

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

Tuesday, November 18, 2008

7:00 p.m.

**Holladay Municipal Center
4580 South 2300 East**

ATTENDANCE

Planning Commission Members:

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

City Staff:

Paul Allred, Community Development Director
Jonathan Teerlink, City Planner
Pat Hanson, City Planner

FIELD TRIP

1. All Agenda Items May be Visited.

The Commission Members participated in a field trip of the properties being discussed.

WORK MEETING AND DISCUSSION

The Work Meeting commenced at 6:30 p.m.

2. All Agenda Items May Be Discussed.

Home-based businesses were discussed. Community Development Director, Paul Allred remarked that it is a travesty of justice to require owners of quiet home-based businesses to appear before a board. They are forced to pay a fee and notify their neighbors in order to do something that is very beneficial to the community. He suggested home-based businesses be permitted and other uses changed to conditional. Commissioner Shupe suggested that home-based businesses be addressed during the Code rewrite. Commissioner Shields was interested to see the variety of ways people make money in the community. Mr. Allred shared his experiences with home-based businesses.

(18:41:35) The various items on the agenda were identified. The LUDMA Committee was discussed. Mr. Allred stated that Neil Lindberg was working as the City's consultant and would be helping to rewrite the zoning ordinance. Mr. Lindberg was meeting with and advising the City on issues that exist in the zoning ordinance. Over the years a list of problems has been compiled. The LUDMA Committee will take LUDMA and problems with the zoning ordinance and produce recommendations to be included in a new zoning ordinance. The Committee will meet every other Wednesday until the project is finished. Mr. Allred informed the Commission Members that City Planner, Pat Hanson, was working as the lead staff person. Any Commission Members who have problems with the Code were invited to bring their concerns to the attention of staff who will address them with the LUDMA Committee.

Mr. Allred reported on the recent Utah APA Conference, which was held in the City. It was well attended with about 185 people present at the City Office on Friday. Numerous planners were present and great ideas were shared. Mr. Allred stated that planning directors from various cities in the county attended a meeting earlier in the day where they attempted to draft a countywide cooperative planning document. The document was expected to address items like bike trails, environmental issues, infill development, transportation, transit-oriented development, and mass transit. Mr. Allred explained that there are several major objectives the countywide plan hopes to accomplish. The county is taking the lead and staff is contributing on behalf of the City of Holladay. Mr. Allred stated that within one or two years there will be a document prepared by Salt Lake County that hopefully all of the cities in the county will participate in. In the long term, there could potentially be cooperation like there never has been before between the various cities. The desired result was less divisiveness between communities and more cooperation and data sharing. There should also be economies of scale created. The main dangers Mr. Allred feared were:

1. That the document will sit on a shelf.
2. That communities will see that they have given up their own unique identity to sign on to the plan.
3. Cities will try to cling to their uniqueness.

Mr. Allred stated that a viable argument could be made from a futuristic perspective that the biggest danger in moving forward is the fact that everyone wants to preserve their uniqueness instead of trying to become more like each other.

(18:48:42) Commissioner Shupe commented that the Wasatch Front needs to recognize that they are no longer a rural community. Bluffdale for example, does not realize that a city cannot survive with one-acre lots. Mr. Allred stated that when communities work together under the same vision it is referred to as “best practices”. It is a new term that says that if every community will sign off on best practices, which is the most efficient and best way to do things, every community will benefit as well as the whole. Just like with the economy, every city is connected. As a result, the countywide plan in his opinion has the potential to be a groundbreaking document. His belief was that cities will continue to be territorial. Mr. Allred’s biggest fear was based on the recent conference held and what he believes will be a fairly dark future unless they act now to address issues such as energy independence. He commented that the economy is inextricably tied to a shrinking resource. Unless we begin thinking outside the box and making more drastic changes we will not be successful in the long term.

Mr. Allred stated that the Wasatch Front Regional Council would like to approach the City and ask them to consider reviewing and adopting the growth principles, which were described as well thought out ideas. He explained that the Wasatch Front Regional Council would like to make a presentation at the next meeting. Mr. Allred reported that the Wasatch Front Regional Council is an agency that receives funding from all of the cities in the county. Primarily it is a transportation planning agency. It was also characterized as a quasi-governmental agency that is very influential.

(18:54:16) Mr. Allred reported that the McDonald’s building permit has been issued and they are moving forward. General Growth is also continuing to move ahead. General Growth has acknowledged that there is some slowing down and their stock is in trouble. Recently their stock

price was down to \$.33 when it had previously been above \$64. Mr. Allred reported that General Growth paid \$150,000 in impact fees recently for infrastructure that is going in under the streets.

Mr. Allred reported that the City is actively working with Dan Lofgren on the Village. He remarked that very little new development is taking place.

Staff was focusing on updating numerous sections of the ordinances and reexamining departmental roles in light of decreased development. Mr. Allred reported that a few very large homes have applied for building permits, which will bring in more permit fees.

Mr. Allred reported that McDonald's will be shutting down on November 24 with construction commencing on December 1. The project was scheduled to be completed by April or May of 2009. Infrastructure construction for the Village project was due to start in March. Mr. Allred stated that even though the economy is struggling, to his knowledge, there will be no withdrawal of the committed funds since the funds have already been committed to the City.

(18:59:56) Commissioner McKell reported that his term on the Trails Board is due to expire after nearly six years and a replacement is needed. He urged anyone interested in working with trails to apply. He stated that approximately four committee meetings are held per year.

AGENDA ITEMS

Planning Commission Chair Paul Shupe called the meeting to order at 7:05 p.m. and read the commission statement.

3. PUBLIC HEARINGS

3.1 Mountainside Music – 2595 East Venus Circle – Conditional Use Permit for a Home Occupation with Customers – Planner: Pat Hanson – (Discussion and Possible Decision).

(19:09:50) City Planner, Pat Hanson, presented the staff report and stated that the request is for a home occupation for a business with customers coming to the home. The applicant is a musical instrument repairman who has customers that will pick up and drop off instruments for repair. The applicant provided a letter with the staff report outlining his business. He expects no more than five clients in any one day. The clients will generally come individually and park in his driveway. After visiting the site it was clear that the use would have a very minimal impact on the neighborhood.

Ms. Hanson stated that it is the policy of the City to support and foster home occupations that are generally low impact and have few or no clients because they comprise a significant portion of the City's economic base. In addition, they generate services that are advantageous to the neighborhoods and the larger community. Staff supported approval of the proposed home occupation.

(19:12:15) The applicant, Mr. Joffs stated that he is an instrument repairman with 30 years' experience. He attended State University of New York at Morrisville for a two-year study of instrument repair, technology, acoustics, and machine shop techniques. He started Mountainside Music in August of 1978 in Holladay where he operated his business for about two years. From there he moved his business to Ivy Place in Murray where he worked for about 10 years. He then worked for Summerhays Music and Riverton Music and most recently for Murdock Music.

Times have been tough for the music industry as evidenced by the recent closing of the 3300 South Murdock Music store among others. Mr. Joffs attributed the slowdown primarily to catalog and Internet shopping. He commented that one thing people can't mail order is musical instrument repair work. His choice was to either operate a business from his home and service the community or go to Orem and work at Murdock Music's main store. Mr. Joffs' preference was to work from his home and service the community, schools, and private individuals. He remarked that he also does work for the Utah Symphony, the University of Utah, and BYU.

Commissioner McKell asked for a description of the types of repairs that will be done on site. Mr. Joffs responded that most of his work deals with what is referred to as "play condition". Frequently when something is wrong with a flute, clarinet, or saxophone it needs an adjustment or to be rebuilt. The repair could involve disassembling the instrument, cleaning it, and possibly replacing pads, corks, and springs. The work is low impact and no noise or chemicals are involved.

(19:16:10) Commissioner Shupe opened the public hearing. There were no public comments. The public hearing was closed.

Commissioner McKell stated that after reading the application he was somewhat concerned about customers parking in the driveway, which is slightly wider than a single-car. Commissioner Shields' opinion was that if neighbors aren't complaining there is no reason for the Commission to question. Commissioner Khodadad remarked that there were expected to be four to five customers per day who most likely will not be there at the same time.

(19:18:05) *Commissioner Shields moved to approve the Mountainside Music conditional use home business based on the following findings and conditions:*

Findings:

1. *The proposed use at this location provides a service to citizens in the community, which contributes to the general economic well being of the community.*
2. *The use under the circumstances of this particular case will not be detrimental to the health, safety, or general welfare of the people living in the neighborhood.*
3. *The proposed use will comply with the regulations specified by the ordinance.*

Conditions:

1. *The business shall not have more than five customers per day.*
2. *Parking for all customers shall be accommodated in the driveway.*
3. *Hours of operation shall be limited to weekdays between 10:00 a.m. and 6:00 p.m.*
4. *There will be no hazardous chemicals stored nor noise generated in association with the business.*

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

3.2 Vasilius Priskos – Stream Setback Exception – Planner: Jon Teerlink – (Discussion and Possible Decision).

(19:20:05) City Planner, Jon Teerlink, presented the staff report and stated that the property is located at 5247 South Cottonwood Lane in the R-1-43 Zone. The application was brought to the City the first of October and has since gone through preliminary technical review. The comments of the City Engineer and staff were attached to the staff report. The issue pertained to Section 13.76.400 where there is a 100-foot stream setback for perennial natural streams restricting the construction of new buildings. Big Cottonwood Creek is the natural perennial stream running along the property's northern boundary. The area is considered to be in a high geo-liquefaction area with small areas in the upper east corner of the property lying in FEMA's designation of Zone X, which is the 500-year flood plain. Mr. Teerlink reported that the proposed building will not be located in the 500-year flood plain but it runs through the property. The 2.1-acre metes and bounds property is located adjacent to Big Cottonwood Creek and the applicant would like an exception to the 100-foot stream setback in order to plan and construct a single-family home on the property. Demolition of the previous home took place earlier in the year and was located approximately 70 feet from the stream with three accessory buildings that will remain. All are located within 50 feet of the stream. If approved as recommended by staff and the City Engineer, the proposed home will be 70 feet from the Creek.

Mr. Teerlink reported that current access from Cottonwood Lane is proposed to be eliminated. The only consideration contained in the Code related to the request states that any buildable area or portion of buildable area, fence, or structure shall not be closer than 100 feet to a perennial stream. The Planning Commission may grant an exception to this requirement with the consent of the City Engineer and with reference to any state or federal regulatory body with jurisdiction over such waterways. Mr. Teerlink stated that there are no provisions in the Code to consider home height or other setbacks, which will be reviewed at the building permit stage of the building permit submittal. Staff recommended approval of the exception using the existing grade contour as a reference and subject to the findings and requirements contained in the staff report.

(19:27:00) Commissioner Kimball noticed that the City Engineer's letter referenced 50 feet. Mr. Teerlink stated that that was obviously an oversight on his part and should have been 70 feet. He clarified that what was sought was a 30-foot encroachment into the 100-foot setback and the ability to remodel structures within 50-feet of the Creek. It was clarified that the structures will remain but cannot be expanded upon.

The applicant, Vasilos Priskos, identified himself as a new applicant. He explained that the prior applicant who brought the matter before the Commission was Dr. Mark Reichman who was the previous owner. Dr. Reichman was about to begin construction when Mr. Priskos and his wife purchased it from him. They were now planning to build on the subject property. The long-term plan was to join the property with the four acres next door and try to achieve a five-acre parcel in between their home and the estate at 5331 S Cottonwood where his brother-in-law currently lives on one acre. They oriented the home to look toward the grassy area in the middle rather than toward Cottonwood Lane. Currently there are three openings on Cottonwood Lane for the two properties. The intent is to have one opening for both properties. Before they begin that process they hoped to begin construction. The access to the property was clarified. Mr. Priskos commented that the current layout allows them to use the current entrance and occupy the two acres as a single-family lot.

(19:37:20) Commissioner McKell informed Mr. Priskos that the removal of significant trees will require a permit. Mr. Priskos stated that only one tree was removed. He stressed that their intent is to preserve as many trees as possible.

Commissioner Shupe opened the public hearing. There were no public comments. The public hearing was closed.

(29:49:50) Commissioner Khodadad's understanding was that the access would be off of Walker Lane rather than Cottonwood Lane. Staff had no objection to either option.

(19:41:15) *Commissioner Shields moved to approve agenda item 3.2, the exception to the stream setback for Mr. and Mrs. Priskos based on the following:*

Findings:

1. *There is no stream alteration proposed or any change or disturbance within 70 feet of the stream.*
2. *The land upon which construction is proposed does not have a wetland or riparian designation.*
3. *The City Engineer has given consent referenced in the attached signed letter dated November 12, 2008. The letter shall be clarified to state that updating or renovation is allowed within the 50 feet, however, the actual construction of the home must be within the 70-foot distance.*
4. *All appropriate approvals from related entities shall be acquired including Salt Lake County Flood Control.*

Requirements:

1. *The home must be located above the 4,414 foot elevation contour along the north property line.*
2. *The applicant must obtain 100-year flood plain information from Salt Lake County Flood Control and include it on the home building permit site plan (which must comply with flood plains codes.)*
3. *The applicant must execute "Acknowledgement of Geologic Hazard" given that the property is in a high liquefaction area.*
4. *Before building permit is issued, verify to the City Engineer's satisfaction that the proposed construction will conform to "lowest floor elevation" requirement as referenced in the Engineer's letter (Section 13.74.160).*
5. *All landscaping, flatwork, and grading, including remodeling of existing structures within 70 feet of the Creek must be approved by the Community Development Director prior to commencing work.*
6. *No footprint or height expansion of existing accessory buildings within 50 feet of the Creek shall be permitted.*
7. *A UPDES permit must be obtained from the Utah Department of Environmental Quality on properties of over one acre. Best management practices are to be followed to prevent pollution of water that may enter the irrigation or stream during construction. Silt fencing and erosion prevention schedules must accompany the building permit.*
8. *Conditions listed in the City Engineer's consent letter shall be followed.*

9. *All future building permit or grading/landscaping applications must follow appropriate codes and obtain approvals from the appropriate entities.*

It was suggested that the City Engineer's letter be clarified. Road dedication issues were discussed. Mr. Teerlink stated that that can be addressed at the building permit stage prior to issuance of the building permit.

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

4. **CONTINUED ITEMS**

There were no continued items to be discussed.

5. **APPROVAL OF MINUTES**

5.1 **Minutes from October 21, 2008.**

(19:49:20) The minutes of October 21, 2008 were reviewed and modified.

Staff was commended for the successful City-hosted APA conference. Mr. Allred stated that a lot of hard work went into the preparation. He then remarked on the various aspects of the conference that were successful.

(20:19:05) *Commissioner Shupe moved to approve the minutes of Tuesday, October 21, 2008, with the amended changes. Commissioner McKell seconded the motion. Vote on motion: Richard Kimball-Aye, Lynda Shields-Aye, Lori Khodadad-Aye, Cyrus McKell-Aye, Brad Scott-Aye, Paul Shupe-Aye. The motion passed unanimously.*

6. **PLANNING COMMISSION BUSINESS**

6.1 **Updates or Follow-Up on Items Currently in the Development Review Process.**

The above item was addressed during the work session. Staff had nothing more to add.

6.2 **Report from Staff on Upcoming Applications.**

Staff had no upcoming applications to report on.

6.3 **Discussion of Possible Future Amendments to Code.**

Mr. Allred stated that the above issue was covered earlier in the meeting during the discussion about LUDMA.

It was noted that the next Planning Commission Meeting is scheduled for December 2. Mr. Allred recommended that even if there are no action items, the Commission ought to hold work meetings. They could participate in the discussion of various issues or conduct training sessions. At a future meeting, Commissioner Khodadad asked to discuss affordable housing and places in the City where mixed-use development would be appropriate. In a recent conference she attended there was discussion about having specific zones for those types of projects.

Mr. Allred stated that he attended the Utah Land Use Institute in October and Dr. Chris Nelson, a nationally-recognized expert on demographic trends, gave a lecture about how the change of

pace is quickening and the Valley is growing faster and bigger than many realize. Dr. Nelson stated that the ability to handle what is coming from within is being underestimated. He also talked about transit-oriented development (TOD). He stated that the models that most have been using for that type of development around TRAX stations are totally inadequate. He explained that development in these areas needs to go bigger, taller, and further out. Dr. Nelson explained that there is a change in thinking with gas and energy prices increasing. The thinking used to be that people would walk no more than one-quarter mile from their home to get to a transit stop. More recent data shows that people will walk up to one-half mile or more from their home to a transit stop. That being the case, Dr. Nelson suggested opportunities for transit stops should be taken and bigger and denser development built. Mr. Allred expected that the changes that are coming in the future will be greater and more drastic than anticipated. If that is not the case, it would be preferable to err on the side of caution and over prepare rather than under prepare.

Commissioner Shupe thanked staff for their efforts.

7. ADJOURN

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

The Planning Commission Meeting adjourned at 8:38 p.m.

I hereby certify that the foregoing represents a true, accurate and complete record of the City of Holladay Planning Commission meeting held Tuesday, November 18, 2008.



Teri Forbes
T Forbes Group
Minutes Secretary

Minutes approved: 12-16-08