

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

Tuesday, March 7, 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
Alma Haskell, City Planner
Pat Hanson, City Planner

Chairman Palmer called the meeting to order at 6:09 p.m. and read the Commission Statement.

1. Decision Items.

1.1 Preliminary Plat – Holladay Gardens – 1700 East Murray Holladay Road.

City Planner, Pat Hanson, presented the staff report and stated that a preliminary plat and conditional use would be heard tonight. She explained that the concept plan for the project was approved in October of 2005. One issue that was outstanding dealt with excess right-of-way in front of the property. Because of odd parcel lines and the realignment of Murray Holladay Road, there was excess ground that would be included in the site plan. An agreement was reached with the applicant to purchase the excess ground. Once the transaction is completed, the preliminary plat would be ready to record in its final form. Staff recommended approval.

In response to a question raised, Ms. Hanson stated that notice was not sent to the neighbors since a public hearing had been held previously. Commissioner Palmer asked whether the conditional use could be approved tonight since it was not noticed. Ms. Hanson responded that in the past they had been approved together under the preliminary plat heading but deferred to Community Development Director, Paul Allred. Mr. Allred thought in the case it was fine to move forward. Generally, however, he believed it was wiser to send a courtesy notice out to let neighbors know what is going on. Commissioner Palmer questioned whether there was a deficient notice issue before the Commission. Mr. Allred thought there may be and suggested notice be provided.

The applicant, Cory Brand, felt the project would be a considerable improvement to the property. He clarified that originally there was a dedication/vacation issue. He ended up purchasing approximately 1,700 square feet of property, which was incorporated into the plat. The

Commission did not wish to prolong the process but also did not want to grant an approval that could potentially be unraveled. Mr. Brand stated that a two-week delay would not be a problem.

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

The meeting was opened for Commission discussion.

Commissioner McKell stated that when they visited the site previously, the Commission was in favor of it.

(6:21:42) Commissioner McKell moved to approve the request for a preliminary plat for the 10-unit dwelling group at 1700 East Murray Holladay Road. Commissioner Carr seconded the motion. Vote on motion: Richard Kimball-Aye, Paul Shupe-Aye, Cyrus McKell-Aye, Gene Carr-Aye, Lynda Shields-Aye, Brad Scott-Aye, Jim Palmer-Aye. The motion passed.

Commissioner Palmer stated that the conditional use issue would be heard in two weeks.

1.2 Conditional Use – Stratton Park Cell Site – 4590 South Stratton Drive.

Ms. Hanson presented the staff report and stated that the applicant was Cingular Wireless who hoped to co-locate on the existing tower in the City Park. The applicants would take down the existing wooden pole and replace it with a metal pole of the same height. They also planned to install a small equipment shelter that would look better than the existing one. Staff worked with the applicants to locate the shelter in the best possible location. The applicants in return had been very accommodating. She suggested perhaps that they volunteer to provide some landscaping around it.

In response to a question raised, it was clarified that currently T-Mobile uses the pole and shelter. Ms. Hanson explained that UDOT owns the ground, however, the City was working with them to have the property vacated to them. Doing so would allow the City to enter into a lease agreement with the applicant. She explained that co-locations are standard in the industry.

Cingular Wireless Representative, Michael Christensen, stated that the diameter of the proposed pole was approximately 18 inches. It would be of a cortan finish that has a rust look to it. In their conversations with staff, they determined that that color would look better and blend in better than a standard finish. The finish on the shelter would match in color and texture the freeway sound barrier wall behind it.

Landscaping issues were discussed. Mr. Christensen stated that some landscaping would be added. In response to a comment made, he clarified that the height of the pole was 60-feet. He did not anticipate adding any other users to the pole.

Commissioner Palmer invited public input. There were no public comments.

(6:33:46) Commissioner Shupe moved to approve the request with the addition of the core-ten, a copy of the Co-location Agreement being delivered to the City, and landscaping to be worked out between the applicant and staff. Commissioner McKell seconded the motion. Vote on

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

1.3 Preliminary Plat – Madsen Manor Estates – 5930 South Holladay Blvd.

Paul Allred presented the staff report and stated that the issue had been ongoing over the past several months and seemed to get more and more complicated. He and City Planner, Alma Haskell, visited the site earlier in the day with Brad Scott. They examined and measured very carefully and took pictures. He felt the visit gave them a much better understanding of how the right-of-way works and the concerns of the neighbors with it being used as an access for Lot 1. Access problems were addressed. One concern was with getting heavy equipment to the site. He questioned the ability of a fire truck to access the site without taking out some large trees. Mr. Allred stated that Dave Johnson provided information he collected through research that had not yet been reviewed by staff. From a practical perspective, he thought the property was encumbered. They took Stewart Gray from the Fire Authority to visit the site and asked him to reconsider his previous comments on the appropriateness of the 16-foot right-of-way. He agreed to work with Fire Marshall, Boyd Johnson, on the matter.

Mr. Allred asked that the Commission not take action tonight and give staff two weeks to review the information provided. Until that is done, he was uncomfortable recommending the Commission proceed on the issue. He thought the end result might be a slightly different design.

Commissioner Palmer recalled that previously fire access to Lot 1 and legal access for the right-of-way on the north side to Lot 1 were discussed. Both questions remained unanswered and as a result, there was no recommendation from staff.

The applicant was not present.

Commissioner Palmer opened the meeting to public input.

Steven Richards gave his address as 5982 Holladay Boulevard. He stated that he and his wife are at the south end of the project and had expressed their concerns to the Commission previously with regard to access on the south side of the project. It seemed to him that the access was confusing. He was aware of at least two accesses in addition to the existing driveway going to the Williamson home. Significant concerns had to do with additional traffic on to Holladay Boulevard. He questioned why there could not be one central access into the project as there is with other developments. Commissioner Palmer noted that it was previously proposed that the private lane be shared. Mr. Richard stated that they were strongly opposed to that primarily because of noise, pollution, and safety issues. Their main recommendation was a central access to the project.

David Johnson appreciated the opportunity to meet with staff but was still opposed to the application as it exists. He thought there was a better way to provide access to the lots to be subdivided. He had no problem with the construction of a home on the lot. His concerns had to do with the safety issues that would create. He believed that to clear a 16-foot right-of-way, a few dozen trees would need to be removed, some of which had been in existence since the early 1900s. He went to the expense of ordering a title report on the right-of-way and found that all of

the homes have the same right to cross over the right-of-way that the Williamson's have, but none have fee title. He did not believe the original intent was that it be a road to access the lot. If that had been the case, many neighbors could have used it for their driveways. He acknowledged that the right-of-way was not large enough to handle two-way traffic.

In response to a question raised, Mr. Johnson stated that the fee titleholders were the Newmans who received it from Ulysses S. Grant in 1876. He did not believe that property taxes had been paid on the right-of-way for years. He also found that for the existing lots, there were different boundaries than are outlined in the plat. Both the Hansen's and Palmer's yards go into the right-of-way about six feet. They have title insurance in their deeds showing that they have half of the right-of-way included in each of their building lots. It was believed that the difference in the legal descriptions had to do with where the beginning point is taken.

Bruce Baird identified himself as counsel for Mr. Johnson. He congratulated staff for having the courage to reconsider the issue. He stated that the City has no legal ability to approve the subdivision since it is prohibited by at least three statutes in the Code. He stated that there were other ways to divide the property in a way that complies with the Code.

Rand Locke gave his address as 9075 South Sand Ridge Circle. He stated that he owns the last lot to the west on the south frontage of the property. They purchased the home with the anticipation of remodeling it or building a new house in its place. He expressed concern with the access and the potential removal of trees. It seemed to make more sense to create a central access point off of Holladay Boulevard similar to the project to the north.

(6:58:20) Commissioner McKell moved to continue the matter. Commissioner Shupe seconded the motion. Vote on motion: Richard Kimball-Aye, Paul Shupe-Aye, Cyrus McKell-Aye, Gene Carr-Aye, Lynda Shields-Aye, Brad Scott-Aye, Jim Palmer-Aye. The motion passed.

The Commission went into a work session to discuss the remaining items.

2. Discussion Items

2.1 Conditional Use Amendment – Cowboy Partners – 6440 South Wasatch Blvd.

Staff explained this application to the commissioners. The only issue would be to verify the parking still works. The applicant has inventoried the parking and has sent daily counts that show there is ample parking. Staff will have this included in the meeting packet.

2.2 Rezone – Meadows Rezone – 5241 South Highland Drive.

The Commissioners visited this site on their field trip and asked staff to verify the lot sizes on either side of the parcel. Due to the noticing requirements, this matter will be heard at the April 18th meeting.

2.3 Site Plan/Conditional Use – Walgreens – 2263 East Murray Holladay Road.

Design Review Board Chair, Steve Doxey, read the draft responses and made comments. Pedestrian access to the adjacent buildings and the proposed Village Center amenities were

discussed. Mr. Doxey did not feel the amenities proposed by the applicant were as desirable as they should be. He also did not believe that the applicants had met the goals and guidelines of the ordinance. It was suggested that the applicants:

1. Provide a pedestrian access.
2. Provide connectivity to the Brown Floral building.
3. Create a plaza area that is integrated and includes features that enhance the site.
4. Provide more height detail.
5. Include a covered walkway along the frontage to help break up the façade.
6. Ensure that 50% of the facades be in glass or door treatments. It was noted that the applicants' proposal provided 15%.
7. Include lighting detail.
8. Include landscaping detail.
9. Resolve delivery concerns.
10. Provide the Planning Commission with colored renderings of signage.

Commissioner Shields asked why the applicants would propose a fourth pharmacy in the area. Mr. Doxey responded that allowing another pharmacy was for the City to decide. He commented that it was outside the purview of the Design Review Board.

Commissioner Palmer stated that the DRB submitted their recommendation and staff had expressed that the application was not yet ready to be reviewed by the Planning Commission. Integration issues were discussed. Staff informed the applicants that the project does not meet the ordinance from a design perspective.

Mr. Doxey encouraged the Commissioners to use the Code as a guide in reviewing the proposal. It was suggested that visualizations be added to the Code. It was recognized that such changes would have to be made by the City Council. Language adopted by the City Council was clarified. Design guidelines utilized by staff were distributed to the Commissioners. Ms. Hanson remarked that the design guidelines represent what the City is looking for in terms of design.

Mr. Doxey reported on what the ordinance states ought to be in place. Responses to the RFP were discussed. He remarked that the proposed Walgreen's building was representative of one that could be seen in any community and had not been tailored to the project. The applicants were directed to work with staff. Discussions from previous meetings were summarized. Mr. Allred remarked that the applicants had questioned the City's ability to enforce its requirements. He explained that the HVC Overlay Zone had been adopted in the underlying C-2 Zone. He clarified that the HVC stand-alone zone had not been adopted. Mr. Doxey explained that the application would be considered under the law in place at the time it was submitted. The applicant stated that they had tried to meet the Code to the best of their ability and asked for feedback from the Planning Commission. He expressed a willingness to move forward and work with the City to set an example for future development.

Grade differentials needing to be resolved were identified. Concerns with the access/alley to the west were discussed. Staff expressed concern with the width. Parking issues and the need for

lighting in the pedestrian and drive thru areas were discussed as well as potential hours of operation.

Commissioner Shield asked if there was a limit on the square footage one store could occupy in the Village Center. Ms. Hanson responded that requirements were taken out of the ordinance. It was suggested that the Planning Commission work out details and propose changes for the City Council to adopt.

Commissioner McKell expressed concern with the proposed concrete retaining wall along the east side of the project and asked that the applicant coordinate it with other adjacent properties. Commissioner Carr thought it would be a shame for the project to be developed piecemeal.

Mr. Doxey suggested the applicants enter into a delay agreement with the City to integrate in with the overall project and work with adjoining property owners. He explained that the DRB spent a lot of time reviewing the project and offered to provide additional input to the Planning Commission if desired. The Commissioners and staff expressed appreciation for the work performed by the DRB.

Commissioner Palmer described the intent of the ordinance.

Commissioner Scott asked why the applicants believed the proposed location was better than the Dee's location. Mr. Hulbert responded that Walgreen's owns the Dee's site but chose not to develop it as a result of intensive market research performed. The best location was determined to be the proposed site, which they viewed as a strategic location. He expressed a willingness to work with the City on architectural elements. Commissioner Carr stated that he hoped to keep the development smaller in scale. Mr. Holbert commented that Cowboy Partners was proposing 100,000 to 120,000 square feet on the street. Commissioner Carr reminded him that the Cowboy Partners plan had not yet been approved. Mr. Holbert explained that they submitted a plan that they felt was in keeping with the desire of the City.

Commissioner Palmer encouraged the applicants to continue to work with staff and carefully consider the DRB recommendation.

In response to a question raised by Commissioner Shields, Mr. Holbert stated that Walgreen's had been the cornerstone of many communities. Commissioner Carr disagreed and felt that their mentality was similar to Wal-Mart, which was to move in and destroy the competition. Mr. Hulbert explained that Walgreen's couldn't compete on pricing like Wal-Mart can. Walgreen's instead offers a drive thru and a satellite link to other stores.

Commissioner Shields remarked that the redevelopment is exciting to Holladay citizens and they do not want to end up with a big conglomerate that takes away from the neighborly feel in the community. She realized that the applicants could make or break the project and asked that they consider something else. Mr. Hulbert explained that the City denied their original proposal. He expressed a need to move forward with something. Commissioner Shields did not believe the opportunity was gone and asked that something other than Walgreen's be proposed. She remarked that she spends more to patronize local stores rather than national chains.

2.4 Set a Special Meeting for Discussions Regarding Future Plans for Knudsen Park – 6300 S. Holladay Blvd.

Commissioner Palmer asked that the Commissioners provide ideas on the Spafford property.

A meeting was scheduled for Tuesday, March 14th from 4:30 p.m. to 6:00 p.m.

2.5 Other Business

Mr. Allred noted that James Glasscock was asked to consult the City on design issues. Mr. Glasscock had served previously on the Design Review Board and was willing to serve the community. Mr. Allred hoped to be able to utilize other volunteers within the community to the extent possible.

Mr. Allred informed the Commission that the city has hired a new planner, John Teerlink. He will start sometime in May.

3. Adjourn

The Planning Commission Meeting adjourned at 8:45 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 7, 2006.

Teri Forbes
Minutes Secretary

Minutes approved: 3-21-06