

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

**Wednesday, March 4, 2008
5:00 p.m.
Holladay Municipal Center
4580 South 2300 East**

ATTENDANCE

Planning Commission Members:

Paul Shupe, Chair
Brad Scott, Vice Chair
Gene Carr
Lori Khodadad
Richard Kimball
Cyrus McKell
Lynda Shields

City Staff:

Paul Allred, Community Development Director
Rick Whiting, City Planner
Pat Hanson, City Planner

1. Field Trip/Discussion.

1.1 All agenda items may be visited, and/or discussed.

The commissioners left for the field trip at 5:20 pm. The group visited the Woods PUD and reviewed the implications of reducing setbacks, primarily on the east side of the project.

Commissioners then traveled to the Regency Court Subdivision site. They gained an overall perspective of the proposed project including the neighborhood setting, the connecting street and the irrigation ditch. It was noted that several (6-8) Shetland ponies are currently kept on the property.

2. Agenda

Chairman Shupe called the meeting to order at 7:05 pm.

2.1 Continued Item - Discussion/Decision – Regency Court Subdivision – 07-1-18 – 2703 E Casto Lane

Rick Whiting, Planner, introduced the proposed subdivision and reviewed the staff report. This is the continuation of a public hearing held on January 22, 2008 with potential concept plan and preliminary plat approval. The proposed project is a 6-lot subdivision on 2.8 acres on lower Casto Lane. Lot sizes are larger than the minimum required for its zone R-1-10 at 10,000 Sq. Ft. per lot. A proposed private lane, gated at both ends, will traverse the project connecting Regency Street on the north with Casto Lane at its south end. The property is very nice aesthetically and the applicant has pastured horses in the past and at present. The site is relatively flat and an adequate plan for drainage has been determined. Staff feels that this project will fit well with surrounding properties and be a positive addition to the city.

Issues with drainage, configuration of an underground ditch along Casto Lane, preservation of old historic poplar trees along the same, gating the project on both ends, and utilities, have been resolved with some follow-up required prior to final plat approval.

A neighborhood meeting was held on September 20, 2007. Approx. 30 people attended. All questions that were expressed were answered. Public comment at that meeting and the previous public hearing centered on the issues of access through Regency Street and some discussion about the open or underground configuration of the ditch and saving trees. All required provider letters have been received. At the election of the applicant, the private lane (Regency Street) will have curb and gutter but no sidewalk. The private lane roadway area will be commonly owned and maintained by a homeowners association. Mr. Gubler has indicated that prior to final plat approval he will create CC&Rs to clarify future land use in the subdivision. Property lines and setbacks will begin at the back of the curb on both sides of the private lane. After subtraction of area for the private lane, all lots still have sufficient area to allow for building of a single-family residence.

The TRC has advised that the final plat submission must include among other standard requirements, the following: installation of a new 5 foot wide sidewalk along Casto Lane and a buried irrigation ditch; the applicant must make every effort to preserve trees along Casto Lane as well as in the interior portions of the subdivision; a home owners association must be organized and administer payment of pro-rated taxes and fees for the private road area and any other common areas as well as maintenance of the private road, snow removal, etc. Staff recommends approval of the proposed concept plan and preliminary plat to create the Regency Court Subdivision.

Chairman Shupe invited the applicant to come forward and speak to the Commission. (*The Commission did not open the meeting for public comments on this item*)

Mr. Brent Gubler, 2558 E Flamingo Dr, stated that the reason for creating the subdivision is that he is tired of paying \$13,000 per year in property taxes.

Commissioner Khodadad inquired of Mr. Gubler's plans for continuing presence of animals on the property.

Mr. Gubler indicated that the horses are his daughters and that they are relatively flexible in keeping the horses on the property but that they would want to keep them as long as permitted by the city.

Commissioner Carr asked about the classification of a Shetland pony in terms of being a domestic pet or farm animal.

Commissioner Carr stated that they certainly could not be classified as a domestic pet - they are too large.

Commissioner Khodadad proposed that the animals be allowed to stay until the Certificate of Occupancy is issued for the first house.

Commissioner Carr suggested that the lot descriptions included some common area of Regent Street. The lot descriptions should not be described as “starting at the backside of the curb” but rather “starting at fifteen feet from the centerline of the road.”

Mr. Whiting suggested that the “from the curb” description would more clearly identify the common area of the private lane to be administered by the HOA.

Mr. Whiting also noted that the lots are larger than the required area for this zone and that because it is a private drive with limited public access, no sidewalk would be required along the new roadway, which is a continuation of Regency Street and so named.

Commissioner Shields asked about the comments from neighbors regarding a possible “Open Space” restriction on the title. She asked staff to make certain there was no cloud on the title before allowing the plat to be recorded. She was aware that many of the neighbors wanted to see the land preserved as open space. Mr. Allred commented that the City had no way to purchase the land for that use at this time. The applicant made not comment to this matter.

The applicant, Mr. Gubler said that the ditch along Casto Lane would be buried and a sidewalk installed as had been required by the TRC. He reaffirmed that because of limited space and an effort to save the trees a park strip would not be included.

Commissioner Carr moved to approve the concept plan and preliminary plat to create the Regency Court Subdivision, a 6-lot Subdivision, in an R-1-10 zone, on 2.8 acres based upon the following criteria:

- 1. The project meets the overall requirements for a subdivision including minimum acreage and overall density.*
- 2. This subdivision is necessary and desirable because it allows expanded land use by the property owner. The project, as proposed, compliments and enhances the character of the neighborhood.*
- 3. This project will not be detrimental in any reasonable way to neighboring properties. Building of single-family structures on the lots would not block viewscapes, restrict sunlight, airflow or access to individual properties.*
- 4. This application is in compliance with the provisions of the City’s General Plan.*
- 5. Unified Fire Authority (UFA) access would be allowed maintaining the health, safety and welfare of residents in the subdivision and in the general vicinity.*
- 6. Require that the Regency Street construction be consistent with the standards required for a private road.*
- 7. All boarded farm animals shall be permanently removed upon the issuance of the first certificate of occupancy in the subdivision.*

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

7:30 PM - 2.2 Public Hearing/Discussion/Decision - The Woods PUD- 04-1-20-01- 2714
E 6200 S

City Planner, Pat Hanson introduced the item for the Commissioners. She stated that the applicant is requesting a minor change to the recorded plat for the Woods PUD. Building

envelopes recorded on the plat show the building setbacks as required in the old R-1 Zones (40FT front setbacks, 30 FT rear setbacks for an R-1-43 Zone). The applicant is requesting the Commission approve an amendment that would bring the recorded building envelopes into compliance with part of the new R-1 Chapter that allows homes to be built to within 20 FT of the private drive (Front setback on these lots).

Staff has reviewed the initial approval of the PUD. The preliminary plat was originally approved in 2005 but the final plat was never submitted and so the approval expired. The applicant came back to the Commission in January Of 2007 the Commissioner re-approved the preliminary plat and the conditional use for the planned unit development. As the Commissioners will see in the minutes of those meetings, there is no specific mention of setbacks; however, the plat that the Commission saw at that time was essentially the same as the recorded plat. It is assumed that the Commission did review the proposed building envelopes and had no basis to amend them at the time of the PUD approval and did not make a formal motion waiving the setbacks.

Ms. Hanson told the Commission that even though the request is for a change to the front setback, she thought that it would be prudent to revisit the rear setbacks in light of the new ordinance. During the development of the new residential standards, it was made evident that a greater rear setback in the R1-43 Zone was justified. The new regulations would require a rear setback of at least 40 feet. In this project, the front setback should not be as great an impact on neighboring properties as the rear setback, especially if the proposed homes are larger and taller. Ms. Hanson suggested that the applicant could give the Commissioners a better understanding of the kind of houses that were being proposed and why the current building envelopes are too small.

Chairman Shupe invited the applicant to come forward and speak to the Commission.

Steve Luczak, 2158 E 3380 S, identified himself as the property owner and explained his thoughts on the request. He told the Commissioners that he had always intended for the front setback to be 20 Feet from the private drive. However, the lane was originally designed to run parallel to the east property line, but because of the existing trees along this property line, they decided to move the road to the west side to preserve the trees. He thought that during the final stages of the project, the building envelopes were put on the plat in error. There is a specific architectural design for all the houses. The homes should be all on one level with higher pitched, slate roofs and will have some kind of front entry court that will be integral to the structure of the home. The narrow building envelopes generally cannot accommodate these features and the additional 20 feet will mostly be for these courtyards. He does not want to reduce the rear yard any further because this area is needed to accommodate larger garages.

Commissioner Shields asked about the overall height of the houses.

Mr. Luczak said that the houses will be mostly one story but the higher roofs will probably be in the 35 to 38 foot range. They are still working on the design for the first home. The maximum height allowed in the zone is 40 feet.

Commissioner McKell supposed the reason the Commission didn't have more discussion about setbacks was that the lots were so large, and they assumed a house could be designed to fit these long, narrow lots without too much trouble.

Chairman Shupe opened the public hearing.

Mr. Charles Hall, 2653 E 6200 S, neighbor to the west of the property. His main concern is the construction trucks that are currently using the narrow private drive in front of his home. He asked how much longer this would go on. He seemed to remember that the Commission had limited use of this drive to emergency vehicles only.

Mr. Luczak asked to respond to the comments and Chairman Shupe gave him the floor.

Mr. Luczak stated that there is a creek that runs through the front of the property and they are working on installation of a bridge. They had a bridge delivered a few weeks ago but it was incorrectly designed and they had to return it. They expect the new bridge to be delivered next week and as soon as the bridge is installed and the roadway graded, all the access will be directed onto the new private drive. They never intended to use the west access for any construction vehicles for the houses and are trying to get the road done as quickly as possible. There were no further public comments. Chairman Shupe closed the hearing and the Commissioners discussed the matter among the group.

Commissioner Carr asked for clarification on the conditions set by the Commission for the PUD. Ms. Hanson said that the original conditions set in 2005 are no longer in force but the conditions in the 2007 approval are still in force. Commissioner Carr reminded the group that since the project is a conditional use, there needs to be conditions attached to the approval.

Commissioner Shields brought up the height issue again. She wondered if they could limit the heights?

Mr. Allred pointed out that the overall height of the homes allowed in both the old and new ordinance is 40 feet. Apparently, the Commission did not amend that requirement in either of the discussions for the first or second approvals and he doesn't think there is a precedence to change this height. If the Commission wanted to revisit this issue, this would have to be re-noticed since the only issue before the Commission is the setbacks.

Commissioner Khodadad moved to approve the amendment of the final plat and the conditional use approval for The Woods Planned Unit Development to allow a thirty foot (30') rear setback from the eastern most property line and a twenty foot (20') front setback from 2710 East Street. Commissioner Carr seconded the motion. Vote on motion: Gene Carr-Aye, Richard Kimball-Aye, Brad Scott-Aye, Cyrus McKell-Aye, Lynda Shields-Aye, Lori Khodadad-Aye, Chairman Paul Shupe-Aye. The motion passed unanimously.

8:00 PM -2.3 Public Hearing/Discussion/Decision-- Proposed Amendment to 13.05.100 Regarding Council Approval of Planning Commission Policies - Amendment to Section 13.05.100

Community Development Director, Paul Allred, introduced the proposed change. The City Council suggested that they didn't need to oversee planning commission rules. After seeing both the planning commission and staff revisions, they directed staff to send an ordinance amendment

to them striking that language to allow the planning commission to make and amend their own rules and procedures without requiring city council approval.

Staff recommends the following revision to 13.05.100:

13.05.100: PROCEDURE:

The planning commission shall adopt policies and procedures for the conduct of its meetings, the processing of applications, and for any other purposes considered necessary for the functioning of the planning commission. ~~Such policies and procedures shall be approved by the city council before taking effect.~~

Commissioner Scott moved to approve the amendment to 13.05.100. Commissioner Kimball seconded the motion. Vote on motion: Gene Carr-Aye, Richard Kimball-Aye, Brad Scott-Aye, Cyrus McKell-Aye, Lynda Shields-Aye, Lori Khodadad-Aye, and Chairman Paul Shupe-Aye. The motion passed unanimously.

CONSENT ITEMS

Approval of minutes -Planning Commission meeting – February 20, 2008.

Chairman Shupe asked if there were any changes. The Commission and staff discussed several corrections to the minutes. Commissioner Scott had not had a chance to look at the minutes. Chairman Shupe asked staff if they could still vote on the minutes and Mr. Allred told the group that as long as they had a quorum, they could act on the approval.

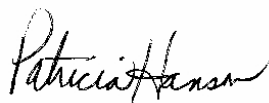
Commissioner Scott moved to approve the minutes of February 20, 2008 with noted corrections. Commissioner McKell seconded the motion. ***Vote on motion: Gene Carr-Aye, Richard Kimball-Aye, Brad Scott-Aye, Cyrus McKell-Aye, Lynda Shields-Aye, Lori Khodadad-Aye, Chairman Paul Shupe-Aye. The motion passed unanimously.***

Adjourn.

(20:37:14) Commissioner Shupe moved to adjourn. Commissioner Scott seconded the motion. The motion passed by the unanimous consent of the Commission.

The Planning Commission Meeting adjourned at 8:37 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 4, 2008.



Patricia Hanson
City Planner

Minutes approved: 3/18/08