that allowing a hammerhead would be setting a precedent. A cul-de-sac in the future would not diminish the applicant's ability to have two lots on the property. He thought it would be wise for the Planning Commission to consider a restriction that they not be allowed to develop on the other side of the road without the rest of the cul-de-sac being installed. He suggested a turnaround easement be obtained for at least a portion of the front yard area. He questioned the ability of public service vehicles to turn around at the end of the street without a turn around easement. Commissioner Palmer realized that garbage trucks would have to access the property on a weekly basis and would need to turn around.

Mr. Prince illustrated the garage and driveway areas and stated that there would be a lot of hard surface areas for the trucks to turn around. He was not opposed to granting an easement over the driveways. Two solutions were proposed. One was to record an access easement over the driveways. Mr. Allred felt that the long-term objectives could be achieved by striking a balance between the property owners to the north and the south. He recognized that the driveways would be used to turn around regardless of whether an easement is in place or not.

Commissioner Diederich clarified that the issue before the Commission was the cul-de-sac not the hammerhead. Commissioner Palmer confirmed with the applicant that a turnaround easement within in the two driveways would be obtained and that an easement would be set on the boundaries to the north indicating that in the future if development occurs or if the use changes, that completion of the cul-de-sac would be required.

Kelly Wright, the property owner to the west, asked about the 8-inch water main to be run down 6060 South. He asked if it would be available to people on the street. Commissioner Palmer remarked that it was common for developers to be required to put in similar water lines at their expense. It would then be deeded or leased back to the City. As others connect to it, they are charged connection fees which are returned back to the developer to offset their original costs. Holladay City and Salt Lake City were also looking at a long-range plan for upgrading fire flow and culinary throughout the City. In response to questions raised, Mr. Prince stated that the main would be a public main that would be deeded to the City. The City would most likely be happy to have the Wrights connect on to it.

Commissioner Diederich moved to postpone making a preliminary approval on Woodruff Cove until the property line issues can be resolved with staff and the issue of the hammerhead/cul-de-sac can be worked out to meet Holladay Code requirements and/or a resolution that is deemed appropriate by staff.

Commissioner Palmer clarified that the design was before the Planning Commission. Staff's recommendation was to make any approval contingent upon resolution of the property line issue. He saw no opportunity to legally build a hammerhead on the site.

The motion died for lack of a second.

Commissioner Shupe asked if the owners would be willing to dedicate the cul-de-sac to the City and allow the landowner use of it until further development occurs. He suggested the cul-de-sac be enlarged enough to accommodate garbage trucks and other public service vehicles. He suggested that the cul-de-sac be drawn as shown but dedicate the northern half not shown until such time as the use changes and development occurs.

In the short term, Commissioner Palmer suggested building out 60% of the cul-de-sac as drawn and include a 15-foot ring easement around the south side to accommodate the turn around of large vehicles. He explained that there was no room to impose an easement to the north without encroaching on the Bollingers. He felt a southern ring was needed.

Commissioner McKell suggested referring to it as a drop cul-de-sac and increase the diameter to the south. It could then be dedicated to the City. Mr. Allred suggested a possible alternative of putting the property into a PUD and skew the cul-de-sac further to the south. A smaller amount could then be left to the north to be dedicated in the future. There could still be four lots on the site since in a PUD, lot sizes and setbacks can be reduced. Commissioner Palmer was unsure whether the lot size could be reduced with a PUD since density and height requirements could not be modified. Mr. Allred stated that a PUD would allow more flexibility on the two lower lots in terms of setbacks. The result would be a bigger turnaround and not impact the property owner to the north.

Mr. Haskell believed the Planning Commission wanted to satisfy the short-term needs such as fire access, garbage collection, and snow plow turn around. The long-term goal was to achieve a full cul-de-sac on the end of a public street. He suggested the possibility of entering into a development agreement stating that when the rest of the property is developed, a cul-de-sac will be added.

Mr. Bollinger stated that the intent was to change the house to a two-story structure after his father passes on. They wanted to make sure they could do that without any problems or restrictions. He wanted to see enough turnaround on the proposed site to provide access. Mr. Haskell stated that the proposed structure would have to be reviewed on its own merits against the Code.

(7:47 p.m.) Commissioner Scott moved to approve the plan as drawn with the partial cul-de-sac and the engineering drawing augmented by a 15-foot easement for a public turnaround that shall be recorded. Wording shall be included in the proposal specific to the property lines being identified with staff and adjoining property owners. Commissioner McKell seconded the motion. Vote on motion: Brad Scott-Aye, Cyrus McKell-Aye, Jim Palmer-Aye, Paul Shupe-Nay, Lynda Shields-Aye, Howard Diederich-Nay, Gene Carr-Aye. The motion carried 5 to 2.

Commissioner Palmer suggested that in the future the Commission work very closely with staff to make sure all of the recording takes place.

1.3 Summers Exception – 2871 East 6200 South.

Commissioner Allred presented the staff report and stated that there had been no substantive change since the last time the issue was presented to the Commission. Staff reiterated their support for the proposal. Staff recommended the request be approved per conditions 1 through 4 in the staff report.

Commissioner Palmer gave a brief history of the proposal. Mr. Allred stated that staff had visited the site and walked through the structure. Their opinion was that the proposal would not be a further encroachment upon an existing structure. He remarked that the home was built in 1931 and was only slightly further from the creek than the proposed structure. Both the home and the proposed building were well within the 100-foot setback. The request was for an approval to construct a caretaker unit on the property. Staff was supportive as long as the conditions contained in the staff report are adhered to.

Commissioner Palmer invited public input. There were no public comments.

Commissioner Diederich’s understanding was that the existing structure was non-conforming and asked what the City’s policy was with regard to non-conforming structures. Commissioner Carr stated that non-conforming uses cannot be expanded. Mr. Allred clarified that the garage was not a non-conforming use, however, its location was not in conformance. If the applicant was trying to build the structure proposed without the presence of the existing structure, staff would still be supportive of the proposed location. The City Engineer’s position was that it does not present a potential for flood damage. If the proposed structure were built to completion and was not permitted, the City’s recourse could be to have the applicant tear the structure down. Mr. Haskell clarified that the structure was existing and pre-dated the City, which made it legal non-conforming.

(8:05 p.m.) Commissioner Scott moved to approve the request with the following conditions recommended by staff:

- 1. *No basement will be allowed for the converted garage guesthouse.***
- 2. *The structure may in no way be built any closer to the stream than is currently located and proposed.***
- 3. *All construction must follow adopted building codes and the City Building Official must inspect to make sure the structure is safe. A preliminary inspection by our Building Inspector has indicated that this is possible, and that the structure is in fact well built.***
- 4. *While the exception granted for this application will run with the land, any modification/expansion of this building would need to return to the Planning Commission with a separate application for consideration whether it is the current owner a future one.***

Commissioner Diederich seconded the motion.

In response to a suggestion made, Commissioner Scott amended the motion to require that item 4 be recorded against the property. Commissioner Diederich seconded the amendment.

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

1.4 Conditional Use – Hill Dental Offices – 6465 South 3000 East.

Mr. Allred presented the staff report and stated that the conditional use permit was presented to the Commission within the past 45 days. The applicant, Dr. Hill, was asked to work with the homeowners' association on parking arrangements for his use. In considering the fact that the proposed use was conditional, staff's feeling was that there was an overwhelming vote of opposition received from the homeowners' association with regard to the potential relocation to the site. Mr. Allred thought it might be difficult to justify granting a conditional use considering the feelings of the neighboring tenants. Staff provided official letters received. As a practical matter, staff believed it was probably not a good idea to grant a conditional use against the strenuous objections of the homeowners' association. The applicant was not present.

Commissioner Scott's recollection was that at the last meeting, the motion was that the applicant obtain approval from the homeowners' association. He did not believe that had been done. Potential action options were discussed. Mr. Allred thought a denial was a strong action given the fact that there could be change in opinion. He suggested the matter instead be tabled indefinitely and allow the applicant to come back and prove his case. Recent legal opinions he had seen showed that conditional uses cannot be denied. All that can really be done is to mitigate potential impacts and apply conditions. In addition, Commissioner Palmer thought it would be unfair to deny the request without the applicant being present.

(8:11 p.m.) Commissioner Shupe moved to uphold the previous decision and continue the matter. Commissioner Diederich seconded the motion. Vote on motion: Brad Scott-Aye, Cyrus McKell-Aye, Jim Palmer-Aye, Paul Shupe-Aye, Lynda Shields-Aye, Howard Diederich-Aye, Gene Carr-Aye. The motion passed.

1.5 Conditional Use and Preliminary Plat for Garden Village/2300 East Twinhomes – 4565 South 2300 East.

The applicant was not present.

(8:12 p.m.) Commissioner Diederich moved to suspend the rules and move to item 1.6. Commissioner Scott seconded the motion. Vote on motion: Brad Scott-Aye, Cyrus McKell-Aye, Jim Palmer-Aye, Paul Shupe-Aye, Lynda Shields-Aye, Howard Diederich-Aye, Gene Carr-Aye. The motion passed.

1.6 Recommendation – HVC RDA Project Area.

Commissioner Palmer reported that the City Council had asked the Commission to review the proposed document and provide feedback. The City Council had a public hearing scheduled the following Thursday.

Commissioner Carr stated that in the Council's discussion of the design objectives, there was no mention made of creating spaces for people to gather. He viewed that as important.

Commissioner Diederich suggested a change to the format of the document and noted that several titles appeared at the bottom of the document. It was recommended that widows, orphans, and pagination issues be resolved. It was suggested that the document be reviewed page by page.

Commissioner Diederich suggested that in the recitals it be defined that the City Council is the Board being referred to. Commissioner Palmer suggested a cover letter be drafted to explain the purpose of the document and where it was in the context of the Redevelopment Agency itself. He explained that the document was one document in a host of others dealing with the draft project area plan specifically. Its purpose was to define the area.

It was noted that the map reflected current zoning. Commissioner Diederich suggested that the cover letter include a declarative statement that no property shall be taken by eminent domain. Commissioner McKell noticed that it had been mentioned a couple of times. He thought that was terrible since the City stated at the beginning that it would not exercise eminent domain. Commissioner Palmer clarified that the document specifies that the Board does not intend to exercise eminent domain.

Village Center property owners Gordon Hanks and Adam Nash had been involved in the process for the past seven years. They felt strongly about monitoring the system and watching what goes on. They attended the hearings over the summer that drew hundreds of people. At that time it was stated that eminent domain would not be included as one of the powers of the RDA. Their concerns were identified with eminent domain, road design, future committee formations, standards, and architectural control issues. Commissioner Carr felt his concerns were the same as those of the Commission.

Commissioner Diederich asked about the overlay uses in the area which he felt were ambiguous. Height issues were discussed. Commissioner Palmer asked for specific recommendations. Mr. Nash responded that they would want the power of eminent domain stricken from the use of the RDA and that the restrictions of the zones in the overlay to not exceed the zoning that currently exists. He did not want the Village Center to have height restrictions that exceed the zone. Mr. Nash stated that the approved master plan for the roads into the Holladay Village Center shows the access to 4800 South for Holladay Pharmacy as denied. This caused him concern because it was not consistent with what they had been told. Commissioner Palmer's understanding was that it was approved in concept but had never gone to engineering. It was described to him as being a placeholder.

Mr. Hanks stated that they had been involved in the process for the past several years and during that time distrust had been created between the merchants and the City. He had seen ingenious plans denied and was never quite sure where they stand with the City as far as honesty.

Mr. Nash wanted the Commissioners and Council Members to understand that there are people who care. Commissioner Carr identified himself as a new Commission Member and stated that he hoped to rewrite the entire document. Commissioner Palmer agreed to convey the concerns raised with the Council.

Mr. Hanks explained that currently they have two potential developers for the property. Fox and Company and Cowboy Partners each own portions of it but are having difficulty working together. There seemed to be animosity between the two companies. Commissioner Palmer responded that the City was trying to bring both parties to the table. The Mayor recognized that in order for the situation to work out, it would take a great deal of cooperation between the two. He thought there was a lot taking place behind the scenes to ensure that that happens.

In response to a comment made by Mr. Hanks, Commissioner Palmer indicated that the City would have a great deal of control over what happens on the former Video Vern's property. The Commission was asked to work with the group to come up with a viable design to be presented to the City Council. The City Council will then negotiate a development agreement that will describe in detail what will and won't be built. Upon finalization, the City will exercise the option contract to transfer title of the land.

Commissioner Shields asked for a description of the property owned by Fox. Commissioner Palmer explained that they own the property to the west of the Video Vern's property.

The Commissioners reviewed the map of the project area. Originally the outlined area was surrounded by what was called a residential buffer zone, which the Council removed. Changes made were reviewed. Commissioner McKell found the RM zone boundaries to be surprising. Commissioner Palmer stated that the Commission was not asked to look at the zoning. He stated that the most important part of the map was the green line that defines the boundary of the RDA. Anything inside the green line was subject to RDA design standards. He noted that the tax increment funding would come from those areas. The underlying zoning was described as an accident of history and was of no consequence.

Section 4 was reviewed. Commissioner Diederich suggested that overlay uses be defined. Commissioner Palmer reminded the Commission Members that it was not a zoning document, but rather the RDA document that would define how things would be funded, how money would be raised, and within what boundaries. Zoning and design standards would not be imposed. It was simply a funding matter.

Commissioner Scott suggested that the issue pertaining to Mr. Rice be addressed and the matter at hand readdressed.

(8:53 p.m.) *Commissioner Scott moved to suspend the rules to bring back item 1.5, and discuss the Garden Village matter. Commissioner Shupe seconded the motion. Vote on motion: Brad Scott-Aye, Cyrus McKell-Aye, Jim Palmer-Aye, Paul Shupe-Aye, Lynda Shields-Aye, Howard Diederich-Aye, Gene Carr-Aye. The motion passed.*

1.5 Conditional Use and Preliminary Plat for Garden Village/2300 East Twinhomes – 4565 South 2300 East.

Mr. Allred stated that staff had a very favorable opinion of the proposed revision and believed it would result in a better plan. He felt it was a more efficient way of developing the property, particularly with the pavement on the south and the agreement between Mr. Rice and Sky Pines.

Staff hoped to see the pedestrian access shown on the preliminary plat drawing and the notes on the preliminary plat reflect what is inside. A parking stall was shown on the west side of the property that would need to be removed because of the gate location and because it is located in the setback area where it is not allowed. Another issue was with regard to the location of the gate which was shown as being to close to 2300 East. He stated that it needs to be at least 18-feet back from the back of the sidewalk. Staff was concerned that the gate would interfere with the parking for Sky Pines to the South.

Mr. Haskell stated that he and another staff member visited the site and found that if the gate were moved back 18-feet, it would interfere with the first driveway by about 3 to 4 feet. Options were discussed. A written agreement was obtained between Garden Village and Sky Pines. Staff hoped to see the City Engineer and the Fire Department provide their final approvals. Stewart Gray of the Unified Fire Authority indicated that there may be a discrepancy between the way he interprets the fire code and the way Lloyd Johnson interpreted it. Staff recommended approval but wanted to see the drawings cleaned up and the other issues addressed.

The applicant, Jay Rice, described concerns raised the last time the matter was presented to the Commission. Modifications made to the plan in response were presented. He explained that there would be five homes within the project with four owners. All were supportive of the changes made.

Encumbrance issues were discussed. Mr. Haskell liked the idea of the gate for privacy. Commissioner Palmer congratulated Mr. Rice on the new plan and felt it was much better than the one originally proposed.

Boundary issues were discussed. The property was determined to straddle two different zoning districts. The development was meeting the lesser zone. Mr. Allred stated that the proposal was not a conditional use in both zones. Commissioner Palmer was comfortable with the density proposed.

Commissioner McKell addressed driveway concerns. Mr. Rice stated that the engineering drawings were re-drawn to provide additional room. Commissioner McKell recommended the applicant reconsider the flowering pear tree.

It was determined that the project was not within the RDA or the HVC. Design issues were discussed. Mr. Allred suggested that streetlamps and other details be shown on the plat and landscaping drawings. Lighting issues were discussed and staff offered suggestions. Mr. Allred suggested the Commission grant a revised preliminary plat subject to items included in the motion. He clarified that the location of the gate would need to be revised on the engineering drawing and not necessarily on the landscape drawing. Recommended staff conditions were identified. Commissioner Palmer viewed the project as much improved.

- (9:23 p.m.) *Commissioner McKell moved to approve item 1.5 with the following conditions:*
- 1. That the gate location be reconsidered.*
 - 2. That the location of the parking stall on the west side be removed and replaced if possible.*

3. *Agreements with Sky Pines shall be a part of the CC&Rs of both units and reflect the agreements on the location of the access on the south.*
4. *The applicant shall obtain a sign off from the Fire Department.*
5. *The pedestrian access on the east shall be clarified and made accessible.*
6. *The detail of the wall should be that of a design, not just plain.*
7. *Street light locations shall be specified and shown on the plat.*
8. *All keyed notes shall be reflected on the drawing.*

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

1.6 Recommendation – HVC RDA Project Area.

Time constraints to reviewing the document page by page were raised. Commissioner McKell suggested the Planning Commission coordinate with the Design Review Committee and that a member of the Planning Commission serve on the Committee. Commissioner Shupe stated that what is approved for Cowboy Partners will set the tone for the entire area. Commissioner Palmer stated that the City was encouraging Cowboy Partners and Fox Properties to come up with a unified plan that will not only set the precedent, but probably accomplish the majority of the development in one plan. Commissioner Carr thought the language in the document was contradictory.

Commissioner Diederich stated that in reviewing the Cowboy Partners design, there was a lot of greenery and pots included. He wondered who would maintain those types of elements. He anticipated that the City would be left to maintain them since merchants don't normally address them. Commissioner Palmer recognized that it was a valid issue but stated that the document before the Commission would not address those types of things.

Commissioner McKell referenced page 21, item 2, which states that eminent domain could take place after five years. Commissioner Palmer thought it was leftover language from a previous draft that should have been deleted.

Commissioner Carr referred to a comment on page 17. Commissioner Palmer believed that it was a standard provision in the RDA that allows tax increment funding to be spent to relieve a bottleneck situation as permitted by law. Commissioner Carr next referred to page 22, which stated that the project area consists of approximately 54.2 acres of privately owned land located within the central core business district of the City. He did not view the area as the central core business district but instead, as a historic central core business district. He was concerned that the historic significance was left out of the description of the characteristics of the study area. It was determined that the historic nature of the area was one of the reasons it was desirable for redevelopment.

Commissioner Diederich referenced page 29 and asked about Bob Springmeyer's qualifications. Commissioner McKell responded that Mr. Springmeyer is the owner of Bonneville Research. Commissioner Shupe asked where the \$7 million shortfall would come from. Commissioner Palmer stated that federal grants were not included in the figure which was strictly tax increment funding. Commissioner Diederich noticed that the number of jobs was not notated on page 33.

Enforcement potential and incentive issues were discussed. On page 22, Commissioner Diederich commented that there was no check and balance for the RDA.

Commissioner Palmer suggested that other Commission comments be sent via e-mail to him no later than noon the next day. Comments would be put into a letter to be drafted the following day.

5. Adjourn.

(9:45 p.m.) *Commissioner Palmer moved to adjourn. Commissioner Carr seconded the motion. Vote on motion: Brad Scott-Aye, Cyrus McKell-Aye, Jim Palmer-Aye, Paul Shupe-Aye, Lynda Shields-Aye, Howard Diederich-Aye, Gene Carr-Aye. The motion passed.*

The Planning Commission Meeting adjourned at 9:45 p.m.

I hereby certify that the foregoing represents a true, accurate and complete record of the Holladay City Planning Commission meeting held Tuesday, January 17, 2006.

Teri Forbes, Minutes Secretary

Minutes approved: 2-21-06