

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

**Tuesday, June 20, 2006**

**6:00 p.m.**

**Council Chambers**

**4707 S Holladay Blvd**

***ATTENDANCE***

**Planning Commission Members:**

Jim Palmer, Chair  
Gene Carr (left at 7:45 p.m.)  
Richard Kimball, Alternate  
Cyrus McKell, Vice Chair  
Brad Scott  
Lynda Shields

**City Staff:**

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

Chairman Palmer called the meeting to order at 5:12 p.m.

**1. Pre Meeting.**

Developer Dan Lofgren made a presentation. He spoke about plans for development throughout the village as it applies to the four quadrants or “blocks”. Block 3 over the past few weeks has become more solid as far as redevelopment plans. Their thoughts about Block 1 have remained essentially unchanged. Block 2 has many variables to be dealt with. Block 3 is going fast, Block 1 was holding steady, and Block 2 is soft.

Mr. Lofgren suggested that design criteria be established such as the encouragement of pitched roofs where possible, highly articulated storefronts, and massing. The Commissioners’ comments were encouraging. Height and design guideline issues were discussed. He hoped to create a critical mass that would eventually spill over into the surrounding neighborhoods. Traffic pattern issues were discussed. It was important to the developer to create a feeling of walk-ability and sidewalk-edged streets.

Joe Perrin reported on access alignment points. He identified a need for more detail on parking areas, safety, and delay at intersection issues. Conveniences versus safety issues were discussed. Commissioner Palmer asked whether on a macro level there was anything wrong with how the streets were laid out. Mr. Perrin responded that there was no better way to do it. He questioned whether there was consideration for some restrictions on movement. He recognized that the area would back up during certain times. Various alternatives were identified. Mr. Perrin acknowledged that there would be a potential for cut-thrus.

Commissioner Carr asked what regional traffic needs were being addressed. Mr. Perrin described the results of their study. Dan Lofgren suggested that if pedestrians and access to the

village is a priority, signalization should be considered. Otherwise, he thought it would be difficult to get in and out of the site. Signal and alignment options were discussed.

Commissioner Scott asked if bus flow would remain the same. Mr. Lofgren responded that it should. He suggested contacting UTA since they usually respond when they see an increase in pedestrian traffic.

It was reported that the next follow-up on the project would be at the July 5<sup>th</sup> meeting.

Commissioner McKell had been approached by his neighbors about progress being made on the project. He thought it was important that the public know that the City is working on the village center area. Commissioner Palmer's understanding was that the City was planning to put an article in the upcoming newsletter.

(17:52:33) The Commission commenced an abbreviated work session to consider items on the agenda. The agenda was reviewed. Commissioner Palmer reported that the State now requires all work sessions be recorded.

**Chair Palmer called the regular meeting to order at 6:03 p.m. and read the Commission statement.**

**2. Regular Items.**

**2.1 Rezone – 6-4-03 – Caldora Cove – 4796 & 4812 S. Bonair – Rezone from R1-21 to R1-10.**

City Planner, Pat Hanson, presented the staff report and stated public comment was received previously on the matter.

*(18:07:40) Commissioner Carr moved to suspend the rules and set the matter aside until such time as the applicant is present. Commissioner McKell seconded the motion. Vote on motion: Richard Kimball-Aye, Brad Scott-Aye, Lynda Shields-Aye, Cyrus McKell-Aye, Gene Carr-Aye, Jim Palmer-Aye. The motion passed.*

**2.2 Conceptual Plan – 6-2-04 – Cumberland Lane PUD – 4002 South Cumberland Rd. – Four Lot Single-Family Residential Development.**

Community Development Director, Paul Allred, presented the staff report and explained that the request was for a conceptual subdivision plan. He reported that significant technical review had been performed over the past three or four weeks. During past week the applicant was provided with a significant number of items to be completed before preliminary and conditional use permits can be considered. The main issues to be addressed were identified. Mr. Allred stated that the applicant was eager to move on to the preliminary plat and conditional use stage. Staff was pleased with the conceptual plan and comfortable with the level of detail provided. They believed that some of the major issues had been dealt with in terms of setback and height. Staff recommended approval of the conceptual subdivision design. Staff believed the current layout as proposed should have little or no negative impact on surrounding properties. Height issues were discussed. Mr. Allred stated that the next staff report would be very detailed.

The applicant was not present for the discussion.

Commissioner Palmer invited public input. There was no public comment.

Fencing and access issues were discussed. Mr. Allred stated that if the driveway were allowed off of the private drive, the driveway would be located close to the turn radius. He thought the lot would be better served by having the access off of a public road. Mr. Allred was more comfortable with a 40-foot setback from the corner rather than 25 feet. Commissioner Palmer stated that all of his previous concerns had been resolved.

*(18:18:58) Commissioner Carr moved to approve the concept plan based on the sewer running to the west and that the proposed fencing is acceptable to the adjoining neighbors. The motion was seconded by Commissioner McKell. Vote on motion: Richard Kimball-Aye, Brad Scott-Aye, Lynda Shields-Aye, Cyrus McKell-Aye, Gene Carr-Aye, Jim Palmer-Aye. The motion passed.*

**2.3 Conditional Use – 6-2-05 – Canyon Cove Pilates – 6353 South Crestmount Circle – Home Occupation with Customers.**

(18:21:44) Ms. Hanson presented the staff report and stated that the applicant hoped to open a small exercise studio in her home. She planned to hold classes Monday through Friday from 9:00 a.m. to 1:00 p.m. only. Classes would be private, semi-private, and groups. The applicant offered to limit the size of her classes to four people if necessary to accommodate parking. Her driveway provided parking for two cars. During the site visit the previous week during the Commission work session, it was noted that there was room for a few cars on the street in front of the house. Staff recommended the parking be for no more than four cars. Staff expressed support for the conditional use and found that home occupations are generally desirable. Within the City, there were a significant number of home occupations which normally provide a large portion of any city’s economic base.

Ms. Hanson suggested that the business be restricted to the generation of no more than eight additional car trips into the neighborhood in one hour. Two off-street stalls should be made available for customers during those hours and the business should not change the overall character or use of the property as a single-family home.

The license would be renewed annually. As a conditional use, if there were complaints, the Planning Commission would have the right to review the permit and revoke it if necessary.

The applicant, Evelyn Rosa, assured those present that the business would have no impact on the neighborhood. The parking would be on private property. She agreed to reduce the class sizes if necessary. Ms. Rosa indicated that 9:00 a.m. to 1:00 p.m. was a low traffic time of day. The activity would involve no music and be a quiet form of exercise. She wanted to make sure that her neighbors were not affected. She provided a signed letter from herself promising that parking would not be on the street. Commissioner Palmer asked that the letter be submitted and made part of the record.

Lynda Shields questioned the number of car trips. Eight car trips per hour were expected, which would involve four cars making one trip in and one trip out.

The meeting was opened up to public comment.

(18:27:48) - Michael Drury gave his address as 6369 South Crestmount. He was representing 13 of the 18 lots within the 500-foot radius. Most were business owners that work in other locations and want to live peacefully without a lot of traffic. Parking concerns were raised. He stated that recently during a class, one car was parked in the driveway and another on the road. People naturally will park on the road rather than the driveway. He remarked that the applicants were unable to get one of their vehicles inside the garage so it always remains outside. The result would be three parking spots on the driveway. Most of the neighbors have landscapers and nannies, which eliminates some parking on the street. He took photos showing that there is a lack of parking on the street. Traffic was another matter of concern. He reported that there were three more lots to be developed in Crestmount Circle. Mr. Drury welcomed the Rosas as neighbors and residents but not as a business. He commented that there was space for lease near the Mikado that he thought would make for a very successful Pilates studio. The business had been run for the past few months and some customers were told that there would be 3 to 6 people normally. In addition, the outside patio was meant for classes to do stretching on mats. Since that time, the applicant had indicated that the classes would remain inside, however, there was no other access to the patio other than through the studio. He thought it was presumptuous of the applicants to build the home with a business attached to it prior to obtaining a business license. The neighbors were concerned that the circle was not fully developed; yet there is already a traffic problem.

(18:34:15) - DJ Priano was the owner of property at 6327 South Crestmount Circle. He became aware of the request only a few days earlier. It sounded to him like it would be something nice to have accessible. He also understood the concerns of the other neighbors. He expressed concerns with parking and traffic. He explained that the area to the north of the circle cannot be built on since it exceeds the slope requirement for a home. He hoped the friendly climate on the street would continue. If parking was an issue, he proposed that additional cars park in the cul-de-sac out of the way. He suggested that the neighbors sit down and try to resolve the problems. Since the license would come up for renewal each year, he suggested the applicants be given a chance. He suggested putting conditions on the permit and allowing the applicants to see if they can make the operation work. An area of off-street parking not fronting a home was identified.

In response to a question raised by Commissioner Scott, Ms. Rosa stated that four cars could be accommodated in the driveway. She agreed to include a condition that classes take place indoors only. Ms. Rosa agreed to not allow on-street parking. Commissioner McKell referred to available parking on the circle, which was a public street.

(18:40:55) - David Bettner gave his address as 6333 Crestmount Circle and identified himself as the applicant's next-door neighbor to the north. He presented a petition from 15 neighbors in favor of the application. He appreciated Mr. Drury's comments about on-street parking and didn't want to see clients parking on the street either. He hoped the City would approve the application with the stipulation that they confine the parking to the driveway. He identified

several other similar activities taking place in the neighborhood. He hoped the applicants would be given an opportunity to see how it will work.

(18:42:55) - Kirk Lipky stated that he lives directly across the street from the applicants. He also had concerns with parking and traffic but thought parking should be taken care of with the cul-de-sac. He was in favor of businesses going in and thought similar types of small businesses were an asset to the community rather than a detriment.

(18:43:45) - Michael Rosa, the husband of the applicant, reiterated that they have a four-car driveway and the intent was never to conduct classes outside. The outside area was for their children to play. The operation would be very innocuous and extremely quiet. His wife had trained for years in her profession and had invested a great deal. He agreed to do everything in his power to accommodate the neighbors. He remarked that five of the six immediate neighbors were in support of the operation. Remarks from a letter submitted by other neighbors were read.

Commissioner Palmer closed the public hearing portion of the meeting.

Commissioner McKell suggested giving the applicant an opportunity since the impact is not large. He didn't view granting the conditional use as a serious problem. Commissioner Palmer thought it would be acceptable so long as the use is indoors only and parking concerns are addressed. Commissioner Scott explained that the conditional use would be granted based on limited factors. The Commission wanted to be conscientious about preserving the neighborhood quality. Mr. Bettner had no opposition as long as cars remain in the driveway and the days of operation are limited to Monday through Friday rather than Monday through Saturday as advertised on a flyer. It was clarified that the application submitted indicated Monday through Friday.

Mr. Allred reported that he received a phone call recently from a resident who expressed concern about home occupations in general. He thought the comments made tonight were very reasonable and agreed that home occupations serve a useful purpose in the community. He passed on the concerns from the resident who contacted him who was strongly opposed to home occupations. He believed that Holladay City was incorporated in part to prevent the widespread use of home occupations in neighborhoods. It was anticipated that the proposed operation would generate approximately 160 trips per week.

Mr. Allred explained that if the application was approved tonight, the community would not have to wait a year to bring the issue back should there be problems. Revocation could take place at any time.

Commissioner Kimball expressed concern with the steepness of the road since it would be dangerous in the winter. Commissioner Shields suggested that classes be cancelled in bad weather. She believed that day care operations in homes have the highest impact. She thought uses such as the one proposed were beneficial to the community.

***(18:55:25) Commissioner Scott moved to approve the conditional use application as outlined in the staff report for the applicant to open a small exercise studio in her home to operate***

*Monday through Friday from 9:00 a.m. to 1:00 p.m. Classes would be private and semi-private with no more than four customers at the home at any one time. Customers would park on the Rosa property off-street and all exercise will be conducted indoors. There shall be no off-street parking. Commissioner Shields seconded the motion. Vote on motion: Richard Kimball-Aye, Brad Scott-Aye, Lynda Shields-Aye, Cyrus McKell-Aye, Gene Carr-Aye, Jim Palmer-Aye. The motion passed.*

**2.4 Conditional Use – 96-2-13-01 – Hidden Hollow PUD – 3916 South Hidden Hollow Lane – Setback Clarification.**

(18:58:35) City Planner Alma Haskell, presented the staff report.

Commissioner Palmer opened the meeting to public comment.

The applicant, Jerry Robinson, had visited the neighbors bordering the property since the last meeting. Everyone he spoke to signed the petition in favor of the project. He found it to be a positive experience and he got to know people he might not have otherwise.

Deviere Christiansen expressed support for the proposal.

John Cheney indicated that he lives just east of the development. It appeared that everything had been done with care. He had no objections to the proposal.

Commissioner Palmer thought this was the kind of PUD that should be encouraged.

(19:06:58) *Commissioner Carr moved to approve the application. Commissioner McKell seconded the motion. Vote on motion: Richard Kimball-Aye, Brad Scott-Aye, Lynda Shields-Aye, Cyrus McKell-Aye, Gene Carr-Aye, Jim Palmer-Aye. The motion passed.*

**2.5 Conditional Use – 02-2-20-01 – Well #14 – 4280 South 2700 East – Minor Amendment to the Well Site to Add a Well Cover.**

Ms. Hanson presented the staff report and stated that the request was for a minor modification to a well site that had been in existence for many years on 2700 East. The existing well had a very low profile cover. The request was to increase the structure to 12 feet and cover it.

Salt Lake City Public Utilities Water Engineer, Bob Sperling, provided a picture of the property. The structure was described.

Commissioner McKell asked if the structure would fit in with its surroundings. Mr. Sperling responded that it would be built of similar materials as a nearby structure. Construction was expected to last approximately one month. Landscaping issues were discussed. The structure was expected to project over the existing wall by about 2 feet. The fan was described as a venting fan similar to the existing one.

Mr. Sperling showed what had been done on two other properties.

Commissioner Palmer opened the meeting to public comments.

(19:21:34) Carrie Greenberg gave her address as 2646 Glenna Drive. She was present speaking for herself, her husband, and their neighbor to the north. She expressed concern with the cement around the existing building. Her neighbor's concern was with the heat from the sidewalk and how that will impact her property. She asked if it was possible to reduce the size of the building. She was concerned about what would be seen above the seven-foot wall. Noise and height issues were also raised. Ms. Greenberg also asked how the proposal would affect property values.

(19:26:30) Mr. Sperling stated that from the ground level up the building would be 5'6" to the eave. The roof would be above that. The building itself was 12 feet, however, 5 feet would be in the ground. Commissioner Palmer asked what the purpose was for the additional interior space. Mr. Sperling responded that making it higher would allow for covered stairs. He agreed to make it lower to satisfy the neighbors although his preference was to have it be taller.

In response to a question raised, Mr. Sperling indicated that no other sidewalks would be installed other than those that exist.

Outdoor lighting issues were discussed. Mr. Sperling stated that the proposed 70-watt bulb would not need to be lit at all times, but could be turned on manually when in use. He agreed to lower the structure below the fence line.

Commissioner Palmer stated that he would not be participating in the vote since he sits on the Board of the Cottonwood Tanner Ditch who has an economic relationship with Salt Lake City.

With regard to property values, Mr. Sperling explained that if the necessary facilities are not in place, property values will decrease since water pressure will be lower.

(19:34:45) *Commissioner McKell moved to approve the request for the change to the site plan with the condition that the height of the new building not exceed the existing fence to the west. The motion was seconded by Commissioner Scott. Vote on motion: Richard Kimball-Aye, Brad Scott-Aye, Lynda Shields-Aye, Cyrus McKell-Aye, Gene Carr-Aye, Jim Palmer-Abstained. The motion passed.*

## **2.6 Preliminary Plat – 03-1 – Madsen Manor Estates – 5930 South Holladay Boulevard – Seven-Lot Subdivision in the R-1-43 Zone.**

Mr. Haskell presented the staff report and stated that the preliminary plat was submitted to staff and reviewed. Each member of the development review committee reviewed the project. Staff recommended approval of the request for a preliminary plat. Commissioner Palmer complimented staff on the thoroughness of the staff report.

Tosh recommended to staff that there be as few access points onto Holladay Boulevard as possible. His opinion was that it would be better to come off of the lane on the back.

Commissioner Palmer stated that the only remaining potential dispute was a two-foot discrepancy along the Dave Johnson combined lot.

Commissioner Shields thought the proposal was a huge improvement from what it was originally.

*(7:46:22) Commissioner Carr moved to approve the preliminary plat for Madsen Manor Estates based on the considerable amount of work done and the staff recommendation. Commissioner McKell seconded the motion. Vote on motion: Richard Kimball-Aye, Brad Scott-Aye, Lynda Shields-Aye, Cyrus McKell-Aye, Gene Carr-Aye, Jim Palmer-Aye. The motion passed.*

Staff was encouraged to work the project through to final plat as quickly as possible.

Commissioner Carr was excused from the remainder of the meeting.

**2.7 Preliminary Plat – 06-01-05 – Chum Subdivision – 2243 South 6200 South – Lot Split in the R1-21 Zone.**

(7:48:20) Mr. Haskell presented the staff report and stated that the request was for a simple lot split north of 6200 South. The applicants planned to keep the existing home and build a new home on the lot to the west. The access way would be part of Lot 2 with a right-of-way across Lot 1. Both lots would have in excess of the one-half acre required. The total area of both lots was 1.123 acres.

Mr. Haskell reported that all reviews had been completed. The applicant returned the corrections requested by the City Engineer on the preliminary plat. Staff recommended approval of the preliminary plat.

Commissioner Palmer opened the meeting to public input. There were no public comments.

*(7:51:55) Commissioner Shields moved to approve the preliminary plat. The motion was seconded by Commissioner McKell. Vote on motion: Richard Kimball-Aye, Brad Scott-Aye, Lynda Shields-Aye, Cyrus McKell-Aye, Jim Palmer-Aye. The motion passed. Commissioner Carr was not present for the vote.*

Mr. Allred recommended that they take a stand as a Planning Commission and staff on these kinds of divisions in the future where the stem portion is used toward the lot area. Philosophically he did not think that was correct even though it is in the ordinance. In looking at the building footprint, he found it to be very narrow and did not feel it met the intent of the ordinance.

Commissioner Palmer asked that the issue be reconsidered.

**2.8 Conditional Use – 06-2-07 – Bonsai Japanese Restaurant – 1933 East Murray-Holladay Road – Restaurant with Liquor.**

**2.9 Conditional Use – 06-2-08 – Pawit's Royale Thai Cuisine – 1968 East Murray-Holladay Road – Restaurant with Liquor.**

(7:54:15) Ms. Hanson presented the staff report and stated that above two items were routine and uncontested matters. They were put on the agenda to meet the ordinance. Both were restaurants coming into the area around the mall. Both buildings had always housed restaurants. New businesses were simply coming in with different cuisine. Ms. Hanson explained that these types of licenses specify that at least 70% of their gross income be in food. As a result, alcohol is a minor portion of their sales.

Commissioner Palmer opened the meeting to public input on the Bonzai Japanese Restaurant. There were no public comments.

*(8:00:35) Commissioner McKell moved to approve the request for a conditional use for the Bonzai Japanese Restaurant. Commissioner Shields seconded the motion. Vote on motion: Richard Kimball-Aye, Brad Scott-Aye, Lynda Shields-Aye, Cyrus McKell-Aye, Jim Palmer-Aye. The motion passed. Commissioner Carr was not present for the vote.*

Commissioner Palmer opened the meeting to public input on Pawit's Royale Thai Cuisine. There were no public comments.

*(8:02:37) Commissioner Kimball made a motion to approve the conditional use permit for Pawit's Royale Thai Cuisine as represented by staff. Commissioner McKell seconded the motion. Vote on motion: Richard Kimball-Aye, Brad Scott-Aye, Lynda Shields-Aye, Cyrus McKell-Aye, Jim Palmer-Aye. The motion passed. Commissioner Carr was not present for the vote.*

The Commissioners next returned to their discussion on the Caldora Cove application, which was set aside previously.

**2.10 Rezone – 6-4-03 – Caldora Cove – 4796 & 4812 S. Bonair – Rezone from R1-21 to R1-10.**

(8:04:42) The applicant described the request and stated that many of the concerns that arose from the last public hearing seemed to be related to increased traffic on Bonair Street as well as the sidewalk alignment. He explained that any public improvements to Bonair Street would affect the street the same way. Bonair Street was largely used as a cut through street. He did not feel that adding two more residences to the street would create a huge absorption issue with regard to traffic. He remarked that one of the reasons Holladay City incorporated was to prevent the encroachment of a higher density development into the City. In looking at the surrounding area he had found that over 80% do not conform to the half-acre zone.

Commissioner Palmer opened the meeting to public input.

Steve Williams a 20-year resident gave his address as 4803 Bonair Street. He had lived in the neighborhood for the past 20 years. He had spoken with multiple neighbors who were all in favor of keeping the neighborhood as it is. He stated that a handout was provided showed only 48 as being shaded while 47 was not. He viewed that as a deception at the outset. Commissioner Palmer clarified that that was an error made by the City. Mr. Williams remarked that all of the neighbors he had spoken to were absolutely opposed to the rezone and wanted it to

remain one house per lot. He indicated that the proposal would have a negative impact. The neighbors urged the applicant to get rid of the weeds and keep the yard up. Commissioner Palmer responded that there was an existing weed ordinance in the City that could be enforced as the result of a complaint. Mr. Williams commented that law enforcement is on the property often.

Commissioner McKell asked if a neighborhood meeting had been held on the matter. Mr. Williams responded that while a meeting was not held, he had spoken with most of the neighbors personally.

(8:15:21) John Margetts gave his address as 4827 Arbor Circle and stated that the weeds grow five feet tall against his property line. He hoped to see the property developed. He had spoken with his neighbors as well and received only negative feedback. He thought there was enough high density in the area and didn't think it made sense to create more. Mistakes had been made in the past that he hoped would not be repeated.

Commissioner Palmer closed the meeting to public input.

Commissioner Scott asked what the PUD would do to improve the City. He could see nothing and questioned whether one acre was enough to enhance the City. He recommended that the property remain as two lots since it doesn't meet the definition of a PUD.

Commissioner McKell expressed concern with a statement made by staff that the property was more appropriately rezoned R1-15. He asked staff if it was possible to rezone it R1-15 instead. Mr. Allred did not think the request could be changed at this point in the process. He suggested alternatively that the Commission forward a recommendation to the City Council on the request at hand and suggest to the applicant that they withdraw the application and resubmit it as R1-15. He did not suggest they make a specific commitment that they would act favorably on an R1-15.

Commissioner Shields thought the two lots could have two nice single-family homes on them and still make a profit. She saw no reason to rezone the property for the developer when there is such strong opposition from the neighbors.

Commissioner Kimball also did not see how the rezone would improve the property and suggested it remain unchanged.

***(8:27:20) Commissioner McKell moved to deny the rezone request on Caldora Cove. Commissioner Shields seconded the motion.***

Commissioner Kimball recognized that there were numerous non-conforming lots in the area. He did not think that was adequate justification to rezone the property. Commissioner Palmer agreed and wanted to try and preserve what the City has.

***Vote on motion: Richard Kimball-Aye, Brad Scott-Aye, Lynda Shields-Aye, Cyrus McKell-Aye, Jim Palmer-Aye. The motion passed. Commissioner Carr was not present for the vote.***

### **3. Consent Items.**

#### **3.1 Approval of Minutes – Planning Commission Meeting – 5/16/06, Work Meeting – 6/6/06.**

Since a full Commission was not present for approval, Commissioner Palmer asked that approval of the minutes be tabled and readdressed at the July 5 meeting.

Commissioner Palmer's preference was to receive the minutes electronically to allow him more time to review them.

### **4. Staff Reports.**

#### **4.1 Report on Oakwood Villa PUD Height Matter and Discussion of Front Setbacks.**

(8:30:15) Mr. Allred discussed the Oakwood Villa PUD located east of Highland Drive on 3990 South. Staff had been working to get the applicant through the conditional use and final plat process. The intent tonight was to discuss issues that had come up as staff had been reviewing title reports, covenants codes and restrictions, and the final plat. The applicant had been very cooperative and requested that staff clarify some issues on the conditional use permit and the plat. The issues to be addressed were building height, front setback, and fencing.

Mr. Allred suggested that no action be taken tonight and that staff be directed to send a courtesy notice to the neighbors for the July 5 meeting where a motion could be made on how to adjust the conditional use permit. In reviewing the final plat, staff realized that there was a sensitive slope area along the south side of the project. Staff visited the site and the applicant mentioned that he would like to fence the rear yards on the houses. He wanted to make sure the protected area was not disturbed. He stressed the importance of the final plat being correct. He explained that it should not be sent to the County for approval if it doesn't address all of the issues with the PUD.

Mr. Allred stated that a PUD plat is a complicated plat with more information on it than a normal subdivision. It refers to the conditional use permit, shows the slope protection areas, and other information that can be quite detailed. They had a discussion with the applicant about how to amend his CC&Rs for the subdivision to address some of the outstanding issues. The sensitive areas to the west were identified. In discussing the height issue, the applicant felt he had a 35-foot allowance from the Planning Commission from last year. The Planning Commission directed Mr. Allred to go back and listen to the audiotape. The written minutes and the audio did not agree. He listened closely to the audio and did not hear that there were three conditions attached to allowing the 35-foot height. He did not, however, necessarily disagree with those ideas. In his staff report, Mr. Allred stated that the audiotape indicated that the Planning Commission felt that the 28-foot limit was the maximum but would allow the developer to work with staff on some of the homes to be a 35-foot maximum necessary due to slope.

Mr. Allred recognized that some of the lots are cramped and provide very little depth between the private road and where the steep slope starts. He didn't see a need for more than a 28-foot height on any of the homes and questioned whether 35-feet would be justified anywhere. He suggested the possibility of indicating a willingness to amend the conditional use permit granted to allow up to 14-feet on the front setback if the owner so chooses. On building height, he thought the suggestions made previously were not bad at all. He thought it was important for the

applicant to indicate at the next meeting which lots might need the 35-foot height and why. Because it is a conditional use permit and a special piece of property, he suggested the burden be put on the applicant to demonstrate why.

Fencing issues were discussed. Mr. Allred thought the fencing issue had been worked through. Another issue that was brought up was how the property would be maintained. He explained that all of the landscaping on the site would be maintained by a contract individual. The property owners would not do any of the yard maintenance. He suggested that the use of the slope protection area be clarified. Staff recommended the Commission stick with the 28-foot height requirement unless, due to specific lots and needs, the height needs to be increased.

In response to a question raised, Mr. Allred explained that representations were made in the written record that the homes would be only one level. Staff was asked to prepare a CD copy of the specific audio session and provide it to the Commission Members. Grade issues were discussed.

The applicant stated that the second time they came in for clarification on the height, it had been established at 28 feet. His intent was not to have a house go up to 35 feet. All homes would be custom homes and heights would vary. Commissioner Palmer's understanding was that the height was approved up to 35 feet as long as it conforms to the architectural graduated height requirement.

Commissioner Palmer agreed to listen again to the tape to determine whether the applicant had already made his case. He wanted to avoid going through the process again. Mr. Allred explained that staff had spent a good deal of time over the last two months dealing with problems that have occurred in the field. It causes an enormous amount of cost and stress for developers and staff alike. Staff's approach was to apply "an ounce of prevention instead of a pound of cure". Staff was seeking clarification, which should serve as a security blanket for the neighbors so they don't feel that something is built that was not approved. The applicant wanted to avoid going backward. Commissioner Palmer explained that the applicant has a vested right, however, the City simply needed to determine what that right is.

Commissioner Palmer stressed the importance of well-formed motions.

(9:01:09) Sharon Horsey gave her address as 3986 El Dorado Drive. She remarked that she attended all of the meetings with regard to the project being discussed. If there was one held in April she did not attend since she and her neighbors were not noticed. Since Mr. Allred had been employed by the City, there had been more communication than there ever had been prior. If there was a change made to the original approval, her neighbors were not aware of that. All of them believed that 28 feet was approved and nothing beyond that. Had there been discussion to change that they would have been present to address it. She was disappointed to discover that there was another meeting and something was changed. Commissioner Palmer responded that a subsequent meeting was held to address the 28-foot height. He acknowledged that the previous meetings were well attended, however, the City's previous policy was to send one notice out. It was then incumbent upon interested citizens to look at agendas to see if it would be reheard or

appealed to the Council. Mr. Horsey remarked that they believed it had been approved and as a result, did not look for further notices.

Mr. Allred suggested sending courtesy notices to neighbors. Commissioner Palmer agreed to do that if the matter was brought back before the Planning Commission. He suggested they determine whether the previous motion has enough substance and direction in order to deal with it without bringing it back. Setback issues would be noticed when they are readdressed.

### **Cumberland**

Mr. Allred suggested notice be sent on the Cumberland project. Since the substance of the conditional use and the preliminary plat had not been dealt with yet, he suggested sending notice to the neighborhood when Mr. Ivy comes back before the Commission. Commissioner Palmer agreed and suggested providing notice whenever in doubt.

### **Knudsen Park**

Commissioner Allred suggested bringing Jason and Justin back to talk about the design of Knudsen Park. They asked for another work session with the Planning Commission. Dan Lofgren was also coming back the same day.

### **Other**

Mr. Allred remarked that the next two meetings would be very important for the Commissioners to attend. Detailed packets would be provided. The importance of advance planning for the meeting was stressed.

Commissioner Palmer reported that Lynda Shields had been re-nominated and approved by the City Council to serve another term. He noted that Cyrus McKell's commission would expire at the end of the month. He and Mr. Allred gave a vigorous recommendation for his reappointment

The Planning Commission Meeting adjourned at 9:11 p.m.

*I hereby certify that the foregoing represents a true, accurate and complete record of the Holladay City Planning Commission meeting held Tuesday, June 20, 2006.*



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Teri Forbes  
Minutes Secretary

Minutes approved: 8-22-06