

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

**Wednesday, July 5, 2006**

**5:00 p.m.**

**Council Chambers**

**4707 S Holladay Blvd**

***ATTENDANCE***

**Planning Commission Members:**

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

**City Staff:**

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

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

**DISCUSSION ITEMS**

1. **Ordinance and Zone Amendment – Holladay Village Center Development Standards – Amending Title 13 and the City of Holladay Zoning Map (Introduction by Neil Lindberg, Consultant)**(17:11:40)

Consultant, Neil Lindberg, reported that the Planning Commission and Council met on June 8 to discuss how to proceed with development in the Holladay Village Center area. They determined to move forward with a concept to rezone the area, take away the overlay zone, and rezone it to some other zone. Instead of an overlay zone, it would be a straight zone. Ordinance amendments necessary to implement concept review for consideration were proposed.

Mr. Lindberg proposed a new project plan review procedure. It would be a more comprehensive review of the proposed project and simple site plan. He thought it would be wise to have the procedure in place regardless of what takes place in the HVC zone. He suggested that the proper role of the Design Review Board be set out. He explained how the project plan review would differ from the design review.

Commissioner Palmer hoped to explore the role of the DRB and how much delegation there should be. He also wanted to revisit the concept of maximum square footage. It seemed to Commissioner Carr like a better set of guidelines was needed for the Design Review Board. He was concerned about allowing the DRB and the developer to agree to something and assume they have Planning Commission approval. He explained that the Design Review Board was created for the Village and would make recommendations to the Planning Commission. Mr. Lindberg explained that the idea was to simplify non-controversial applications. He

proposed that the Board make final decisions for the Commission. It was determined that this would not be the best way to proceed since the process was so new. It was suggested that at some point in the future, routine matters be delegated to the Board. For the time being, however, it was suggested that the DRB make recommendations only.

Mr. Lindberg asked where the DRB should be involved geographically. The Commission suggested that it be limited to the Village Center for the time being. Community Development Director, Paul Allred, identified important issues from staff's perspective. The new Holladay Village zone was discussed. Staff was asked to prepare a map of the proposed zone with the surrounding zones for comparison at the next meeting. Mr. Allred did not suggest creating a conditional use process for every building that comes into the HVC zone.

Mr. Lindberg proposed possible language changes to the design guidelines. Staff wanted to ensure that what was listed in the project plan and submittal works with what was proposed for the submission for the chapter. The Commission determined that any new language should allow for some types of improvements in the Village without going through the full process. They also asked that the proposed definition of "improvements" be tightened.

Commissioner Palmer believed that design was in the eye of the beholder and very subjective. He did not think they could be described as requirements. Commissioner Carr thought a good distinction was needed between development standards and design standards. Mr. Lindberg viewed development guidelines as strong suggestions. He suggested language be drafted designating the degree of mandatoriness. His intent was for them to have some degree of applicability. He saw no reason for them to be included in the text if they are simply suggestions.

Staff recommended the possibility of holding an additional meeting with the DRB on the design guidelines. Staff agreed to schedule a meeting for the following week.

2. **Ordinance Amendment – Group Homes and Other Residential Facilities – (Introduction by Craig Hall, City Attorney).**

The above item was continued until Craig Hall could be present.

3. **General Plan Amendment – Knudsen Park Master Plan – (Introduction by LYRB, Consultants)(18:14:41)**

Mr. Allred suggested the Commission come up with proposed changes to the General Plan. Options A and B were compared. Proposed project features were identified. The Commissioners met with the applicants, Justin Carlton and James Glasscock. The proposal was discussed and the Commission was given direction from Mr. Glasscock on how to tweak the existing plan. Mr. Allred clarified that the proposal is an amendment to the Parks, Trails and Open Space Master Plan. Option B was determined to be the preferred alternative. Commissioner Palmer suggested in Option B that grass and play areas be maximized. Timing issues for purchasing the land was discussed. The City was currently working on financing. He remarked that they were 18 months into a 7-year option on the property. He acknowledged that it could take a long time and was not a "done deal". He explained that the City had an option to buy the property. The City was paying approximately \$100,000 annually to Dave Spafford to

hold the option open for seven years. At the end of the seven years if the City does not come up with the purchase price, it reverts back to Mr. Spafford. The purchase price was approximately \$3.2 million. The money being paid annually pays the property taxes and keeps the option open.

4. **Conceptual Plan/PUD – Queenslanders – 1930 E. Nunley Ct. – Nine Units – R2-10 Zone**(18:34:15)

The request was for concept approval for a small development at the end of Nunley Court. City Planner, Pat Hanson, suggested the possibility of configuration changes to the site. Commissioner Palmer asked what would be provided in the proposed subdivision that would not be provided in a standard subdivision. Ms. Hanson responded that it is on a private drive. The lots were zoned for duplexes and there were existing duplexes on the street. Under the current ordinance, one-half acre is required for each duplex, which the applicants do not have. They were requesting a PUD to achieve maximum density. Without the PUD designation, only two duplexes could be constructed on the site. Under the PUD, 5 duplexes could be achieved. Detention pond issues were discussed.

Many Commission Members had not yet visited the site and as a result, had few comments. Staff thought the proposal was quite dense and did not leave enough open space. They agreed, however, to hear the applicant’s reasoning behind the design.

5. **Conceptual Plan/PUD – Keuffel PUD – 2170 East 5340 South – Four Units – R1-43 Zone**(18:43:11)

Commissioner Shupe remarked that his mother-in-law lives behind one of the proposed lots. It appeared that there would be a property line dispute that may or may not affect the acreage. Commissioner Palmer’s understanding was that it was part of the area with conflicting survey monuments in it. Commissioner Shupe explained that there had been a longstanding property line dispute that now would have to be resolved. He met with the potential owners and developer and they were under the impression that they were going to resolve the issue. That had not yet happened, however.

City Planner, Alma Haskell, presented the staff report. Commissioner Palmer thought it appeared conceptually to be a pretty good plan with good common areas. He asked about the building setbacks and the feelings of the owner on the other side of the proper line. Setback issues were discussed. Mr. Haskell hoped to have all disputes and right-of-way dedications resolved by the next time the project is brought before the Commission.

6. **Plat Amendment – Eastwind Subdivision – 2648 East 4510 South – Amending Three Lots to Two**(18:51:00)

The request was to amend the subdivision from three lots to two. The Commission hoped to see more such requests.

7. **Conditional Use Amendment – Greek Orthodox Church Pavilion – 5335 South Highland Drive**(18:51:40)

The request was for the Church to build a pavilion at the rear of the property. Commissioner Palmer liked the new proposed location and thought it would look better from the street. Main building versus secondary building issues were discussed. It was determined that it should be

classified as a secondary main building in order to accommodate the design. The matter was scheduled to be heard on July 18.

**7:00 p.m. – PUBLIC HEARING – Affordable Housing Master Plan – (Introduction by Ken Millard)(19:06:02)**

Ken Millard reported that the Federal Government Housing Act requires states to provide certain housing. With regard to affordable housing, the Legislature decided to have a special requirement for cities to provide for a plan for affordable housing within communities. The difference between affordable housing and low-income housing was described. A plan would be presented to the State Planning Office to show that the State statute was being met for an affordable housing plan. The only obstacle to affordable housing in the City was the cost of land. A survey of apartment houses within the City found that all were within the range of affordable housing. About 1,800 units were available according to the 2000 census. Out of 10,800 existing units, about 1,800 were determined to be affordable. The top priorities for affordable housing were discussed. The first was to conserve the existing affordable housing. The second was to facilitate the additional construction of more units.

Mr. Millard recommended the City look at creating a housing authority or other entity specifically designed to handle the housing problem and administer the funds that are made available. He suggested that planned unit development be the process for encouraging affordable housing in the sense that it provides flexibility and room for negotiation for developers. In order to maintain 15% affordable housing, as recommended, 1 out of 7 units could be required to be affordable housing.

Commissioner Shupe explained that the Olene Walker Housing Corporation was set up to participate with providers of low income housing. A developer would appear before the Board and show that they are dealing with certain income level individuals. The Board would then determine if the loan is awarded. Loans were typically 2 to 5 percent loans. The Olene Walker Housing Corporation was run through the Utah Housing Corporation although it is a separate organization. Commissioner Palmer liked the idea of offering that type of incentive to developers.

Mr. Millard mentioned that retail businesses normally pay the lowest wages. He suggested that housing be attached somehow to commercial development and at least require people that work in the area live there. An individual present disagreed with the concept of tying any type of commercial development to residential affordable housing. He believed that doing so would stymie the incentive. He did not think the two were compatible. Commissioner Palmer did not think the commercial landowner should be responsible. He did, however, think the City ought to encourage it through the Housing Authority. Commissioner Carr expressed concern with the idea of suggesting that someone coming in with a business, have the obligation of providing housing for the workers

Commissioner Palmer thought it was the decision of workers to determine where they will live. Mr. Millard stated that they do not and was the reason the Legislature was dealing with the issue. He explained that anyone who wants to live in Holladay must be allowed to do so. He suggested the City adopt a plan of how the City will approach the situation and then work out the details.

Commissioner Palmer opened the meeting to public comment.

(19:34:20)

Ann Jeppson gave her address as 4002 Crestview and asked if there would be subsidies for young families who want to live in homes rather than apartments. She wanted to see accessibility on a smaller scale.

Commissioner Palmer responded that the plan allows the City to set up a housing authority. How the money is spent would be determined in the future and was not part of this plan.

Kristen Brown gave her address as 1784 East 3900 South. She reported that she worked at Snowbird for years and they had to encourage people to get up to the resort to work, however, there was no room there for them to live. As a result, the resort subsidized public transportation for employees. She remarked that a business in Holladay could help by subsidizing bus passes.

Commissioner Palmer closed the public hearing.

**DECISION ITEMS**

**8. General Plan Amendment – Affordable Housing Master Plan.**

Reference was made to paragraph 3 on page 3 and concerns were raised with the language stating that commercial development could be held responsible for seeing that worker housing is made available. Mr. Millard did not view asking a commercial developer to provide housing for employees as unreasonable. He explained that they are responsible for the market. Market issues were discussed. Wording suggestions were made.

*(19:53:55) Commissioner Shupe moved to approve the Affordable Housing Master Plan with a wording change being added to paragraph 3 on page 3 replacing “held responsible” to “incited”. Each source of assistance should also be set out in more detail. Commissioner Scott seconded the motion. Vote on motion: Brad Scott-Aye, Lynda Shields-Aye, Cyrus McKell-Aye, Paul Shupe-Aye, Gene Carr-Aye, Jim Palmer-Aye. The motion passed.*

Mr. Millard reported that the recommendation would be forwarded on to the City Council for an additional public hearing sometime in the near future.

**9. Conditional Use – Oakwood Villa PUD – 1680 East 3900 South (19:55:45)**

Paul Allred presented the staff report and asked the Planning Commission to address the request by the developer for an amendment to the conditional use permit. The applicant was asking for the following:

- 1. To build up to 35-foot high houses.
- 2. Move the homes forward, closer to the street which would increase the space between the homes and the sensitive slope areas.
- 3. Provide fencing.

In terms of fencing, when the project was first presented, Mr. Allred assumed there would be no fences based on the way the preliminary plat was drawn. The applicant hoped to install fencing in the rear and side yard areas. Staff's initial concern was with tearing up the hillside to do that. Slope and tree protection areas were discussed. Access would need to be provided since the homeowners would not perform yard maintenance. Setback issues were discussed. With regard to height issues, the applicant believed he was given the ability to go up to 35 feet. Commissioner Palmer explained that he relistened to the tape and it was clear to him that the motion was that the height be limited to 28 feet but that staff could approve height issues lot by lot. Mr. Allred clarified that the applicant did not believe he would need 35 feet on many lots. The first permit submitted was for 32 feet. His justification for asking for 35 feet was the fact that the existing home is 35 feet.

Mr. Allred remarked that he would be concerned about any process that allows for a lot of subjectivity at the counter and puts staff in a negative position. Commissioner Palmer suggested permits be reviewed on a case-by-case basis.

Commissioner Palmer opened the meeting to public comment.

(20:16:35)

Sharon Horsey gave her address as 3986 El Dorado Drive and stated that the City was formed to gain control over their neighborhoods. Her understanding was that the approval of a PUD and preference to a subdivision was to give the Planning Commission and staff the ability to exercise better control over what happens on the project such as restricting height, density, and making judgments on landscaping requirements. Oakwood was approved with a 28-foot height restriction and the developer stated that he could "live with it". He now wants increased height because he has changed the footprint to increase the square footage. She questioned whether that was fair to the neighborhood. She urged the Commission to let the project move forward only with what was approved originally.

Kristin Brown gave her address as 1784 East 3900 South and asked when the slope on the south side of the existing home was allowed to be excavated. She remarked that it was originally an area that was never to be touched. She claimed that the developer began the excavation without ever having his construction plan approved by staff. She asked what type of fencing would be allowed on the boundary. From the rear, the fences were two different colors of cinderblock and looked terrible. She hoped the City would require something more aesthetically pleasing than that. She asked who would monitor the roof heights. She suggested the height requirement remain at 28 feet.

(20:23:06)

Gloria Thomas-Gilmore was present representing the Thomas-Gilmore/Barney families. She had lived on the property on 3990 South almost her entire life. It had been stated that the community had been opposed to the development since the beginning. She did not want to abandon the principles of the community to give developers a higher profit margin. She remarked that the Planning Commission made a binding agreement with the developer with regard to the specifications of the project. No residents had yet spoken on behalf of the development. She asked that the Commission Members review the Holladay City principles to

see if the variances are in accordance with them. Traffic concerns were raised. Commissioner Palmer explained that the developer planned to have a primary access off of 3900 South. She was concerned that the variances serve the developer's desire for greater profit.

Britta Barney gave her address as 1730 East 3990 South. She asked if the square footage includes the garage. Commissioner Palmer responded that it generally includes only the living space. She was surprised by the proposed development in the area.

Long-time resident, Myra Gilmore, stated that her family would fight to preserve the area. She wanted to maintain the existing look.

Commissioner Palmer closed the public hearing.

Commissioner Palmer was comfortable setting a height limitation. Fencing issues were discussed. Problems with 3990 South were discussed. Commissioner Palmer suggested that if fencing is allowed, that it be limited to open wrought iron. Setback issues were discussed.

*(20:47:43) Commissioner Shupe moved to deny the request for a 35-foot height maximum and retain the 28-foot height requirement in place. If a 35-foot is needed, the developer must appear before the Planning Commission on a case-by-case basis to justify heights greater than 28 feet. Building pads could be moved but not extended to avoid slopes. The intent was to keep development off of the hillside rather than continue to build into it. Metal see through fencing was allowed. Chain link and vinyl fencing were prohibited. Gene Carr seconded the motion. Vote on motion: Brad Scott-Aye, Lynda Shields-Aye, Cyrus McKell-Aye, Paul Shupe-Aye, Gene Carr-Aye, Jim Palmer-Aye. The motion passed.*

The Commission returned next to the discussion of agenda item number 3.

**3. General Plan Amendment – Knudsen Park Master Plan – (Introduction by LYRB, Consultants).**

Justin Carlton explained that an amendment to the General Plan was proposed. The City asked that a master plan be drafted specific to the Knudsen Park development. Staff was in the process of creating a master plan with a detailed cost analysis, feasibility analysis, and conceptual design that would be an addendum to the Citywide parks master plan. Proposed changes were available for the Commissioners' review. The Commissioners were asked to e-mail suggested changes back. A public hearing was scheduled for July 18. As a result, that night would be the first time the Commissioners would be seeing the proposed changes. The park proposal and amenities were discussed.

The Planning Commission Meeting adjourned at 9:22 p.m.

*I hereby certify that the foregoing represents a true, accurate and complete record of the Holladay City Planning Commission meeting held Wednesday, July 5, 2006.*

A handwritten signature in black ink that reads "Teri Forbes". The signature is written in a cursive style with a horizontal line underneath it.

Teri Forbes  
Minutes Secretary

Minutes approved: 8-22-06