

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

**Tuesday, March 21, 2006**

**6:00 p.m.**

**Council Chambers**

**4707 S Holladay Blvd**

***ATTENDANCE***

**Planning Commission Members:**

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

**City Staff:**

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

Chairman Palmer called the meeting to order at 6:06 p.m. and read the Commission statement.

**1. Agenda**

**1.1 Conditional Use Amendment – Cowboy Partners – 6440 S Wasatch Blvd. – Plastic Surgeon’s Office**

Dave Pinnock of Crosswood Commercial Realty was present representing Cowboy Partners. They were approached by a plastic surgeon currently on staff at Duke University. He planned to move back to the area and hoped to occupy space in their building. A parking study was provided as well as a letter from Dr. Johnson detailing his practice. The office would be 2,245 square feet in size. Mr. Johnson did not plan to have any other doctors working with him. To begin with he planned to have three staff members.

Mr. Pinnock reported that the building was 100% occupied with the exception of 925 vacant square feet that could potentially be utilized by a small company. Parking issues were discussed.

*(6:14:34) Commissioner Carr moved to approve the request. Commissioner McKell seconded the motion. Vote on motion: Paul Shupe-Aye, Gene Carr-Aye, Cyrus McKell-Aye, Lynda Shields-Aye, Brad Scott-Aye, Richard Kimball-Aye, Jim Palmer-Aye. The motion passed.*

**2. Consent Items**

**2.1 Conditional Use - Holladay Gardens - 1700 E Murray Holladay Road**

Commissioner Palmer noted this item was returned from the March 7<sup>th</sup> agenda because of a noticing problem. The item was noticed on this agenda for conditional use approval.

## **2.2 Approval of Minutes – Planning Commission Meetings – 2/21/06, 12/6/05, 11/22/05 Work Meeting – 2/7/06, 3/7/06 and 3/14/06**

Commissioner Palmer suggested a change to page 7, line 21 of the February 7 minutes. Reference was made to a Mr. Palmer who was assumed to be a neighbor. Commissioner Palmer clarified that he was not present at that point in the meeting. He suggested that the first name of the neighbor be added for clarification.

Gene Carr referred to page 6, line 46 of the March 7 minutes and made a name spelling correction. “Mr. Holbert” should have been spelled “Hulbert” throughout the document. On page 7, line 40, Commissioner Carr clarified that John Teerlink personally was not introduced. The correct spelling of his first name was “Jon”.

Commissioner Palmer referred to page 2 of the December 16 minutes. He suggested that condition number six of Commissioner Shupe’s motion be changed to reflect the term “compliant” rather than “complaint”.

Commissioner Shupe referred to page 8, paragraph 5 of the December 6 minutes. Reference was made to a cut through road. Community Development Director, Paul Allred, believed they were actually referring to a mid-block road. Commissioner Palmer’s recollection was that both were discussed. Mr. Allred believed mid-block road was a more accurate term.

Cyrus McKell referred to page four of the December 6 minutes. His recollection was that it was decided that the last unit would have only one garage. Others were unsure that such a determination was made. Commissioner Palmer stated that the audio could be reviewed, however, the point would be moot since the project had been changed since that time.

Commissioner Carr referred to page 11, line 33 of the February 7 minutes and stated that the paragraph does not coincide with the title of the section, which was “Demographic Study Results”. It was suggested that the title be changed to Staff Report, if appropriate.

(6:35:01) *The consent agenda was approved by unanimous consent of the Commission.*

### **3. Staff Reports**

Paul Allred first reported on the Gloria Firmage property on Arbor Lane. He stated that there had been a problem with the sale and the road dedication had caused a problem with the recording of the plat. A lawsuit was filed because what was provided to the purchaser, Mr. Prince, was property that cannot be divided into two lots. The lawsuit involved the buyer and the seller. The City’s involvement was that when the road dedication became part of the plat, it reduced the area from .95 acres to .93 acres. At .95, the amount of land could be rounded to the nearest acre. He spoke with Ms. Firmage on the matter several times and the City attorney sent a letter to Mr. Prince’s attorney requesting that they immediately return the plat to the City to process. Ms. Firmage wanted the City to reconsider the final plat and either reduce the amount of dedication along Arbor Lane or utilize some other mechanism whereby she can market the property and sell it to someone else. The issue was with the difficult configuration with how the property is laid out. In the sale contract, she was to deliver one acre of property to be built as either one or two homes. Mr. Allred explained that the road dedication alone took about \$50,000 out of the value of the property. He met with City Attorney, Craig Hall, who suggested the possibility of the Commission reducing some of the right-of-way.

Commissioner Palmer asked to see a plat to better understand the potential implications. Mr. Allred proposed that the matter be brought back before the Commission the first meeting in April. Mr. Hall stated that the Commission could reduce the dedication if they chose to do so. City Planner, Pat Hanson, respectfully disagreed and thought that it was a policy issue for the City Council to determine.

Commissioner Palmer thought it seemed more like a road vacation issue. He was reluctant to revisit past decisions when people determine later that they don't like the result. Mr. Allred stated that Ms. Firmage's position was that once the road dedication became apparent, everything started to fall through. She was pleading for assistance. Mr. Hall suggested that the Commission could require the amount of dedication.

Commissioner Palmer clarified that the plat is not official until it is recorded. It was signed but not recorded to this point. Precedent concerns were raised. Pat Hanson described how the mylar came into the possession of Mr. Prince. Commissioner Palmer suggested the possibility of the missing mylar being on file with the county. If the City believes there is a defect in the plat, he suggested the City Recorder's Office be notified not to record it. Commissioner Palmer did not sense much responsiveness on the part of the Commission to bring the matter back for reconsideration. He thought what was being suggested would set a dangerous precedent.

Paul Allred stated that Pat Hanson and the City Attorney disagreed in principle about what the issue was. The City Attorney felt they had the ability to narrow the right-of-way if desired. Ms. Hanson thought that someday there would be a sidewalk connecting on Arbor Lane from Holladay Boulevard and other areas because of the mall. Because there are currently no sidewalks in the area, Mr. Allred questioned why they are requiring 50-foot rights-of-way on such streets if there are no plans for sidewalks in the future. Commissioner Palmer responded that it is because they would not have the option of building sidewalks in the future if road dedications are not done now. Mr. Allred had heard complaints that there are no sidewalks in the area and that Holladay's philosophy was in favor of quiet lanes with no sidewalks.

Commissioner Palmer suggested that the City notify the county of the fact that Mr. Prince has been asked to return the mylar to the City. He thought that revisiting past decisions was a bad precedent in and of itself. With regard to road dedications, he agreed that a determination should be made as to whether or not to have them. Commissioner Shupe expressed concern that the City could be leaving itself open to potential lawsuits.

Commissioner Palmer suggested that a determination be made with regard to areas where sidewalks are desired and not desired.

Potential options were discussed. Mr. Allred believed that Ms. Firmage could reconfigure her own personal property without asking the City for assistance. His understanding was that that was the greater of two evils for her. Her preference was most likely to have the plat returned and redrawn.

Commissioner Palmer suggested Mr. Allred advise Ms. Firmage to provide the county with a copy of the letter she sent to the City. The plat was studied and discussed with the Commission.

Mr. Allred described recent staffing changes. New City Planner, Jon Teerlink, recently came on board. His wife just gave birth and as a result, he would be taking a short amount of time off. Staff was in the process of rewriting some job descriptions and transitioning into other areas such as business licensing. Pat Hanson would continue to handle long-range planning, but would not be in charge of as many projects as she had been. City Planner, Alma Haskell, would be taking on some of her duties. Mr. Teerlink would be trained to do much of what Mr. Haskell had been doing at the counter. Mr. Allred estimated that the changes would equate to the addition of one-half full-time employee to the department.

Transportation issues for the Holladay Village Center were discussed. Mr. Allred reported that an RFP was sent out and five applications were received. A firm was chosen but had not been notified yet. The desired firm had done traffic planning for the City in the past and was considered to be excellent.

A letter was sent to property owners within 500 feet of the 1.6 acres of City-owned property informing them that additional transportation planning would be done and inviting them to be involved.

Mr. Allred reported that LUDMA would be meeting to summarize recommendations made as a group. They would come back to the Planning Commission eventually to be codified within the zoning ordinance. He explained that LUDMA pertains to State land use planning law. They would be looking at changes made one year earlier and adopt them. New changes had been made to LUDMA that would be incorporated as well.

Mr. Allred updated the Commission on the Schmidt property. Staff met earlier with the geologist, the Schmidt family, and their geotechnical representative. The property was a remnant piece of ground that was never included in the Hughes Canyon subdivision. The Schmidts wanted to build on a parcel they own there. Staff recommended that the Schmidt family obtain an agreement with Kessler to mitigate off-site hazards. An agreement would need to be reached showing that the two parties have an agreement in writing granting them access to Kessler's property and agreeing to work together to mitigate those hazards. Their geotechnical engineer and the geologist would also need a letter from the applicant stating that they will mitigate all of the hazards. The final item was to determine whether or not they have a 30% slope. Some had argued that the slope was greater than 30%. Options were discussed. Mr. Allred clarified that the issue was hazard, not slope.

Mr. Allred updated the Commissioners on the Madsen Estates issue. Mr. Hall had suggested that a meeting be held and an agreement reached as to how to best develop the property. Mr. Allred did not recommend using the easement on the north. He believed there was a better way to develop the subdivision. Commissioner Palmer explained that there are survey monuments in the area that are off by 4 ½ feet. The result was that recorded plats that are overlapping. He thought it was in everyone's best interest to put a joint private lane in. Mr. Allred stated that in his experience, most subdivision ordinances require at least two access points into a subdivision. In this case, the access to the north was extremely questionable and should be ruled out. He would be more comfortable if there were two ways in and out of the area. Private road issues were discussed.

Mr. Allred reported that was suggested by the City Attorney that the City look at the possibility of hiring an outside consultant to help work through zoning ordinance issues. Commissioner

Palmer encouraged staff to do that. Mr. Allred suggested in fairness, that the Commission look at everything staff had done to see if the issues could be handled without having to go through the process. He didn't want to see work that has been done cast aside to start over. Ways of expediting the process were discussed. Commissioner Palmer welcomed the extra help.

Mr. Allred reported that staff would be moving into the new building in the next 90 days. He had some doubts as to whether the contractor would be able to meet the deadline. Staff would go from 6,000 square feet in the existing building to 36,000 in the new one.

Mr. Allred provided an update on the Walgreen's project. A meeting was held earlier in the day with the applicants and attorneys. They addressed issues that were non-negotiable to the applicants such as the tenant, building footprint, and the drive-in window. He felt that the hours of operation was something they could work on as well as exterior design.

Cyrus McKell reported on trail issues.

Commissioner Palmer informed the Commissioners of a new planning tool available on the Internet that provides various neighborhoods and property values laid out against plot lines. Those interested could visit [www.zillow.com](http://www.zillow.com). Commissioner Palmer clarified that that the data is obtained from tax records.

**4. Adjourn**

The Planning Commission Meeting adjourned at 7:23 p.m.

*I hereby certify that the foregoing represents a true, accurate and complete record of the Holladay City Planning Commission meeting held Tuesday, March 21, 2006.*



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Teri Forbes  
Minutes Secretary

Minutes approved: 4-18-06

Minutes amended: 7-18-06