

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

Wednesday, January 3, 2007

5:00 p.m.

**Holladay Municipal Center
4580 South 2300 East**

ATTENDANCE

Planning Commission Members:

Jim Palmer, Chair
Gene Carr
Howard Diederich (excused at 6:35 p.m.)
Richard Kimball, Alternate
Cyrus McKell, Vice Chair
Brad Scott
Paul Shupe

City Staff:

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

Chairman Jim Palmer called the meeting to order at 5:11 p.m.

1. Pre-Meeting.

(17:11:22) The Inverness subdivision and proposed adjustments to it were discussed. The project was found to have met all zoning requirements for size and width. It was noted that no building had yet been proposed on any of the lots.

City Planner, Alma Haskell, stated that the property line on Lot 7 was adjusted to provide the owners with more space to have a deck. Lot 3 needed more room to make the plan work better. Mr. Haskell reported that the Unified Fire Authority had signed off on the subdivision. The project would contain two hammerheads. Commissioner Palmer was surprised that a regular turnaround was not proposed in instead.

Proposed ordinance amendments were discussed. RV parking issues were brought up. Commissioner Palmer remarked that there was already an ordinance on the books with regard to RV parking that was not being enforced. Community Development Director, Paul Allred, stated Code Enforcement Officer, Doug Brewer, had solicited comments from the public. He found that many thought the restrictions on RV parking hurt good people. He acknowledged that most of the violations were located west of Highland Drive and many of the owners are senior citizens on fixed incomes. Of those he spoke with, the consensus was not to enforce the ordinance.

Mr. Allred remarked that he had had a lot of experience with RV issues since he previously worked in code enforcement for Sandy City. He reported that Sandy had a

problem with RV parking and it was difficult to enforce. At that time they suggested people store their boats and RVs offsite if they could not comply with the ordinance.

(17:27:25) Finished versus natural grade issues were discussed. Commissioner Palmer reported that recently Pat Piganelli took him on a two-hour tour of her district. One particular street featured single-story homes built in the 1950s and 1960s. Someone had torn down a home there, raised the lot three to four feet, and built a 35-foot two-story house in its place. The home seemed to loom over the surrounding homes and seemed out of place.

(17:30:35) Howard Diederich asked about the issues with respect to trash receptacles on streets and conservation of values. Mr. Allred responded that the conservation of values issues was one of the biggest issues facing the City. It had to do with the “What is Holladay?” concept. He thought the monster home moratorium had a lot to do with the idea of what makes Holladay special and unique. Commissioner Palmer thought of it as more of a sense of place. Mr. Allred reported that there had been more discussion on the topic since the last meeting between the Planning Commission and the City Council. The issue had come up several times as staff met individually with City Council Members in preparation for the adoption of the Title 13 changes.

(17:34:10) Commissioner Palmer suggested adding a tree protection ordinance to the list. He reported that he and Mr. Allred met with the Mayor a few weeks earlier. He’d asked that the Commission bring forward a text ordinance. Tree issues were discussed. Mr. Allred thought the Council recognized that more needed to be done to protect trees. More also needed to be done to allow rain water and snow melt to get into the aquifers and prevent it from running off on pavement and into the storm drain system.

(17:37:25) Gene Carr brought up the issue of PUDs. He asked to what extent the CC&Rs would regulate trees and whether the CC&Rs would override the zoning ordinance if they are stricter. Mr. Allred responded that the City did not enforce CC&Rs. He stated that the CC&Rs would prevail if they were stricter. They would, however, be enforced privately.

Commissioner Carr suggested that a conclusion be reached with regard to day care. He explained that in many instances it is both a conditional and permitted use and the definitions aren’t clear. Commissioner Palmer suggested additions be made to the definitions.

Commissioner Carr thought the P zone needed some work. He pointed out that other zone districts allow quasi-public uses. He questioned whether all churches should be in the P zone and questioned why they are not all treated the same. He explained that normally a zone district takes its character from the permitted uses.

(17:42:00) Pool fencing issues were discussed. Commissioner Palmer could see nowhere in the code where pool fences are mentioned. Mr. Allred remarked that the County Health Department would prevail in that regard. Commissioner Palmer contacted the

Health Department who told him that it was run by the State. He then contacted the State who told him they look to the International Building Code. He expressed concern that his next-door neighbor put in a pool without a fence around it. He was very upset since he has small children. The International Building Code was referred to which specifies that in lieu of a fence, a suitable automatic cover could be installed. Pool dangers and liability issues were discussed.

(17:49:27) Commissioner Palmer reported that the Council had a special meeting scheduled for the following Tuesday at 11:00 a.m. He noted that it was being held the day before the expiration of the moratorium. Mr. Allred reported that at the meeting scheduled for the following night, the Council planned to go through the document page by page. Staff had conveyed to the City Council the feelings of the Planning Commission. He remarked that the Mayor had very strong feelings about certain issues and that there had been very good give and take. The main issues seemed to deal with philosophy. It was noted that if nothing were voted on, the existing ordinance would remain as it did before the moratorium.

(17:54:20) Height limitation issues were discussed. The Mayor agreed to a maximum height of 32-feet. He thought it ought to be the absolute top for anything zoned R-1-10 or less. He also suggested that some of the charts and tables be simplified and recommended a 32-foot maximum for lots that are 10,000 square feet or smaller. In the R-1-15 or R-1-21 zones he thought the maximum could be 35 feet with a cap of 40 for the rest of the zone.

Commissioner Palmer remarked that there were numerous sets of minutes that needed to be approved. He hoped the Commissioners had had a chance to review them.

(18:05:14) Commissioner Palmer called the regular meeting to order at 6:05 p.m. and read the Commission statement.

2. Agenda Items.

2.1 Preliminary Plat – The Woods PUD - 2714 East 6200 South.

(18:07:54) Mr. Haskell presented the staff report and stated that the Planning Commission approved the preliminary plat in February of 2005. Due to some engineering issues with the property, the final plat was never recorded. The preliminary issues had since been resolved and the applicant hoped to proceed with the final plat. Since the approval had expired, the issue was placed on the agenda for reapproval of the preliminary plat. The submitted plat was found to comply with the original approval with the exception of the dedication for the future right-of-way on 6200 South. It was shown as 33 feet but should be 40. Mr. Haskell noted that that was the same as all previous dedications along the same portion of 6200 South. A copy of the proposed preliminary plat was attached with the staff report.

Mr. Haskell reported that the applicant was requesting preliminary plat approval for The Woods subdivision located at 2714 East 6200 South in the R-1-43 zone. The subdivision would contain four lots, which meet the lot area requirements for the zone. The lots

would be accessed from the private drive along the west property line coming off of 6200 South. There was a second access through the properties further to the west; however, this access would be used only for emergency access. Staff recommended approval of the preliminary plat subject to the following conditions:

1. The dedication along 6200 South be amended to a 40-foot half width.
2. Approval would be subject to conditions from previous approvals.

(18:09:55) The applicant, Steve Luzak of Kodiak America, remarked that the problems were due more to consideration of the neighbors and the trees than engineering issues. They worked several different scenarios to come up with the best plan for all involved.

Commissioner Palmer referred to the Big Cottonwood Tanner Ditch Main Branch and did not see it shown as a right-of-way on the plat. He asked if it was added in. Mr. Luzak was not sure. Mr. Allred remarked that it was shown as a 50-foot public utility and drainage easement.

Mr. Allred asked about the unbuildable area on Lot 4 and whether it was sloped. Mr. Luzak stated that it was and that the scrub oak in the back would be saved. He remarked that it was behind the 30-inch ditch.

Commissioner Palmer asked if the street name was part of the recordable plat. The applicant stated that the name would be modified to fit with the project. Other unresolved issues were identified. It was noted that the aqueduct issue still needed some resolution.

(18:16:20) Secondary access issues were discussed. Mr. Luzak was concerned that they pay a lot of taxes on the property in the rear but they weren't able to include it in their formula. He thought they should have been able to have five one-acre lots on the site since they own over five acres. He questioned whether the density could still be reworked. He remarked that the property was available for the neighbors to use, but they get no credit for it and they pay taxes on it.

Cyrus McKell noticed that originally on Lot 1 there was an existing house. Mr. Luzak reported that the house would be torn down as the project progresses. Commissioner McKell commented on the four detention ponds on the site and asked if they would combine in the event of an extreme storm or whether the water would be diverted to the roadway. Mr. Luzak responded that excess water would most likely be diverted to the roadway. He stated that percolation tests had been done on the property and there was great percolation. He believed that between the detention ponds and the extra landscaping that would be done on the site, they would be able to handle the majority of the storm water. In the past the area had been flood irrigated but they were planning to go to pressurized irrigation on the yards, which would also help.

(18:19:57) Commissioner McKell asked how the scrub oak on the site would be protected. Mr. Luzak stated that there would be a protective fence line used for construction. He expected that 95% of the material would be saved since they would have to stay below the large ditch. Some cleanup of the site would also need to be done. The top of the site had been landscaped by the neighbor up to the privacy fence.

Commissioner Palmer opened the public hearing. There was no public comment.

Commissioner Palmer asked if there were any outstanding TRC issues other than the right-of-way.

(18:24:28) In response to a question raised, the applicant clarified that there would be a gate on the property line running parallel with the long part of the lot so that the two neighbors presently using it for access will have full use without having to go through the gate. The location of the proposed gate was specified on the plat. Commissioner Palmer suggested it be specified that there would be an emergency access gate at that location.

In light of recent action taken on the Kueffel subdivision, Mr. Allred noted that in that project the lots were allowed to be slightly less than one acre in size. The four lots were on over four acres with an amenity. Commissioner Palmer referred to the unbuildable area on Lot 4 and stated that there was a large area of 30% slopes. If that calculation was taken out and the road area calculation added back in, it would be less. It was noted that the Commission spoke at length with the applicant and the prior landowner about density and they ended up with four lots. Mr. Allred suggested the unbuildable area not be included in the lot area. Commissioner Palmer responded that it was shown on the plat as an unbuildable area that was attached to Lot 4 as an amenity. Mr. Allred suggested that unbuildable areas not be included in the lot area. He stated that on many PUDs, unusable areas are shown separately. If it were separated out, it would be considered part of the homeowners' association who would then be charged with maintaining it.

(18:29:50) Mr. Luzak asked if they could fence the non-buildable area. His understanding from previous projects was that nothing could be done in those areas. Mr. Allred responded that in the Oakwood Villa project, fencing was allowed in non-buildable areas so long as there was very little disruption of the soil. Mr. Luzak reported that they were still trying to determine the type of fencing that would be proposed. He expected it would be some type of solid fencing. Commissioner Palmer thought wrought iron would be less intrusive on the landscaping. The intent of the fence would primarily be to keep children off of the slope. For purposes of getting the plat recorded, Commissioner Palmer did not think the fencing specifications needed to be included. Because it is a PUD, they had the ability to be flexible on ordinances.

Mr. Luzak thought there had been a lot of give and take and remarked that they were basically giving up a \$1 million lot to not argue the five-acre situation. He hoped the Commission and staff would work with them.

(18:33:56) *Commissioner Shupe moved to approve The Woods PUD subject to the following conditions:*

1. The addition of the 40-foot dedication on 6200 South.
2. The 50-foot PUE detention in the middle of Lot 1 shall include the Big Cottonwood Tanner Ditch.
3. The width of the easement for the water line on lot 4 shall be determined by the Holladay City Engineer with approval of Salt Lake City Public Utilities.
4. The street name shall be approved by the County prior to recording the plat.
5. The emergency access gate on the common area road shall be on the east portion of the roadway.

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

Commissioner Diederich was excused from the remainder of the meeting

2.2 Preliminary Plat – Inverness Subdivision Amended and Extended – 6121 & 6137 Verness - Amending Lot 3 and Creating Lot 7.

Mr. Haskell presented the staff report and stated that the property was within the R-1-21 zone. There were 1.44 acres between the two lots affected by the subdivision amendment. The new lot 3A would have .64 acres after the adjustment. The new lot being added to the subdivision, Lot 7, would have .8 acres. Both were found to meet the half-acre required by the zone. The accesses on the private driveway would come off of the private road. Utility availability letters were also provided to the City. The TRC recommended approval of the subdivision subject to the following conditions:

1. The addition of updated covenants, deeds, and restrictions.
2. Adding Lot 7 prior to the final plat being recorded.
3. The addition of a ditch easement to Lot 3 for the existing irrigation lateral on the east side of the property unless not desired by the irrigation company.
4. It should be understood that the setbacks shown on the preliminary plat are to show that there is a buildable area only. They would not be shown on the final plat.
5. The setbacks required by the code at the time of building permit application submission shall be the setbacks that control.

The City Engineer recommended approval contingent upon the UPDES permit being obtained. Mr. Haskell reported that it was a grading and storm water runoff prevention permit required by the State for projects over one acre. They are required if one developer is developing both of the lots, which he believed was the case.

The UFA recommended approval with the installation of one hydrant.

The right-of-way engineer also recommended approval.

Staff recommended approval subject to the findings contained in the staff report and the following conditions:

1. The applicant shall obtain a UPDES permit from the State of Utah prior to recording the final plat.
2. The new covenants, deeds, and restrictions shall be submitted to the City of Holladay for review prior to recordation of the plat.
3. A ditch easement shall be shown on Lot 3A for the existing lateral.
4. Setbacks for the lots shall be as allowed by code at the time of building permit application.

(18:39:15) The applicant, Ken Keller, referred to the ditch easement on the east side of the existing subdivision. He stated that it had been abandoned and not taken care of. If the Water Department were to agree that it had been abandoned, he thought it would be a moot point to have it on the plat.

Mr. Keller recognized the presence of many of his neighbors and mentioned that the plans were nearly complete. The home was expected to be far smaller than any of the other six that would be built in the subdivision. The home would be a single-story rambler with an appealing roof in keeping with the European feel they were trying to establish. It would also meet the existing CC&Rs.

Commissioner Palmer remarked that because the building application had not been filed, it would either be under the current temporary zoning regulations or the proposed amended Title 13 that the Council would be considering the following week.

(18:45:02) Commissioner Palmer opened the meeting to public comment.

Joe Moslander gave his address as 6096 South 2230 East. He asked for some specifics with regard to where the new property line will be, the footprint of the home, and the setbacks. Commissioner Palmer responded that they were not yet known since the zoning ordinance was in the process of being revised.

Lot line issues were discussed.

There were no further public comments. Commissioner Palmer closed the public hearing.

(18:48:29) Commissioner Palmer stated that the hammerhead was drawn ending halfway between Lots 3 and 2. He asked if there was a private easement granting access to Lot 7. Mr. Keller confirmed that there was and stated that it would extend off of the hammerhead. Commissioner Palmer noted that it was not shown on the plat. Mr. Haskell stated that there was a dotted line shown on the plat. The dimensions and a note were included with Lot 3A. It specified a proposed 20-foot ingress, egress, and utility easement for Lot 7. He explained that the new Lot 7 was part of the lot to the north and it was used as a backyard area. It was since sold to the current applicants.

Mr. Keller remarked that the CC&Rs require 3,500 square feet on the main floor for two-story homes. One-story homes require 3,700 square feet.

Commissioner Palmer brought up the ditch easement issues. He identified the ditch company as the Big Cottonwood Tanner Ditch Company and disclosed that he serves as its Vice President. He explained that there was a lateral on the site which was not owned by the ditch company. It was actually an easement for whoever uses the lateral. Since the ditch had been abandoned, he suspected that it might not be an issue. Mr. Haskell agreed to obtain information from the ditch company or the downstream users showing that it was abandoned and not in use.

(18:54:10) *Commissioner Shupe moved to approve the addition of Lot 7 to the Inverness subdivision with the following conditions:*

1. *The irrigation easement that is to have been abandoned will be worked out between the City and the Irrigation Company and/or downstream users.*
2. *The applicant shall obtain a UPDES permit from the State of Utah prior to recording the final plat.*
3. *CC&Rs shall be submitted showing that Lot 7 has been added and that Lot 7 will submit to the CC&Rs.*
4. *Setbacks for the lots shall be as allowed by code at the time of building permit application.*

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

3. Consent Items.

3.1 Approval of Minutes – Planning Commission Meeting – 10/17/06, 11/08/06, 11/21/06, and 12/05/06

The minutes were reviewed by the Commission. In response to a question raised by Commissioner Scott, Commissioner Palmer explained that the minutes are not released to the public in draft form. He was unaware of the City's policy and suggested it be clarified with Craig Hall. Commissioner Scott did not feel that the Vander Veur discussion in the minutes sounded as heated as it had become. It was determined that a newspaper article referring to the minutes should have specified that they were "draft" minutes. Mr. Allred commented that if the City allows the review of draft minutes and there is a significant change between the draft and the official minutes, questions could arise. He had seen on more than one occasion the internal changing of minutes to suit particular points of view. Commissioner Palmer asked that Mr. Allred review the City's policy with Craig Hall

(19:11:53) Mr. Allred referred to page 7 of the December 5 minutes regarding the Highland Estates issue and recalled that the motion included the condition that the

interior graduated height requirement between the lots be released. That was not Commissioner Palmer's recollection since it was straight subdivision rather than a PUD. As a result, that requirement could not have been relaxed. Commissioner Palmer referred to page 7, lines 26 through 33 of the December 5 minutes, which appeared to be appropriate. Commissioner McKell suggested the minutes reflect consistently the correct starting time of the meeting as 4:00 p.m.

Mr. Haskell referred to the motion on page 7 of the October 17 minutes. He remarked that the conditions listed were actually findings contained in the staff report. The actual conditions were not listed. Commissioner Palmer stated that additional conditions were not listed because it was a subdivision. The suggested conditions were reviewed. Commissioner Palmer recalled the discussion and that they decided not to tie them to the temporary since the applicant would have to reapply. As a result, his recollection was that only the findings were listed at that time with no conditions.

(19:17:18) Commissioner Carr referred to October 17 in which changes were recommended to the minutes being approved. He questioned whether those changes had actually been made. Commissioner Palmer stated that changes could be verified by checking the final minutes published online. Commissioner Palmer reported that he previously submitted his changes to the October 17 minutes. On page 7, line 14, the word "conditions" was changed to "findings". On page 8, line 7, the "Public Meetings Act" was changed to the "Open and Public Meetings Act". On line 34, Commissioner Carr asked that "Lynn Pace" replace "the City".

The November 8, 2006, minutes were reviewed. Staff was asked to refer to the audio of the meeting to try to identify the unidentified person who spoke on page 4. Commissioner Kimball referred to page 3, line 12, and asked that the name "Joan Jones" be changed to "Joan Amott". Commissioner McKell brought up the stream setback issue discussed at the November 8 meeting. It seemed to him that it was never clear in the discussion. Commissioner Palmer responded that he addressed the issue again later on in the meeting and referred to page 5, line 30. He stated that typically whenever a stream setback exception is opened up, an explanation is given at the beginning clarifying that the exception is not a prohibition and involves the extra step of the Commission looking at it. He was unsure whether he did that that night. He explained that in those cases, they were waiving the requirement or creating an exception. They were actually giving it a third layer of review along with the City Engineer. Irrigation issues were discussed. On page 8, a question was raised with regard to the spelling of the last name "Moony". Staff was asked to compare it to the sign in sheet. It was suggested that staff provide the transcriptionist with a copy of the sign in sheet to prevent name misspellings

The November 28, 2006, minutes were reviewed. Commissioner Palmer referred to a comment made by Commissioner Scott on page 3, line 19, and asked him for clarification. Commissioner Scott remembered talking about Scott Safford having to change his lot but could not recall referencing Kodiak as an exception. It was suggested that that sentence referenced be stricken. On the line above, the spelling of "Stafford"

was changed to “Safford”. Commissioner McKell referred to page 4, line 22, and asked that the word “graph” be changed to “table”.

The December 5, 2006, minutes were reviewed. On page 1, line 26, “Craig Kleinman” was changed to “City Attorney, Craig Hall”. On page 2, line 4, Commissioner Palmer asked that reference be made as to specifically what was discussed rather than the agenda numbers. On line 8, “Craig Kleinman” was changed to “Craig Hall”. On line 46, he suggested that “pursuant to Section 52-4-205(C), Utah Code to discuss litigation” be added to the end of the sentence. He stressed the importance of being very specific about why the Commission was in closed session. Commissioner Palmer asked that the correct spelling of “Vanderveur” be determined and replaced throughout the minutes. Ms. Hanson stated that the correct spelling was “Vander Veur”. Commissioner Kimball referred to page 14, line 41, and asked that his comments be changed to read, “Commissioner Kimball suggested a formula for determining height based on width”. Commissioner Palmer referenced page 19, line 45, and asked that the word “material” be replaced with “non-material”.

(20:06:03) The minutes of October 17, 2006, November 8, 2006, November 28, 2006, and November 5, 2006, were approved as amended by the unanimous consent of the Commission.

4. Staff Reports.

4.1 Ordinance – Discussion of Upcoming Ordinance Amendments.

Mr. Allred stated that the City Council would be meeting the following night. He expected the issue would be discussed between 5:00 p.m. and 6:00 p.m. The Council was then expected to hold a short meeting and adjourn to discuss what they considered to be the most material items for correction. Staff suggested they review the amendments page by page and try not to belabor the non-material issues and get to the substantial issues. When staff met with Council Member Lynn Pace, and the Mayor earlier in the day, Council Member Pace boiled it down to two or three major issues. Mr. Allred thought some of his ideas represented a substantial change in philosophy. He explained that much, if not all, land use policy is subjective. He had ~~strong~~ concerns about some of Council Member Pace’s suggestions. One was about changing the model to zoning instead of proportionality. He thought as a staff and Planning Commission, that that was pretty important. Commissioner Palmer used a good example as the Inverness subdivision discussed earlier in the meeting. Because they are in the R-1-21 zone, they are building to 40 feet tall even though the lots are .6 acre. They were also building to the minimum setbacks and maximum building pad. A number of people made comments to him about the size of the proposed homes relative to the size of the lots. He thought that needed to be controlled. Going back to zoning based standards wouldn’t control that.

(20:11:41) Mr. Allred remarked that proportionality based standards are ultimately fair. Since zoning was much more subjective, a great number of lots in the community were non-conforming in the zones they are in. Another major concern expressed by Council Member Pace was the idea that private lanes and private road development would

increase some density in the City. Staff agreed but explained that the tradeoff was that stems cannot be counted toward the density. He explained that that was an issue that could be reexamined. Commissioner Palmer suggested they clarify it and indicate that it should not be counted. Buildable and non-buildable area issues were discussed.

(20:14:14) Mr. Allred wanted to bring Neil Lindberg in fairly soon to discuss the zoning ordinance. He asked that the Commissioners submit any other items they would like added to the list. Commissioner Palmer suggested that the matter of whether the alternate Commission Member is allowed to participate in discussions be addressed. He explained that the ordinance originally allowed participation. That was changed at some point and his understanding was that currently participation was not allowed. The alternate was required to sit in the audience and could not ask questions. Because many applications are continued, the alternate ends up participating with the Commission, whereas, in the previous meeting he may not have been given the benefit of asking questions. Commissioner Palmer's preference was to allow the alternate to participate. Commissioner Carr commented that as a citizen, the alternate could participate regardless. Commissioner Palmer thought it was much better to be clear and allow the alternate to participate but not vote. Commissioner Kimball hoped to be allowed to ask questions when he is in the audience. Commissioner Palmer thought balance could be reached by allowing participation without voting.

Commissioner Kimball reported an *ex parte* communication. He explained that he attended an open house at Jay Rice's house. Mr. Rice took that occasion to explain his views on the merits of the gateposts constructed. Commissioner Palmer responded that Mr. Rice had been advised by staff that before he goes before the Council for his waiver to put a fence in the public right-of-way that he might want to correct that issue. Mr. Allred reported that he spoke with Bob Neff who was in the process of lowering the height to 8 feet in anticipation of the Council allowing 8 feet for the pillars, the gate, or both. If not, they would take it down to 6 feet.

(20:22:28) Mr. Allred reported that a University of Utah student had expressed interest in working as an intern. Staff had not yet gone through administration to obtain approval, however, he had found interns to usually be a great idea. They are typically very cooperative and because they work for credit, they do a good job. The applicant was interviewed and believed to be able to do the job. The applicant would be graduating in April or May with a Bachelor's degree. Commissioner Palmer commented that the budget consideration would be up to the City Manager. He agreed to support it and stated that they had received good reports from interns.

(20:24:01) Commissioner Shupe remarked that Cowboy Partners was supposed to exercise their option in November for the property and asked for an update. Mr. Allred responded that he had not been involved in the recent discussions but believed there had been an extension discussed.

Mr. Allred reported that on the Walgreen's lawsuit, City Attorney, Craig Hall, filed the necessary paperwork. He stated that Walgreen's filed suit and there had just been a lot of

talking between the two law firms. Mr. Hall had since filed for summary judgment and the City prepared its reasoning for the judge. If summary judgment were granted, the lawsuit would be dismissed. If denied, the lawsuit would proceed to court.

Mr. Allred updated the Commission on the Holladay Pines issue. Staff had been working cooperatively with Bob Neff on the issue. The applicant planned to propose a nice landscaping feature on top of the rock wall. The applicant's preference was to have a five-foot walk instead of a six-foot walk to save some trees. Mr. Allred suspected there was also an ulterior motive, which was to avoid moving some of the large rocks on the retaining wall. The applicants proposed a solid wall with a three-foot pony wall and three-feet of open wrought iron. Staff thought it ought to be more open than half and half.

(20:27:58) Commissioner Palmer asked Mr. Allred if he had heard from Sterling Tholen since he was sent a letter from the City regarding the Oakwood Villa PUD matter. Mr. Allred responded that he saw Mr. Tholen recently and that he did not seem happy. He explained that staff's relationship with Mr. Tholen had always been warm and cordial until their last interaction. He thought it went back to Mr. Tholen-architect who also worked with the Vander Veurs. Mr. Allred believed Mr. Tholen was frustrated and hurt by the way he thought the Planning Commission treated him. He was very unhappy about the denial of Lot 1 for the additional height even though the Commission gave on the fencing and front setbacks. Mr. Allred explained that Mr. Tholen was invited to present a comprehensive building height plan and justify the project on a lot-by-lot basis. He had chosen not to do the additional work necessary to do that.

(20:30:39) Zoning versus proportionality issues were discussed.

5. Adjournment.

The Planning Commission adjourned by the unanimous consent of the Commission.

The Planning Commission Meeting adjourned at 8:38 p.m.

I hereby certify that the foregoing represents a true, accurate and complete record of the Holladay City Planning Commission meeting held Wednesday, January 3, 2007.



Teri Forbes
T Forbes Group, Inc.
Minutes Secretary

Minutes approved: 2-6-07