

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

Tuesday, July 18, 2006

5:00 p.m.

Council Chambers

4707 S. Holladay Blvd.

ATTENDANCE

Planning Commission Members:

Jim Palmer, Chair
Gene Carr
Howard Diederich (left at 10:00 p.m.)
Cyrus McKell, Vice Chair
Brad Scott
Lynda Shields
Paul Shupe

City Staff:

Alma Haskell, City Planner
Pat Hanson, City Planner
Craig Hall, City Attorney (left at 6:25 p.m.)

1. Pre-Meeting

The Commissioners met with Mr. Hall for a pre-meeting briefing on the group home discussion. He explained the overall concept and answered questions. He told the commissioners he would introduce the item for the public hearing.

Mr. Allred told the commissioners that the consultants would be at this meeting to answer any questions on the proposed park plan. The commissioners then adjourned downstairs for the meeting. **The pre-meeting took place from 5:00 p.m. to 6:00 p.m.**

Chairman Palmer called the meeting to order at 6:13 p.m. and read the Chair statement.

2. Public Hearing/Discussion and Recommendation – Group Homes and Other Facilities – Amending Title 13 to Add Regulations for These Uses in all Zones.

(18:15:56) City Attorney, Craig Hall, briefed the Commissioners on the above matter. He explained that the draft ordinance dated June 30 was a comprehensive revision of the basic ordinance recommended and adopted by the City Council adopted one year earlier. An executive summary of the changes was prepared. He reminded the Commissioners that group homes are permitted uses in any zoning district where a dwelling is permitted. The City complies with standards established by the Fair Housing Act. The standards for any dwellings for group homes for people with disabilities must comply with all applicable building codes, parking, and other reasonable land use regulations.

Mr. Hall explained that in the ordinance there are several disqualifying factors such as if the proposed occupants pose a direct threat or a substantial risk to themselves, other occupants, or the neighborhood. That would be reviewed on a case-by-case basis only.

Mr. Hall reported that they had strengthened the licensing requirements for operators. Sworn statements would be required from operators on a semi-annual basis indicating that there are no occupants that present a substantial risk or direct threat. The requirement would be ongoing.

Specific zoning districts where the facilities are allowed were listed as well as the limit on the number of individuals. The most major change to the proposed ordinance was thought to be the provision for granting reasonable accommodations for disabled persons. The key to the regulation of these types of facilities was that people with disabilities are entitled to reside in the same areas that homes and dwelling units are allowed. People with disabilities were considered a family group.

(18:19:58) Commissioner McKell asked about licensing requirements. Mr. Hall responded that presently City Planner, Pat Hanson, was the person responsible for the licensing of businesses within the community.

Commissioner Diederich asked if there was any way to restrict the nature of the homes being close to schools and churches. Mr. Hall stated that generally that could not be done since people with disabilities are involved. It was noted that such a determination would have to be made on a case-by-case basis based on direct threat or substantial risk. Disabilities would range from physical to mental. Commissioner Palmer explained that if a traditional family were entitled to live in a home in a particular area, a disabled group of people would also be treated as family and could live in the same home.

Commissioner Carr asked who would determine what individuals are a direct threat or substantial risk. Mr. Hall responded that Ms. Hanson would have the preliminary responsibility of questioning groups or individuals. At that point, an administrative hearing could be convened to determine the nature and character of the individuals while maintaining privacy.

Mr. Hall explained that persons with disabilities are not considered disabled if they are under the influence of illegal substances or are abusing alcohol. Present users or abusers could not be considered disabled under State law.

(18:25:32) Mr. Hall excused himself from the remainder of the meeting.

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

Commissioner Palmer thought Mr. Hall had adequately addressed many of the issues raised by the public while maintaining the rights of the disabled to live in a neighborhood.

(18:27:40) Commissioner Shupe moved to recommend the council adopt the proposed language dated June 30, 2006, with one minor change on page 4, item F; that R2-8 and R2-10 be added to those residential zones to allow the densities of those zones as they pertain to the maximum number of residents by zone that can stay in such home. Commissioner Scott seconded the motion. Vote on motion: Brad Scott-Aye, Gene Carr-Aye, Lynda Shields-Aye,

Paul Shupe-Aye, Cyrus McKell-Aye, Howard Diederich-Aye, Jim Palmer-Aye. The motion passed.

Commissioner Palmer suggested that due to the time that the rules be suspended in order to look at minutes and hear staff reports.

Commissioner Diederich asked for an update on the porch issue specific to the J. Rice project on Highland Drive. City Planner, Alma Haskell, responded that a hold was put on the last unit prohibiting it from being occupied. As a result, it would not be sold until all of the issues are resolved. The applicants planned to apply for a conditional use permit amendment and request consideration on the porches and parking issue. In the place of the proposed tot lot, the residents suggested a pavilion, open space, landscaping, and trees. Staff felt that met the requirement.

It was clarified that all rezones along Highland Drive had been denied by the Council.

Pat Hanson reported that the Commissioners received a copy of the new temporary regulations. Staff was struggling to interpret the wishes of the Council with regard to setbacks and compatibility. The Council scheduled discussion time at their next work meeting to address the matter. Staff was unsure how much this would impact the Commission's agenda. It was thought that five or more building permits per month might overburden the Commission's already full agendas. Ms. Hanson thought the best option was for staff to immediately begin reviewing the ordinance. Height issues and requirements were discussed.

Commissioner Palmer reminded the Commissioners that a joint meeting with the Council was scheduled for August 10.

Ms. Hanson informed the Commissioners that the Administrative Assistant position had been filled. The new employee was expected to start mid-August.

(18:43:18) Commissioner Carr asked where the City was with regard to its LUDMA Committee recommendations. Ms. Hanson responded that the Commission should receive an e-mail the following week on scheduling. As soon as another full Committee Meeting is held to resolve the outstanding issues, it would be put on the Commission agenda.

With regard to the Oakwood Villa PUD, Commissioner Palmer indicated that he signed the plat that included a gated entrance that could be used by the residents of the Oakwood Villa PUD. He expected that the residents on 3900 South would be frustrated with that. He remarked that the Commission discussed having that be an emergency exit only. The discussion did not appear in the minutes or any of the written motions. Height issues were discussed. The applicant's interpretation of what was said was that he had permission to go to 35 feet on all lots. Staff disagreed. As a result, the decision was removed from staff and the applicant would be required to come back before the Commission on each building permit.

3. Public Hearing/Discussion and Recommendation - Knudsen Park Master Plan – Amendment to the General Plan. (18:48:41)

Jason Burningham was present representing the consulting firm of Lewis, Young, Robertson & Burningham. They were retained by the City along with James Glasscock, a local architect, to put together a conceptual plan and work through financing elements of the plan. What was being considered, in addition to the concept plan, were proposed revisions to the City's open space, parks, and trails master plan. The new land would need to be added into the master plan for consideration. Mr. Burningham stressed the importance of the City considering revisions and amendments to the master plan. The property location was described as approximately 8.5 acres located on the corner of 6200 South and I-215. Numerous depictions and renderings had been drafted of how the project might look. The plan proposed seemed to make the most sense for the area in terms of traffic patterns, use, and appeal to the cross section of the community. An open play area of approximately 2.5 acres was proposed as well as trails with active and passive exercise stations along it. As many trees would be preserved as possible to help create open play areas. Pavilions were built into the plan with a tot lot by each and a sand volleyball or other recreational amenity nearby.

(18:57:20) James Glasscock of LYRB presented the preliminary design of the project. He remarked that elements could be changed, added, or removed. He explained that natural areas were important for funding. Pond issues were discussed.

Commissioner Diederich noticed there was a lot of parking in the middle of the park. He asked why it was not located closer to the highway. Commissioner Palmer explained that it was an access issue since there was no access on the south end. Commissioner Diederich questioned the amount of parking in the middle of the park. Mr. Glasscock responded that they did not want to minimize the open area and explained that access won't work at the south end.

In response to concerns raised, the City Council had determined that the park would be paid for with grant and federal monies. The City Council indicated that they were unwilling to pay for it with general funds. The primary use of the park currently was as a trail, running from 3900 South 2300 East, and as a major biking route.

Commissioner McKell commented that there were difficulties with a commercial development to the south with regard to traffic at the intersection of Holladay Boulevard and 6200 South. For the City to now come back and put in a high traffic operation would seem to be inconsistent with what had been said a few years earlier. Commissioner Diederich asked about eliminating the bus lane and reducing the parking. Parking issues with Tuscany were discussed.

(19:15:20) Commissioner Shields suggested that the park include small open spaces that would be inviting for weekend events and festivals. She thought a lot of creative things could be done in a small space.

Commissioner Diederich suggested a more phased in approach specific to the concrete. Traffic and road issues were discussed. He asked why baseball fields had not been considered.

Commissioner Shields thought that the park proposed was a type the City doesn't have. She viewed it as a passive park where various activities could take place. Mr. Burningham

responded that they did not differentiate in terms of use with one having more demand than another.

Commissioner Palmer stated that in looking at the demographics of the City, the ages of those served by a soccer park compared to a baseball park were considered. He found that it was a very small minority and the City already has many more facilities than national standards. It was felt that the park would provide maximum usage for the maximum number of people at different times throughout the week. Commissioner Diederich asked about the bus turnaround lane and whether it goes against what Beckstrand spoke about with regard to high activity. Commissioner Palmer thought there was a difference between 1,600 car trips per day and having three elementary school busses show up once per week. The nature area was described which would benefit education.

(19:22:08) Mr. Glasscock suggested a different approach be taken so that the large asphalt area does not appear as obvious. The Commission recommended the park feature the widest range of activities for the widest range of people.

(19:24:37) Commissioner Palmer opened the meeting to public comment.

Fred Minkovich introduced himself as the owner of a home at 6290 South in the middle of the park. He was not opposed to the park itself, but rather the excess cement. He asked what the barrier would be between the parking lot and the Tuscany and the parking lot and the Cotton Bottom that would keep people from parking there. He remarked that a lot of trees were being disposed of on the west side. He thought the area was a neat area naturally and asked that cement not be overused. He planned to continue living in his home and was concerned that his quality of life would change too much cement is used. With regard to parking, he suspected that Tuscany would put up a fight to continue using the parking area. Mr. Minkovich wanted to be protected as a resident and maintain his present quality of life. He didn't want to be forced out with cement on all three sides.

(19:28:45) Sharon Minkovich asked about the parking lot to the south of the Franck's that shows an opening between the lot to the south and the Franck's. She thought that an official must have made a deal with Tuscany for them to continue using it. If not, she questioned why Dave Spafford was not being fined for allowing commercial use on the lots. She had received conflicting answers with regard to who owns and operates the property, but meanwhile Mark Eaton uses it how he wants against the R1-21 zoning. She appreciated Commissioner Shields' comment about the park. She viewed it as a unique area and didn't want to ruin it with baseball and soccer fields. She was tired of Mark Eaton being allowed to do whatever he wants.

Commissioner Palmer explained that the consultants were given a specific task to show long-range possibilities. Ms. Minkovich asked about eminent domain. Commissioner Palmer responded that his understanding was that the only eminent domain power the City has would be related to a public right-of-way. Ms. Minkovich asked who enforces parking and PUD requirements. Commissioner Palmer explained that it was not her problem to enforce provisions. He suggested that the enforcement officers be consulted. If she does not receive a satisfactory outcome, he suggested she contact the City Manager, Randy Fitz or other elected officials.

Ms. Minkovich stated that she had already spoken with all of the individuals mentioned. If not resolved, she promised to take the matter to the State Attorney General.

(19:34:41) There being no further public comment, Commissioner Palmer closed the public hearing.

Commissioner Diederich asked why the concept of a mini park was not considered. Mr. Burningham responded that typically those types of amenities are pushed forward by developers or individual property owners. Most cities do not include them as part of their system. Commissioner Palmer remarked that mini parks don't serve the larger public unless there are a large number of them. Commissioner Diederich suggested ruling out mini parks. Commissioner Carr thought they were costly to maintain for the number of people they serve.

Mr. Burningham remarked that mini parks are typically added by the developer to help bolster sales within the development. They are typically viewed as project improvements and paid for by the developer and maintained by a homeowners' association. Commissioner Diederich wanted to make sure that any recommendation includes a caveat that the park is funded without general funds or taxes and that it be paid for before improvements are made to the park. Commissioner Palmer disagreed since the City had expended taxpayer funds on various other mini parks throughout the City. He viewed parks as an essential governmental function. He also observed that it was not the position of the Planning Commission to advise the elected officials on budgeting matters. Mr. Burningham remarked that the land acquisition could be done through impact fees that would be generated through new development and ultimately add additional demand within the City. The intent was to make the park affordable to taxpayers and do it in the least costly manner.

Commissioner Diederich thought it would be unwise for the land to not be paid for now and improvements made to it. He suggested phasing in the concrete aspect of the park and look at more rural types of parking. Commissioner Palmer reminded the Commission that they were at the conceptual stage and the determination should be made as to whether it works as a conceptual park or not. Details would be dealt with at a later time. The Commission would also be recommending a master plan amendment to the General Plan to the Council.

(19:46:27) Commissioner Shupe moved to approve the concept of the park and move it on to the City Council. The particulars would be discussed and approval or disapproval granted when the matter comes back to the Commission again. Approval was based on the following provisions.

- 1. No development shall occur until the City owns title to the property.*
- 2. The City shall work out water rights to allow deficient ponds to be refreshed.*
- 3. Fishing ponds shall have circulation and water rights issues shall be resolved.*
- 4. The Minkovich's shall be included in further site planning.*

The motion was seconded by Commissioner Palmer.

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

4. **Public Hearing/Discussion and Recommendation – Holladay Village – Amending Title 13.04, 13.05, 13.70 and 13.71, Holladay Village Development Standards and Amending the City Zone Map** (19:49:40)

Commissioner Palmer reported that the Commissioners were presented with the working draft of Section 7.14. The purpose was to receive public input on the revisions. Pat Hanson, presented the staff report and stated that staff reviewed the current language in the ordinance and assumed that the basis for the new language would still be the existing language. She reported that she reviewed the document page by page with the City's consultant, Mr. Lindberg. One of the primary concerns was that there was not a comprehensive list of submission issues that the staff, Design Review Committee, Technical Review Committee, and the Planning Commission would want to see as the project comes through. She thought the submissions chapter was much more comprehensive and a better alternative than to try to generate a submissions list. Ms. Hanson proposed that staff send the submissions chapter along as a package with the entire Holladay Village Center.

Ms. Hanson suggested that the Design Review Board language be contained in a separate chapter. She explained that the major change to that section was the addition of a permitted use table. Commissioner Palmer asked why single-family dwellings were not included or excluded in the language. Ms. Hanson responded that the City was looking for multiple-family dwellings rather than single-family dwellings. Because they are not listed as a use, they would most likely not be allowed if applied for. The intent was to maximize the commercial area to increase the tax base.

(20:03:20) Ms. Hanson reviewed the proposed changes and remarked that other important changes were made to the development standards chart, which lists lot area minimums, frontages, heights, and widths. Parking ratio concerns were discussed. It was suggested that five be required but allow the Planning Commission to grant the lower parking number if there is shared parking.

Ms. Hanson referred to item J on page 16 regarding development adjacent to residential property. She commented that it requires a 50-foot setback for buildings, which she thought was a waste of space. It was noted that there was an inherent conflict between the table and the language.

A change to the design review procedures was identified. Ms. Hanson explained that the language allows the Commission to look at a concept. Commissioner Palmer remarked that it does not vest in anything and expires. Ms. Hanson stressed the importance of the language. Commissioner Diederich was upset when a concept is approved prior to being presented to the Commission.

(20:09:13) Ms. Hanson referred to page 21 and identified issues she believed would be the most difficult for the Commission to grapple with. On page 26, part 5, language was referenced that would remove the Holladay Village Center from zones that allow PUDs. Staff did not want any flexibility in this regard.

Commissioner Palmer reported that he planned to attend the City Council Meeting scheduled the following Thursday and explain to them where the Commission was in the process. He asked

that the Commissioners submit changes prior to that time. The Council would also revisit the issue at the joint meeting scheduled for August 10. Commissioner Palmer reminded the Commissioners that the moratorium would expire September 30.

(20:13:55) Commissioner Palmer opened the meeting to public comment.

Tom Hulbert identified himself as a property owner at 2261-2165 Murray-Holladay Road. This was the first time he had seen the submission procedures section and the list of conditional uses. Because it was in draft form, he asked if the Commission would allow them one week to submit written comments. Commissioner Palmer reminded Mr. Holberg that no recommendation would be made tonight. The matter would be heard again in two weeks which would allow adequate time to review the document and submit comments. He was unsure whether other opportunities for giving public comment would be allowed but noted that written comments could always be submitted. It appeared to Mr. Holberg that the area was intended to be a mixed-use area where residential will exist with commercial. He suggested that buffering issues be addressed. He referred to the design review procedure contained in Section 13.71.080 and thought it seemed to conflict with what he had read of the new submission procedures. Commissioner Palmer's understanding was that originally the consultant started including submission procedures in the Holladay Village ordinance and the direction seemed to be that they would be only in the submissions chapter. Mr. Holberg thought the creation of the concept plan review was a great idea but questioned whether the Planning Commission would want to spend the time to hear and approve that plan. It seemed to him that it would be a very laborious process for all involved.

(20:20:00) Mark Olson reported that he owns no property in the zone but had some concerns. He referred to Section J, line 703, dealing with development adjacent to residential property. If one were to follow each of the restrictions, the lot next to a residential zone would be virtually useless. He thought that some of the language should be changed to make the lots usable. Commissioner Palmer explained that that was some of the newest language in the ordinance that came from the original master plan developed by the previous Planning Commission., It had a neighborhood buffer zone around the outside of the village center that acted as a transition area. As a result, there were some restrictions without the corresponding transition areas. Mr. Olson hoped to see Holladay develop its commercial side. In order for the area to develop, he thought some latitude would need to be given.

(20:22:30) Gene Thomas gave his address as 2260 East Murray-Holladay Road. He expressed concern with sidewalks and parking and asked if federal funding was available to improve sidewalks. He stated that parking often blocks sidewalks which are legal rights-of-way. Commissioner Palmer commented that the City had received federal funding for infrastructure due to redevelopment in downtown. One of the requirements was to keep 42-inches of sidewalk open at all times.

Craig Hanson gave his address as 1780 East 5600 South. His family had lived in Holladay since 1910. He viewed the City as a special place and development of the City center as crucial. He and others agreed that Walgreens may not be the best use of the property.

Joy Thomas gave her address as 2260 East Murray-Holladay Road. She referred to Section 13.70 with regard to the overlay and questioned whether they would be included. Pat Hanson remarked that the hatched area shown on the map was the adopted Holladay Village Center overlay. The ordinance would remove that completely. There would, however, be a Village Center Zone shown in blue. She remarked that it would be exactly the same area as the RDA project. Ms. Thomas would be excluded from both of those zones by virtue of the ordinance.

(20:27:50) Dan Lofgren had numerous comments that he agreed to put in writing and submit to the Planning Commission. He viewed height as a substantive concern. Mr. Lofgren suggested 3 stories be allowed and that the radius be defined from the mid point of the intersection. By early the following week he expected to have refined an architectural sketch that would indicate what that should be. He expressed concern about language that talks about a landscape requirement that in a village setting probably isn't practical and can't be accomplished. He viewed 20% as a fairly high standard that may not work anywhere in the project. He thought the impact of the 50 foot requirement could be devastating. He wanted to be respectful of the residential neighbors but do it in a way that is practical and that doesn't diminish the potential in the village.

Commissioner Palmer asked Mr. Lofgren about his views of the 15 feet of landscaping required along the outside ring. Mr. Lofgren responded that with the exception of what is described as Block 3, he didn't see it having a significant impact. Commissioner Palmer asked about the anticipated built out square footage of the grocery store if they do the expansion. Mr. Lofgren responded that size was still being discussed but expected it would be 9,000 to 12,000 square feet.

In response to a question raised by Commissioner McKell, Mr. Lofgren stated that as a general rule, developers crave predictability, particularly where there is a clear objective. He stated that if the boundary was just a little bigger, developers could rely more on the judgment of the Planning Commission. He had had anxiety about how the process was moving forward, however, in the past few weeks it had started to take more form. He thought they were headed in the right direction.

Commissioner Palmer closed the public hearing.

(20:42:10) Commissioner Scott concurred with Mr. Lofgren and indicated that the Council chose him as the lead developer. He was looking at developing a project and having it be conducive to what the City wants as well as be something that is economically viable at the same time. Commissioner Diederich was concerned with changing the language to include "shall", "may", and "perhaps" and thought there was too much ambiguity. He acknowledged that Mr. Lofgren was the spokesman for Cowboy Partners and relied on his judgment of economics and viability. Commissioner Palmer explained that the goal was a very defined ordinance that fits the entire area and that will tightly describe what can and can't be done.

(20:45:45) Commissioner Shields hadn't noticed any language about signage in the document and thought that was a very important aspect of how the village ultimately will look. She asked about square footage limits and thought that was an important way to control the kinds of businesses in the village. She referred to line 970 dealing with franchises and suggested there be

some type of language giving control over franchises. She suggested that in the beginning they not be allowed. If square footage limits are imposed, there would automatically be neighborhood grocery stores. She thought people would not want to come to the village if it is another duplication of every other strip mall. She encouraged locally owned businesses. Commissioner Palmer remarked that generally franchises are locally owned. He used Great Harvest Bread as one example. Commissioner Shields commented that she specifically tries to avoid franchises and is usually pleasantly surprised.

Signage issues were discussed. Commissioner Palmer explained that the comments made would be compiled. In cases where there are discrepancies or disagreement, issues will be brought back to the Commission to take under advisement and discuss. He thought revisions would be more effectively done in a small group setting.

(20:57:03) Commissioner Scott moved to continue the public hearing on the Holladay Village and continue the discussion, public hearing, and written comments to August 1. The motion was seconded by Commissioner Shupe. Vote on motion: Brad Scott-Aye, Gene Carr-Aye, Lynda Shields-Aye, Paul Shupe-Aye, Cyrus McKell-Aye, Howard Diederich-Aye, Jim Palmer-Aye. The motion passed.

(20:58:00) Commissioner Diederich moved to suspend the rules and reconvene. No second was received nor a vote taken.

5. Agenda Items

5.1 Amended Minutes – Stegner Place – Amend Minutes of 4/18/06 Regarding Height Calculations (21:05:51)

Ms. Hanson reported that the minutes and approval letter were reviewed by the Technical Review Committee who realized that there was a concern about how the motion was transcribed to indicate that there was no flexibility in the height allowed for buildings that have parking underneath. Staff asked that the minutes be amended to indicate that the height of 30 feet pertains only to the elevation that fronts on 2300 East. She clarified that all other red line changes had already been incorporated into the proposed minutes sent with their packets. Commissioner Diederich agreed to the modification and stated that that was the original intent.

(21:10:15) Commissioner Diederich moved to clarify item number 4 to indicate that the roof height be no higher than 30 feet from existing natural grade and that it be on the 2300 East side of the project. The motion was seconded by Commissioner McKell. Vote on motion: Brad Scott-Aye, Gene Carr-Aye, Lynda Shields-Aye, Paul Shupe-Aye, Cyrus McKell-Aye, Howard Diederich-Aye, Jim Palmer-Aye. The motion passed.

5.2 Preliminary Plat/Final Conditional Use – Stegner Place – 4468 S. 230 E. – Dwelling Group with Five Units (21:11:40)

Ms. Hanson presented the staff report and stated that the applicant was requesting approval of a preliminary plat for a five-unit residential development. The conditional use was approved by the Commission on April 18, 2006. The submitted preliminary plat was reviewed by the Technical Review Committee who recommended approval. Staff recommended the Commission delegate approval of the final plat to the TRC. The property was zoned R2-10 and currently has

two houses on it. The proposal was for a duplex and a triplex. Height and setback requirements were reviewed. She reported that the overall building height allowed was 35 feet. Storm water was the only issue determined to be outstanding.

(21:18:20) The applicant recognized that the project was not large but was important since it is located within the gateway to Holladay. He commented that they worked hard to create something they could be proud of. With respect to technical elements, he reported that they received final approval from UDOT. He commented that a standard 6-foot privacy fence would be constructed.

Commissioner Palmer opened the meeting to public comments.

(21:21:15) Alayna McSweeney stated that she lives on 4440 South to the north of the project. At the last meeting impacts on 2300 East and 4500 South were discussed. She asked if UDOT had determined whether that would be safe. Commissioner Palmer responded that currently there is one way in on 2300 East and one way out on 4500 South. UDOT reviewed and approved the access. They also approved the driveway in its existing location. Ms. McSweeney requested that the large trees running between the two properties be trimmed. Commissioner Palmer responded that a letter was submitted from an arborist indicating that most of the trees in that area are diseased and all but one walnut tree would be removed.

Kathy Reed Allreed stated that she lives to the west of the property. Her objection was that it is too dense and there is not enough green space. Instead of a suburban green environment, she would now see a wall of brick and vinyl fence. During the eight years she had lived in Holladay, the property owner had purposely not maintained the project. She contended that he had purposely destroyed the property. Her preference was to see more green space. She asked that inspectors verify the height.

Commissioner Palmer stated that height requirements would be enforced. With regard to the widening of 4500 South, Ms. Hanson stated that UDOT’s long-range plan was to widen it to 106 feet. They asked that the City make provisions for any development on 4500 South to reflect that dedication in the future.

Landscaping issues were discussed. Commissioner Diederich suggested that significant trees be planted on the west side to provide a buffer, which the applicant agreed to do. Commissioner McKell suggested it serve as a noise and visual barrier. He stated that the City has a list of trees that can be referred to.

(21:29:50) Commissioner Palmer closed the public portion of the meeting. The distance from the building to the curb on the north building and back out distances were discussed.

(21:37:32) *Commissioner Scott moved to approve the request per staff recommendation with the following conditions:*

- 1. That it meets the requirements for the zoning according to the plat.*
- 2. That it meets the requirements for the widening of 4500 South.*

3. *That approvals have been received from the TRC and UDOT indicating that the wastewater will be accepted on 4500 South.*
4. *Additional traffic generated by the development will easily be handled on the collector streets.*

The approval includes the following conditions:

5. *Fencing of the project shall be at least six-feet high on the north and west sides. The south and east sides shall have wrought iron column fencing.*
6. *Try to preserve the existing trees to provide a buffer between the neighbors to the north.*
7. *Roof height shall be no higher than 30 feet from the existing natural grade on the 2300 East side of the street.*
8. *Density shall be limited to five dwelling units in the entire project.*
9. *The dumpster shall be enclosed with an opaque gate and compatible materials to the buildings.*
10. *Trees of a columnar growth habit shall be used as greenery and as a buffer between the vinyl fence on the west.*

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

5.3 Conceptual Plan/PUD – Queenslanders – 1930 E. Nunley Ct. – Nine Units – R2-10 Zone (21:41:02)

Pat Hanson presented the staff report and stated that the applicants were requesting conceptual site plan approval for a project on Nunley Court, a private drive off of Highland Drive. The proposal was for five detached single-family units and two duplex units with an Australian architectural style. The density calculation accommodated five duplexes. The applicants reduced the number of units to 9 to accommodate the five detached units. Staff felt the proposal was in keeping with the general development pattern of the area. The concept plan was reviewed by the DRB and several issues were noted. The fire access had yet to be resolved. Since that time, the fire prevention officer determined that the layout would work with regard to fire prevention.

The applicant, Brent Hanson, presented an enhancement to the plan. He explained that the plan was designed to have all of the accesses from the interior. The change would eliminate the view of garages from the street. Neil Hosford, the project architect, stated that no substantive changes had been made to the interior of the project. They internalized the access to all of the units to eliminate garage driveways and approaches along Nunley Circle. There would be one primary entrance into the project that would serve as a gated controlled access point on the east side of the project.

Setback issues were discussed. Mr. Hanson reported that the total building coverage of the site was only 15,975 square feet; less than one-third of the site. He remarked that impervious coverage on the site was 53%.

(21:54:02) Commissioner Palmer explained that generally PUDs are approached as being a performance-driven product that is more beneficial for the City than if it were developed as a

standard R2-10. He asked Mr. Hanson to describe why the project was better as a PUD. Mr. Hanson responded that they would have additional flexibility to do things such as modify setback requirements to achieve building groupings and massing to increase land use efficiencies. In the end, they would accomplish the creation of more open space. By creating four-foot side yard setbacks between units, open space areas would be increased. Their vision was to create a product that does not exist in the City currently. He remarked that the duplexes would be owned and not rented, and the gated aspect of the project would also be a benefit. Other amenities were described as a detention basin that would be utilized as open space and a water feature.

(22:00:26) Commissioner Carr stated that a lot of open space was talked about, however, the way the project was designed leaves most of it as asphalt. There was very little by way of a yard for children to play and very little open space to compensate for the lack of a yard. Mr. Hanson responded that their target was young families and empty nesters with no children. The anticipated square footage per unit would be 2,000 to 2,400 without a garage.

Commissioner Carr saw a lot of condos and found that many were primarily asphalt with a strip of green around them. He thought that was unfortunate. He remarked that he would not want to live in one himself. He saw the proposed project as similar to that. Grading issues were discussed.

Commissioner Diederich was excused from the remainder of the meeting.

Parking issues were discussed. Mr. Hanson stated that there were four guest parking stalls for the nine units.

Commissioner Scott stated that he didn't like the project before and saw very little change to it.

Commissioner Palmer opened the meeting to public comment.

(22:04:43) Robert Davis introduced himself as the HOA president of Willows of Holladay, the property directly to the south of the proposed project. He was present speaking on behalf of 39 residential properties. They were not opposed to more development on Nunley Circle but were opposed to Queenslanders on the basis that the density is too high, the style is not in accord with their units, and the setback is too close to their development. They understood that the homes would have metal roofs which they thought was inappropriate for the Holladay community. They also objected to two stories abutting their community. He urged the Planning Commission to deny the request.

(22:07:19) Justin Jones stated that he was under contract to purchase two of the duplexes adjacent to the property. The setback requirements were clarified. He liked the idea of single-family dwellings as opposed to duplexes but agreed that it appeared to involve a lot of asphalt.

(22:09:21) Commissioner Palmer closed the public portion of the meeting.

Alma Haskell described the graduated height concept and explained that the height could be oriented away from the property lines. Fencing issues were discussed.

Commissioner Scott thought the project went against everything that a PUD was supposed to be. He had a difficult time approving such a tight development on 1.3 acres. He did not think it would be good for the City since there would be no benefit to developing it as a PUD.

(22:13:09) Commissioner Scott moved to deny approval of the Queenslanders development on the basis that it does not meet the criteria of a PUD as defined by the City Code. Commissioner Shupe seconded the motion.

Commissioner Palmer saw some merit to the project but was troubled by the density. Mr. Hanson asked what amenities the Commission preferred to see. It was suggested that the applicants consider a density change. With the denial, the applicant would be required to start over again in the process and would not qualify for a PUD under the present City ordinances. Commissioner Carr thought the architecture could not be appreciated because of the density.

Vote on motion: Brad Scott-Aye, Gene Carr-Aye, Lynda Shields-Aye, Paul Shupe-Aye, Cyrus McKell-Aye, Jim Palmer-Aye. The motion passed. Howard Diederich was not present for the vote.

5.4 Conceptual Plan/PUD – Keuffel PUD – 2170 E. 5340 S. – Four Units – R1-43 Zone.

(22:16:32)

Alma Haskell presented the staff report and stated that the proposal was for a PUD in the R1-43 zone. Under the current zoning, four lots were allowed. Staff thought a 15-foot setback on all perimeters might be more of a concession than would be warranted with the size of lots. Staff recommended the application be continued based on the items listed in the staff report. Staff was comfortable with approval of the conceptual plan for four lots with the following conditions:

1. That all lot line disputes be resolved and proof of resolution given to staff.
2. The required dedication of 5340 be shown on the concept plat before it is approved.
3. The project area after lot line resolution and right-of-way dedications be at least the four full acres.
4. The standard setbacks of the zone apply with this condition being reconsidered at the preliminary plat phase.
5. A preliminary plat will not be brought to the Planning Commission until all of the above items are resolved.

The applicant, Frank Lindhorst, hoped to move forward with a concept approval with details to be worked out later. Setback issues were discussed. He explained that they chose a PUD concept mainly to accommodate the front yard setback for Lot 1. After lot adjustments, the property size went from 4.3 acres to 4.2 acres.

(22:29:21) Commissioner Palmer opened the meeting to public comment.

Walter Eichert gave his address as 2205 Walker Lane. He was concerned with the narrowness of 5340. It seemed to him that a lot of the common area would decrease the acreage per house and he questioned whether it would meet the requirements.

Mr. Haskell stated that the zoning was one acre and the buildable area was shown on the plat.

(22:31:43) Melvin Knight, a 28-year resident stated that he lives on the west side of the property. His concern was with the use of the ditch. Commissioner Palmer stated that because he had been using irrigation water for the past 28 years, Mr. Knight would have a prescriptive easement and could continue to use it regardless of where the lot line is.

(22:34:40) Myla Millar, a 41-year resident, lived next to the property in question. There had always been an agreement between her family and the Keuffels that the fence and the green ditch were the property lines. She spoke with the developers who agreed to honor their recorded agreement. She was told by the developer that the matter would be resolved.

Pam Mooney was the owner of property on the east side of the proposed project. She had concerns with density and the ability to keep 5340 as it is without changing the neighborhood. She was aware of many boundary issues with the property and wanted to see all of those issues resolved prior to development taking place.

(22:38:22) Commissioner Palmer closed the public hearing.

Commissioner Palmer wanted to determine whether the Horsleys were comfortable with the pool and the modified setback.

Commissioner Shupe stated that it was difficult for the Commission to be given information at the last minute. He was not uncomfortable with the design, but wondered if the Commission's time would be better spent if they continued the matter and were given a chance to receive and review all of the information. He suggested everything be addressed and verified prior to moving forward. Commissioner Scott agreed and thought the project was presented before it was ready. Commissioner McKell wanted to see more clarification with regard to the pool accessory building.

(22:44:47) *Commissioner McKell moved that the item be continued to allow more time for all of the information to be submitted, the five points outlined by staff to be resolved, and relationships with the pool accessory setbacks and agreements with neighbors be worked out. The motion was seconded by Commissioner Scott. Vote on motion: Brad Scott-Aye, Gene Carr-Aye, Lynda Shields-Aye, Paul Shupe-Aye, Cyrus McKell-Aye, Jim Palmer-Aye. The motion passed.*

5.5 Plat Amendment – Eastwind Subdivision – 2648 E. 4510 S. – Amending Three Lots to Two.

Ms. Hanson presented the staff report and stated that the request came from the owners of the three lots to combine them and reconfigure the property for two lots. Staff requested that the public utilities be changed accordingly.

(22:48:26) A representative from Kodiak America, stated that the home had already been built on the lot and the homeowner had decided to split the lot and landscape the two lots. The public utility companies had already begun using the new easement.

Commissioner Palmer opened the meeting to public comments. There were no members of the public wishing to speak. The public hearing was closed.

(22:50:25) Commissioner Carr moved to approve the application for the plat vacation. The motion was seconded by Commissioner Shields. Vote on motion: Brad Scott-Aye, Gene Carr-Aye, Lynda Shields-Aye, Paul Shupe-Aye, Cyrus McKell-Aye, Jim Palmer-Aye. The motion passed.

Commissioner Carr moved to approve the new amended final plat. Commissioner Shupe seconded the motion. Vote on motion: Brad Scott-Aye, Gene Carr-Aye, Lynda Shields-Aye, Paul Shupe-Aye, Cyrus McKell-Aye, Jim Palmer-Aye. The motion passed.

5.6 Conditional Use Amendment – Greek Orthodox Church Pavilion – 5335 S. Highland Drive (22:52:15)

Mr. Haskell presented the staff report and stated that the Greek Orthodox Church wanted to build a pavilion for outdoor activities. An application was filed in 2003 for a pavilion in a different location further to the northeast. The application was continued in August 2003 and considered expired due to the amount of time that had passed. Noise from the pavilion in its current proposed location would be reduced due to various noise buffers. Lighting issues were discussed. Since the last meeting, additional concerns had been raised with staff with regard to sound systems in the pavilion and resulting noise. The applicant did not think a permanent sound system would be installed or desired. No representatives from the church were present and they asked that no action be taken tonight. Staff recommended approval at a future meeting with the following conditions:

1. That the hours of operation be limited from 8:00 a.m. to 10:00 p.m.
2. That lighting be designed not to trespass off of the site nor above the horizon.
3. The application shall comply with the attached approved site plan.
4. The application shall comply with all applicable noise ordinances including Salt Lake County Health Department Ordinance Number 21 and City Codes 9.48 and 10.36.20.
5. The dedication of the right-of-way shall be made prior to issuance of a building permit.

(22:57:11) Commissioner Palmer opened the meeting to public comment.

Gary Palmer gave his address as 5361 South 2110 East. He stated that there were numerous people that could have represented the applicant. He and his neighbors, however, made a great effort to attend tonight’s meeting. He believed that the applicant not showing up should not change anything. He urged the Commission to make a decision tonight to prevent those present from having to come to another meeting. He had a petition signed from all of the neighbors who back onto the property. They were concerned about all of the different uses that can occur in the gazebo. He reported that the church has activities several nights per week and there is excessive

noise. He believed they could support the church's endeavors with conditions. Controls he proposed be placed on the church were:

1. Hours shall be from 10:00 a.m. to 10:00 p.m.
2. Closed on Sunday.
3. No alcohol served.
4. No amplified sound in the gazebo.

(23:01:20) James Pickering gave his address as 5290 South 2016 East. He reported that his bedroom faces the parking lot of the church on the north end. He had filed police reports on several occasions for noise problems over the years. Noise had continued many times until very late into the night and he had had people urinate very close to his property line. Others used the parking at the church to steal from his yard. He was concerned that the pavilion would create nothing but more traffic and problems. Currently the music from the church was very loud during church services and alcohol is served often. Dumpsters on the site have also been picked up at 3:30 a.m. He asked that the Commission deny the request.

(23:07:39) Clive Gardner a 43-year resident, stated that he resides directly to the north of the church. He agreed with the concerns raised by his neighbors. Because of the noise, he and his wife had resorted to sleeping in the basement. He had experienced numerous problems resulting from the church. He complained that he had put up with noise for many years. He also thought the situation would make it difficult to sell his property.

(23:12:35) Ruth Robison gave her address as 2046 East 5290 South. She complained back in 2003 when the application was originally filed. The noise had not decreased at all and she agreed with all of the comments raised by her neighbors. She reported that alarms from the building go off frequently and the music is loud. Shotguns have also been fired off at weddings. She requested that the Planning Commission help enforce the rules.

Commissioner Shields stated that she lives about one block away and has always enjoyed the Greek Festival.

(23:16:20) *Commissioner Carr moved to continue the matter. The motion was seconded by Commissioner McKell.*

Commissioner Shupe thought it would helpful to have the applicant present. Commissioner Palmer asked that staff meet with Chief DeBry and pull police reports that have been filed over the past year.

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

5.7 Amended Minutes – Holladay Gardens – Amend Minutes of 3/21/06 Regarding Approval of the Conditional Use (23:18:40)

Commissioner McKell moved to approve Item 5.7 of the amended minutes for the Holladay Gardens application of 3/21/06. Commissioner Scott seconded the motion. Vote on motion:

Brad Scott-Aye, Gene Carr-Aye, Lynda Shields-Aye, Paul Shupe-Aye, Cyrus McKell-Aye, Jim Palmer-Aye. The motion passed.

6. Consent Items.

6.1 Approval of Minutes – Planning Commission Meeting – 5/16/06, 6/20/06 Work Meeting – 6/6/06, 7/5/06

(23:20:30) Approval of the minutes was continued.

7. Adjourn.

(23:21:41)

Commissioner Shupe moved to continue the consent agenda and adjourn. Commissioner Carr seconded the motion. Vote on motion: Brad Scott-Aye, Gene Carr-Aye, Lynda Shields-Aye, Paul Shupe-Aye, Cyrus McKell-Aye, Jim Palmer-Aye. The motion passed.

The Planning Commission Meeting adjourned at 11:22 p.m.

I hereby certify that the foregoing represents a true, accurate and complete record of the Holladay City Planning Commission meeting held Tuesday, July 18, 2006.



Teri Forbes
Minutes Secretary

Minutes approved: 8-22-06