

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

**Tuesday, January 8, 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

City Staff:

Paul Allred, Community Development Director
John Teerlink, City Planner
Pat Hanson, City Planner

1. Field Trip and/or Discussion.

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

Vice Chair Cyrus McKell called the meeting to order at 7:02 p.m. and read the Commission statement.

2. Agenda.

2.1 Robinson Cove Subdivision – 07-4-01-01 – 2110 East Murray Holladay Road – Concept and Preliminary Plat Approval.

(19:06:47) Community Development Director, Paul Allred, presented the staff report and stated that the item was for a four-lot subdivision. The property was zoned R-2-8. When the matter first came to the City the applicants were requesting an RM zone. The RM zoning was not approved and instead R-2-8 zoning was adopted by the City Council, which was a zone requiring a minimum 4,000 square feet per individual dwelling. Staff believed the preliminary plat was ready and brought it to the Commission because they felt the technical issues had been worked out in terms of the layout of the property. The Technical Review Committee (TRC) had some concerns but recommended approval subject to conditions.

Mr. Allred reviewed the layout of the lots located on Murray Holladay Road. There was formerly a single-family home on the lot that had been torn down. The property had been vacant for a number of months. There were some trees on the property in the right-of-way that were removed and staff had some discussion with the property owner about that. Mr. Allred stated that the outstanding issues had been satisfactorily resolved with regard to the trees in the right-of-way.

(19:08:24) Mr. Allred presented a layout for a four-lot subdivision consisting of two twin homes. He found some issues on lot area that were interesting. His calculations showed that the lot was

about 21,000 square feet. It was then reduced by the dedication along Murray Holladay Road. The outstanding issues contained in the staff report were reviewed.

Other than the issues outlined, staff was satisfied with the submittals and that preliminary approval could be granted. If approved, the preliminary plat would not come back to the Planning Commission. Mr. Allred explained that subdivisions in Holladay are reviewed at the conceptual and preliminary stage. The TRC reviews the final mylar and signs off on it. Staff recommended the Commission approve the preliminary plat subject to the correction of the items outlined.

(19:12:40) Mr. Allred did not think the applicant had conducted a meeting with the neighbors regarding the subdivision plat. His belief was that the applicant had a meeting with the neighbors regarding the rezone petition. Technically, he thought the Commission should determine whether or not they would like the applicant to conduct a neighborhood meeting or if what was done was sufficient for the public input portion.

(19:13:55) The applicant, Greig Morris, was present on behalf of D&M Development. The proposal was for a four-unit development. Mr. Morris' intent was to conduct a neighborhood meeting within the next three weeks. Mr. Allred recommended the Commission make approval contingent upon the neighborhood meeting being held before final plat.

Commissioner McKell asked about the frontage onto Murray Holladay Road. He saw no designs along the frontage addressing the replacement of trees to be in conformity with the neighborhood. Mr. Morris responded that they had an agreement with the City to replace some of the trees. Mr. Allred explained that the applicants removed the trees and there was a dispute that occurred. The situation was resolved wherein the applicant would pay a \$1,000 fine for proceeding without first obtaining a permit from the City. The City then collected an additional bond for \$1,000 for the applicants to replace trees along the City's right-of-way. His recollection was that it involved two or three trees of three-inch caliper of a type that would flourish in the park strip.

Commissioner McKell stated that the Commission Members visited the site and were concerned about the missing trees. Mr. Morris confirmed that the trees planted would be in conformity with the general pattern in the neighborhood.

(19:18:28) Mr. Allred clarified that the project would not be a PUD. He commented that PUDs comprising less than three acres were not allowed in the zone. What was proposed was a subdivision in the R-2-8 zone. Each lot would have to have at least 4,000 square feet not including the driveway.

Mr. Allred stated that dimensions of the side and rear yards were still needed on the preliminary plat. He stated that dimensions for all four perimeters would be obtained.

Commissioner McKell opened the meeting to public comment.

(19:22:55) Tom Breitling was present representing the Easton in Holladay Condominiums next door to the subject property. One of his concerns was that all of the storm water on the Easton project directly to the east of this site drains within their property and goes into catch basins that move into the storm drain on Murray Holladay Road. He had not seen on the plan that that was taken care of by this development. There was a great deal of foliage on the property previously and everything that fell onto the lot was absorbed into the ground. Now, very little would go into the ground. He did not want the runoff to flow onto their property. He suggested the sides slope toward the center and into catch basins and into the storm drain. Mr. Breitling commented that driveways of the two developments were offset, which was a poor arrangement. He hoped something could be done about it. There would be eight cars coming in and going out of the development each day. The residents in Easton in Holladay had a difficult time turning because of the traffic between the school light to the east and the Viewmont light to the west. He had spoken to staff about the possibility of requiring the developer to buy or lease property on the rear of the Murray's property to the west and access the easement to Viewmont.

(19:27:05) Douglas Cromar gave his address as 4813 Viewmont Street. It was clarified that there would be two twin homes or four units. He pointed out that there was an irrigation ditch that goes to the storm drain on the west side of the property. It was now on the Murray property and served as an irrigation overflow. He wanted to make sure there was no obstruction to the overflow, which would flood the corner house.

Mr. Allred explained that the intent was to pipe the ditch along the back of the property with a new 24-inch pipe. With regard to drainage, the applicant had graded the property so that it runs to the west and then out toward Murray Holladay Road. A new catch basin box was shown in the curb. It should not affect the Murrays, as it would be to the west of Mr. Cromar's property.

Commissioner McKell stated that previous concerns raised about surface runoff were resolved with the advice of the City Engineer.

Mr. Allred stated that it was likely that the utilities would be brought in from Murray Holladay Road through the driveway and there would be no use for the easement along the back except for the irrigation pipe.

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

(19:33:10) Commissioner Kimball asked if there were any impervious area calculations the Commission should be aware of. Mr. Allred responded that there was a maximum allowed of 40% in the zone, which this development complies with. The building heights were limited to 32-feet in the R-2-8 zone. They were proposed at 28 feet. He clarified that the project would be regulated by the requirements of the R-2-8 zone.

(19:36:05) *Commissioner Carr moved to approve the Robinson Cove Subdivision with the following staff stipulations:*

- 1. Proper labeling of the setback area on the south side of the project.*

2. *Relocation of the public utility easement within the public utility easement on the west side.*
3. *Properly designate the ingress/egress between Lot 2 and Lots 3-4, 4.*
4. *Staff was still lacking from the applicant, the submittal of a utility provider letter from Questar stating that they have reviewed the plans and will provide service.*
5. *Properly designate the lengths of the property lines on the approved drawing.*
6. *Verify the UFA requirement to determine if an additional radius is needed on the driveway access.*
7. *The submittal of the attendance and results of the neighborhood meeting.*

While not required, it was mentioned that there should be CC&R's regarding the maintenance of the driveway and any common space within the project.

Commissioner Scott seconded the motion.

Mr. Allred clarified that in the neighborhood meeting the neighbors did not have to agree to the proposal in order for the Commission approval to go forward. They would have to meet and show the neighbors their plans and receive input and have dialog with the community.

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

2.2 Thompson Subdivision – 07-1-15 – 1862 East Lincoln Lane – Preliminary Plat Approval.

(19:41:50) City Planner, John Teerlink, presented the staff report and stated that the applicant provided the details of the neighborhood meeting held on December 20, 2007. The zoning was R-1-10 and the applicants provided 15,000 square feet of lot space, which well exceeded the 10,000-foot requirement. The proposed lot measured 117 feet, which exceeded the 100-foot requirement. It was determined that the applicants had met the zoning requirements and staff recommended approval based on the findings and completions contained in the staff report.

Commissioner Carr expressed concern with the right-of-way abutting the building. He questioned whether staff had safety concerns. Mr. Teerlink responded that the UFA did not stipulate in their letter what the width should be but that there could be an exception of the required 20-foot width.

(19:47:29) The applicant, Craig Thompson, identified himself as the property owner. With regard to right-of-way concerns, Mr. Thompson explained that they must have at least an 8-foot average on the west side. Along the garage it could neck down to as little as 7 ½ feet. The code requires a 20-foot access for fire trucks. Their preference was to not put the driveway on the west property line in order to save some significant trees on the site. As a condition, the UFA agreed to allow 16 feet around the garage only if a sprinkler system is installed. The intent was to save as many trees as possible. Only two trees would definitely have to be removed.

The meeting was opened to public comment. There were no public comments. The public hearing was closed.

(19:51:07) Commissioner Carr stated that the vicinity maps had been attached and were woefully inadequate. Mr. Teerlink stated that they had been printed from the GIS system and it had been copied several times. He agreed to ensure better quality in the future.

Commissioner McKell referred to a private lane constructed by the neighbors to the east. Mr. Thompson stated that when it was approved the zoning allowed the access to be 16-feet wide. A meeting was held with the neighbors on a night when there was a snowstorm and as a result, there were no attendees. He received phone calls from neighbors and had some discussions with neighbors that were referenced in the minutes.

Commissioner Shields referred to the hammerhead on Lot 2 and wondered how a lot would fit on the property. Mr. Allred explained that the applicants would have to be careful not to exceed the impervious surface area allowed in the zone. He stated that the setback areas would not count against that. He commented that the hammerhead counts toward the impervious surface requirement. Mr. Teerlink stated that the hammerhead was much smaller than what was previously proposed. As a result, the building area was slightly larger.

(19:56:47) Commissioner Carr stated that there had been a lot of research on paving material that is pervious and allows water to go through it. He suggested more use be made of it. Mr. Allred stated that the City had been getting a lot of inquiries from residents about that. Staff was aware of some materials that were engineered and approved that allow water to percolate through. Staff had, in the past on perhaps two occasions allowed applicants to use it on a 1-to-1 trade basis if it was engineered and installed correctly but that it is important to get such as allowance codified in the immediate future.

(19:59:25) *Commissioner Scott moved to approve agenda item 2.2 for the Thompson subdivision based on the following:*

Conditions:

- 1. *Lot area and width and other requirements are met.*
- 2. *Right-of-way width is adequate for required road improvements.*
- 3. *Utility availability has been demonstrated.*
- 4. *A fire sprinkling system shall be required in rear house per UFA Code modification.*

(*Note that the completions contained in the staff report were not included in the motion).

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

2.3 Castleberry Condominiums – 07-2-11 – 4904, 4906 Highland Circle – Concept and Preliminary Approval.

(20:02:13) The applicant, Russ Castleberry, gave his address 122 Fox Pointe Circle in North Salt Lake. He reported that they owned an old duplex there for the past nine years that needed to be torn down. They were trying to decide what to build in its place. They determined that rather than be in the rental business, they could develop attractive condominiums there. They had

attempted to meet the requirements of the City but were unable to in a couple of corners. That was the concern to be addressed tonight.

Mr. Teerlink presented the staff report and stated that the TRC made and corrected redlines on December 10. Tosh Kano suggested curb, gutter, and sidewalk be a requirement if approved. He noted that the applicants met all of the requirements for the RM zone. He explained that conditional uses were required for anything above two units. Staff recommended approval of the four-unit complex subject to the conditions set forth in the staff report.

Mr. Castleberry commented that a public meeting was held but there was no one in attendance. Notice was provided to all property owners within a 500-foot radius. He received one phone call from a resident who expressed his support for the proposal. He commented that the proposed side yard setbacks were an improvement over what was there presently. He noted that there were no homes close to the proposed structure on either side. There were only driveways next to the property and beyond the driveways there was landscaping that was quite a distance to the nearest occupied unit.

(20:09:30) Mr. Castleberry commented that his architect contacted him and informed him that he did not think it would be beneficial to the prospective owners to install excess parking stalls. In his experience most cities allowed for the garage and driveways. His concern was that the excess parking spaces would make the project look like an apartment complex. He noted that the driveways were 25 feet, which was more than what was required. Across the street there was a great deal of parking and no homes. He was unsure the Commission would accomplish what it wanted to by providing an opportunity for people to park in the excess spaces. He thought landscaping would be more desirable.

Mr. Teerlink stated that what was identified was tandem parking. In the past the City had not allowed that, even in PUDs. The parking requirement was for 2 ½ parking stalls per unit. The total required for the project was 10. Mr. Allred believed the intent of the ordinance was that for every unit, one-half of a guest-parking stall should be provided.

Commissioner McKell agreed with Mr. Castleberry that the excess parking stalls did not make sense for the City as they place a high value on trees, shrubs, and grass. Philosophically he did not think any of the Commission or Council Members would suggest a site be over-parked instead of parked properly to preserve trees and leave more area for permeable surfaces.

(20:20:08) Commissioner Shields suggested two parking stalls be allowed per unit with guests parking in driveways and across the street. That would reduce the parking requirement and still give each of the resident's two parking places. Commissioner Carr could see the concern with tandem parking. Mr. Castleberry appreciated the suggestion. He wanted to make sure the project looks nice when it is completed.

Commissioner McKell pointed out that by reducing the amount of asphalt parking, if there was only one parking place on the south side instead of three, in addition to the impervious surface, more trees could be planted which would increase the aesthetics.

Mr. Allred stated that there would have to be an assurance that the off-street parking ordinance complies with the individual zone. He thought there was a conflict between the rules for off-street parking for a multiple family dwelling, which requires two, and the RM zone which requires 2 ½. Commissioner Carr thought all of the parking should be in one place. Mr. Allred stated that staff would be reworking the ordinance this year. Because it was a conditional use permit, he suggested the Planning Commission use its best judgment in reviewing and approving the project and making modifications where advisable.

Commissioner McKell invited public comment. There were no public comments.

(20:24:25) Commissioner Scott saw no need for the four parking stalls. He thought buyers would be aware of the parking limitations. He viewed the situation as a matter of economics. He did not think the additional parking stalls enhanced the City and were not necessary. Commissioner Kimball agreed. Commissioner Shields stated that for the two units with single-car garages, the second car would be parked on the street. Commissioner McKell thought on snowy days it would be nice to have a place for the single garage units to park. Commissioner Khodadad remarked that on snowy days additional cars could be parked in the driveway. With regard to parking she suggested the Commission first determine what is legal. Mr. Allred believed the ordinance was pretty flawed in that there were standards in one area that may conflict with another. Sometimes the standards simply conflict with common sense. He read from the conditional use language, which stated that the Planning Commission has to impose conditions that protect adjacent properties and the public welfare. He believed the strong argument was that the Planning Commission should only apply such requirements and conditions to protect adjacent properties and the public welfare. He explained that that was the purpose of conditional use. He next read from section 13.84.050, Determination of the Commission, which he believed gave the Planning Commission the ability to use its common sense in regulating uses within the zone and on the site.

Mr. Allred stated that he had seen only one conditional use permit denied in his 20 years' experience in Planning and Zoning in Utah. Some believed that conditional use permits could not be denied. The Utah League of Cities and Towns, the Legislature, and other land use attorneys determined that conditional uses were basically permitted uses that conditions could be imposed on. Mr. Allred stated that conditional uses allowed the Commission to modify or waive what was proposed to result in a better use. He believed that during site plan review there should be very few requirements except those that are needed to comply with health, safety, and welfare issues. He noted that in the single-family zone, which is a more rigid and less flexible area, homes are allowed to exceed the minimum setback line by 15%.

(20:37:50) *Commissioner Shields moved to approve the Castleberry Condos with the following:*

Findings:

- 1. The use is necessary and desirable.***
- 2. The use will not be detrimental to the area.***
- 3. The use complies with regulations and conditions.***

4. *The use conforms to the General Plan.*
5. *The findings on the parking issue were based on Section need full citation 050, which allows discretion on the part of the Planning Commission.*

Conditions:

1. *Side yard setbacks must average 15 feet with no point closer than 13'1 ¼' on the north and 12'9" on the south.*
2. *Project must meet the 40% landscaping requirements.*
3. *Applicant to provide all utility availability letters at time of preliminary plat.*
4. *Curb, gutter, and sidewalk are required.*
5. *There should be only two extra parking spots. Each unit shall have two off-street parking spaces that are not tandem or behind each other.*

Commissioner Khodadad seconded the motion.

Commissioner Kimball thought the extra parking was not needed and the parking provided with the garages and driveways was adequate. Commissioner Khodadad thought the value of the units with only one garage would be different. She thought it should be left up to the developer. Commissioner Kimball agreed and thought the developer should make the determination so long as the impervious surface requirements are met.

Commissioner Shields stated that for the health and welfare of a community, off-street parking should be provided for vehicles because it creates a safer and more pleasant neighborhood than situations where people are forced to park in the street. Commissioner Khodadad stated that residents would have the option of parking in the driveway in front of the garage. Commissioner Shields knew from personal experience that that didn't work. In the end, people park in the street. Commissioner McKell stated that the limitation of two parking stalls helped improve the landscaping situation and still provided the opportunity for the two middle units to have an additional parking stall. He thought a decent compromise had been made that would improve the design.

Commissioner Kimball pointed out that there was ample parking across the street along the curb. Commissioner Scott thought the determination should be left up to the developer.

Commissioner Kimball moved to amend the motion to eliminate condition number five and leave the issue of the extra parking stalls to the discretion of the developer. Commissioner Shields rejected the amendment.

Mr. Allred shared his experience in another city with parking issues in a development where there was inadequate parking. Later, the property owners complained to the city and questioned why the project was approved. Commissioner Shields thought on-property parking should be provided for the residents but did not think guest parking should be provided in this type of situation.

Vote on motion: Richard Kimball-Aye, Brad Scott-Nay, Gene Carr-Aye, Lynda Shields-Aye, Lori Khodadad-Nay, Cyrus McKell-Aye. The motion passed 4-to-2.

3. Consent Items.

3.1 Approval of Minutes – Planning Commission Meeting – December 4, 2007.

(20:54:48) To the December 4 minutes Commissioner Carr questioned a statement attributed to him that appeared on page 2, line 26. Revisions and modifications were made to the minutes. It was suggested that the minutes be approved subject to written comments to be submitted to staff.

(21:05:43) *Commissioner Scott moved to approve the minutes of December 4, 2007, subject to individual written corrections to be submitted and corrected by Pat Hanson prior to the 22nd of January. Commissioner Kimball seconded the motion. Vote on motion: Richard Kimball-Aye, Brad Scott-Aye, Gene Carr-Aye, Lynda Shields-Aye, Lori Khodadad-Aye, Cyrus McKell-Aye. The motion passed unanimously.*

3.2 Election of Chair and Vice Chair.

Commissioner McKell suggested the vote be deferred until a full body is present.

(21:08:52) *Commissioner Carr moved to nominate Cyrus McKell to serve as the Planning Commission Chair for the upcoming year.*

Commissioner McKell moved to nominate Gene Carr to serve as the Planning Commission Chair.

Commissioner Shields moved to nominate Paul Shupe to serve as the Planning Commission Chair.

There were no further nominations. Mr. Allred stated that he was not sure Commissioner Shupe could be nominated in absentia. He remarked that there were no regulations on the procedure for election of a chair other than a chair shall annually be elected along with other officers deemed necessary. The chair should serve for a term of one year.

Commissioner Shields moved that Commissioner McKell remain the Vice Chair and a vote be conducted when a full body is present. In the event the Vice Chair is not present, Commissioner Shields suggested the member with the most seniority serve as the acting chair. Commissioner McKell should serve as the Acting Chair until an election of a formal chair and vice chair is made. Commissioner Carr seconded the motion. Vote on motion: Richard Kimball-Aye, Brad Scott-Aye, Gene Carr-Aye, Lynda Shields-Aye, Lori Khodadad-Aye, Cyrus McKell-Nay. The motion passed 5-to-1.

4. Adjourn.

The Planning Commission adjourned by unanimous consent.

The Planning Commission Meeting adjourned at 9:17 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 8, 2008.

A handwritten signature in black ink that reads "Teri Forbes". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

Teri Forbes
T Forbes Group, Inc.
Minutes Secretary

Minutes approved: 1-22-08