

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

**Tuesday, September 19, 2006**

**6:00 p.m.**

**Council Chambers**

**4707 S. Holladay Blvd.**

***ATTENDANCE***

**Planning Commission Members:**

Jim Palmer, Chair  
Gene Carr  
Howard Diederich  
Richard Kimball, Alternate  
Cyrus McKell, Vice Chair  
Brad Scott  
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. Pre Meeting**

The Commissioners briefly discussed the items on the agenda and staff answered their questions.

**2. Public Hearing/Discussion and Recommendation**

**Plat Amendment – Woodruff Cove and Amending Cottonwood Village Subdivision  
– 2040 E. 6060 S.**

(18:12:30) Commissioner Palmer introduced the above item and stated that the request was to amend the plats for the Woodruff Cove subdivision that were previously approved as well as the Cottonwood Village subdivision to the east. The intent was to finalize and record official property lines.

The applicant for Woodruff Cove reported that in drawing up the boundaries for the Woodruff Cove subdivision, it became apparent that there was a boundary line discrepancy between the subdivision and the adjoining Cottonwood Village subdivision. The property boundary issues were resolved at a mutual fence line. By redefining the property boundaries for both properties, the description of the subdivision plat was changed. The request was to formally amend the plat. The applicant reported that a representative from Cottonwood Village was not present, however, they had signed a boundary line agreement.

Commissioner Palmer opened the public hearing. There were no public comments.

The public hearing was closed.

(18:17:25) Boundary line amendment issues were discussed.

(18:20:50) *Commissioner Diederich moved to approve amending a portion of the Cottonwood Village subdivision located in the southwest corner of Section 15, Township 2 South as recommended by staff. Commissioner Scott seconded the motion. Vote on motion: Paul Shupe-Aye, Gene Carr-Aye, Cyrus McKell-Aye, Brad Scott-Aye, Howard Diederich-Aye, Richard Kimball-Aye, Jim Palmer-Aye. The motion passed.*

### **3. Agenda Items.**

#### **3.1 Conditional Use Amendment – Holladay Farms – 4601 S. Highland Drive.**

(19:02:10) City Planner, Alma Haskell, presented the staff report and stated that the applicants were present for reconsideration of the conditional use permit on covered patios and decks, fencing required around the project, and parking stalls. Staff recommended approval of the covered decks and patios on units 13 through 22 with the following conditions:

1. That the proper permits be obtained for each deck and that the appropriate penalties be paid for not originally obtaining permits.
2. The final plat shall be amended to show the new setbacks, and the setbacks be adjusted to include only the structures as currently built.

Staff did not recommend approval of any of the decks or patios built on units 4, 5, or 7 nor any construction higher than 18 inches from grade beyond the original setbacks. With respect to fencing, staff did not recommend removing the condition requiring the project to be fully fenced. With regard to parking stalls, staff was unsure of the best solution for the parking situation. It was recommended that the Planning Commission weigh the positives of adding more stalls to the west with the negatives of taking out landscaping to do so. 11 stalls would be the minimum required by the ½ stall per unit policy.

(19:08:00) Commissioner Diederich asked staff to specify which of the lots were located in the utility easement zone. Mr. Haskell responded that there was a public utility easement of 10 feet around the entire project. Units 5 and 7 had decks that would encroach into that easement. If the Planning Commission were inclined to grant the applicant the decks built on the south end of the property, staff recommended conditioning that approval upon obtaining proper encroachment letters from the utility providers.

(19:11:09) The applicant, Jay Rice, recalled that the first deck built in Unit 4. When the homeowner requested one, he approached Ken Millard who determined there to be no problem with the 10-foot roofline so long as long as the post was set back a few feet. The applicants moved forward following that discussion. Mr. Rice suspected that they got into some trouble when Unit 5 went in and it had a deck that was raised. The applicant's foreman did not recognize the problem at the time and simply did what the homeowner requested.

Commissioner Scott asked the applicant if the amenities in question were presented as options. Mr. Rice responded that they were not offered initially, but were later on.

Parking issues were discussed. Mr. Rice stated that he was not aware of the utility problem until the foundations were already laid. When they started to appear between the units, his first

concern was with parking. By that time it was too late to make changes. Alma Haskell explained that there were 103 parking stalls within the project including the visitor stalls, the two car garages featured with each unit, and the driveway parking.

(19:17:50) Fencing issues were discussed. Mr. Rice remarked that they entered into an extensive development agreement with the north property. It was his understanding that future development would occur at some point in the future. He didn't have a problem, however, with putting the required fence as shown on the plan in that location. Possible fencing locations were identified. Mr. Rice clarified that the development agreement entered into did not address the fence issue since it would be between the applicant and anyone who develops the property to the north. The possibility of a fence along the east side was also being discussed in that it would run to the north and meet the new fence from adjoining development.

(19:25:56) Commissioner Palmer opened it up to public comment.

Richard Green identified himself as the president of the homeowners' association. On the issue of the easement for the overhang of the patios, they were in favor of leaving them as they are recognizing that if a vacation of the easement was needed from the utility companies, they would need to work that out. He asked that the decks and patios remain as they are on all units and that the parking remain as it is with no changes. They were all friendly neighbors who work together and they saw no reason for more parking. With regard to fencing, the homeowners were in favor of a fence. They did not want to cause problems with their neighbors but thought because fencing was represented, it should be built. With regard to drainage, he reported that one unit flooded the previous week. Drainage was viewed as a critical issue that the homeowners did not feel had been adequately resolved. They were still waiting for other items to be completed such as the removal of dead trees and the trimming of existing trees. Commissioner Palmer clarified that the Planning Commission would not consider the drainage issue, however, the City Engineer was working with the developer in that regard.

(19:30:40) Dennis Robbins stated that his parents own the property to the north. They agreed with what was proposed with regard to fencing and did not want to be responsible for the security of their neighbors. The two fencing options were discussed. One was to include his parents' property in the fenced area. They did not support that alternative since they could not get in and out of the property with without a gate onto Highland Drive that they would be responsible to open and close. They were not opposed to a fence along the back of their property to the south of their existing fence. Property line dispute issues were recognized. Commissioner Palmer did not want to act as a judge in that regard by mandating where the property line should be.

(19:34:51) Commissioner McKell's recollection was that the parking issue was originally discussed in terms of accessibility to homeowners. It seemed now that all of the parking was to the east. He asked what was envisioned with regard to dealing with visitors parking on the street. Mr. Rice stated that he had never had any of the homeowners on the north side complain about the lack of parking. Most had been able to get by with driveway parking.

(19:36:05) Commissioner Palmer closed the public comment portion..

Commissioner Diederich asked if the posts on the Lot 5 and 7 setbacks were outside of the utility easement. Mr. Haskell responded that the posts on Lot 4 were on or outside the public utility easement. On Lots 5 and 7, the support posts may be outside of the 10-feet, however, the decks underneath the posts encroached the 10-feet. He explained that posts can be located on the setback line ( 15 Ft from the property line in this case) and roofs are allowed to project three feet into that. Community Development Director, Paul Allred, remarked that the issue had to do with the setbacks. He remarked that what was built was different than what was approved. The support posts for the uncovered deck was an issue and the post should be kept out of the easement. Overhangs were not nearly as important of an issue.

(19:38:53) Mr. Haskell identified two separate issues. One was the public utility easement and the other was the setback issue. He found correspondence in the file between Mr. Rice and Mr. Millard in the form of a fax showing the proposed patio covers. He, however, found no approvals for them. In fact, he found on the elevation drawings that were part of that fax; a handwritten note from Mr. Millard that stated, “Won’t work”. He believed that Mr. Millard probably told Mr. Rice that he could have the decks as long as they meet the setbacks as shown.

(19:43:43) With regard to the covered patios and decks, Commissioner Palmer agreed with the homeowners that Units 13 through 22 were internal to the project and the buyers knew what they were getting. He had problems with the extension on the south and was concerned with liability issues and encroachment onto a public utility. He also was concerned with invading the privacy of the neighbors to the south. He often struggled with setbacks since developers come in with requests knowing that the setback can be varied to almost nothing in a PUD. The Commission tries to enforce what it can. In this case, the City approved 18 to 21 feet, which was much different than 6 feet. He did not foresee the Commission ever approving anything with a 6-foot setback. Commissioner Carr asked if the Commission was prepared to recommend that the covered decks and patios be removed and rebuilt. Commissioner Palmer thought that was appropriate.

Commissioner Diederich was trying to look at the situation from the perspective of the homeowners’ association as well as the neighbors to the south. He had serious concerns with Units 5 and 7 and suggested stipulations be made with regard to those two lots that they are non conforming, should be removed, and need to have a condition that they get approval via the utilities to keep the decks in place. If they are found to encroach, he suggested they be removed. Commissioner Palmer questioned whether the Commission would have recommended approval had Mr. Rice come forward with this plan originally for a 6-foot setback and an elevation looking into the adjoining property. Commissioner Diederich responded that he would not have agreed to that. Commissioner Scott thought the City should have taken some of the blame for not recognizing the problem sooner. It was clarified that the public utilities easement was 10 feet. Commissioner Palmer clarified that setbacks are not established by ordinance and are variable within a PUD. He explained that the setbacks were set at between 18 and 21 feet. The minimum allowed by this or prior Planning Commissions was 15 feet.

(19:50:49) Commissioner Diederich understood the need for the Planning Commission to work with the community. He thought the homeowners had in good faith, been put in a situation that

was uncomfortable and he suggested the City try to work with them. He thought it was important to recognize that the use was non-conforming and there should be additional fees and penalties associated with the situation.

Mr. Allred recommended that instead of declaring the lots non-conforming, that the Commission amend the conditional use permit. His concern was that what was built was different than what was approved. Efforts were being made to prevent similar occurrences in the future. Mr. Allred remarked that as staff, they were currently holding pre-construction meetings with developers on every project that gets approved. He estimated that in addition, staff was spending much more time in the field than they were 6 to 8 months earlier. They were keenly aware of the fact that they have a responsibility to be in the field more often.

With regard to covered patios and decks, Commissioner Palmer identified Lot 7 as the major issue. He was particularly concerned with encroachment into the public utility easement. His opinion was that it should come back at least four feet. He was also bothered that it was approved with an 18-foot setback and built with a 6-foot setback.

(19:57:20) Commissioner Scott suggested continuing the discussion on Units 4, 5, and 7 in order for the Commission to further discuss its options. He recommended parking be approved as per the homeowner's agreement and a date set for installation of the fence to the north. It was noted that clarification was needed from the public utilities. Fencing issues were discussed. It was determined that the Robbins' were not opposed to the fence south of the existing fence. It was recommended that the existing fencing continue around the entire perimeter. Mr. Allred suggested the fence be installed within 60 days. Both Mr. Greene and Mr. Rice indicated the Mr. Allred that the suggested 60 day period was acceptable.

*(20:01:25) Commissioner Scott moved to approve the patios as per agreed to with Homeowners' Association President, Richard Greene, for Units 13 through 22, that they stand approved as built. The Commission continued the patios on Units 4, 5 and 7 for further consideration. Parking was accepted in Holladay Farms with 15 visitor stalls as agreed to by the homeowners' association as per built, provided that within 60 days from today, September 19, the developer shall build a fence along the north side of Holladay Farms, which shall be a continuation of the existing fence, and be located to the south of the existing fence owned by the Robbins'. The applicant shall preserve as many live trees as possible. The homeowners shall approve any future patios within setbacks shown on the plots for Units 13 through 22. The approval modified the original conditional use permit for the PUD. Commissioner Diederich seconded the motion. Vote on motion: Paul Shupe-Aye, Gene Carr-Aye, Cyrus McKell-Aye, Brad Scott-Aye, Howard Diederich-Aye, Richard Kimball-Aye, Jim Palmer-Aye. The motion passed.*

(20:06:10) Commissioner Palmer clarified with regard to the decks on the south side that the developer must determine whether the decks can encroach on the PUE. Mr. Rice was encouraged to look at the decks again to see what modifications could be made to bring them back in to some semblance of compliance.

### **3.2 Conceptual Plan – Spring Creek Terraces – 1930 E. Nunley Court.**

(20:12:30) City Planner, Pat Hansen, presented the staff report and stated that the applicant had been working with staff to redesign the project. The first iteration of the project did not work and a second design was ready to be presented. Changes made to the project were described. The new plan reduced the number of units from ten to eight. In a conventional subdivision, six units would be allowed. Under the PUD ordinance, the project met the density requirements. Four twin homes were proposed with a footprint of approximately 2,200 square feet. The rooflines as proposed were found to meet the graduated height regulations. A 15-foot perimeter was proposed with minimum building separations of about 24 feet. Staff believed the proposed development was compatible with other projects in the area and would be an asset to the street. Staff recommended approval of the project with conditions. It was clarified that the project was submitted prior to the current PUD moratorium and the City Attorney agreed they had the right to continue through the process.

(20:19:10) Commissioner Diederich explained to the applicant that typically PUD projects are required to show how the project would be better than a traditional subdivision. If it were developed as a traditional subdivision, six units would be allowed, while eight were allowed under a PUD. He asked how eight units would be better than six. The applicant responded that the project would be gated and feature a pool and other amenities. He also believed that there was some economy of scale since they could offer a better product for less money since common walls would be shared.

Commissioner Diederich asked the applicant how he predicted the project would affect the neighbors. The applicant responded that a neighborhood meeting was held early on in the process and they found that there was support from the neighbors. That was not the case when the Planning Commission Meeting was held. As a result, the input provided was taken to heart and the new plan was based on input from the public and the Commission. Commissioner Carr recognized that the setback had been increased from 9 feet to 15 feet. The green space was also increased from 45% to 62%.

(20:21:45) Commissioner Carr asked about the guest-parking situation. The applicant responded that because it is a private lane, street parking would be allowed.

(20:24:25) Commissioner Diederich asked Mr. Allred if the reasons for the original rejection were specified. Mr. Allred responded that he was not present at that meeting. Commissioner Carr's recollection was that the rejection had to do with the density, setbacks, and excessive asphalt.

(20:24:48) Commissioner Palmer opened the public portion of the meeting.

Justin Jones identified himself as the owner of the duplex to the north of the pool. He liked the proposed plan and thought it seemed to fit in with the surrounding area.

Noticing issues were discussed. Staff confirmed that the matter had been correctly noticed.

(20:27:14) Bob Davis introduced himself as the president of the homeowners' association of the property to the south. The new layout seemed to address all of the objections they had had previously. The proposed roof and density were also more to their liking.

Don Vanderlinden a property owner to the west, had no objections to the proposed project.

(20:29:20) Commissioner Palmer closed the public comment portion.

It was clarified that the project had gone through the TRC and received concept approval and would come back to the Commission for preliminary approval. Commissioner McKell asked for the reasoning behind the name change. The applicant responded that the name was chosen because Holladay was once known as Spring Creek.

(20:31:01) *Commissioner Carr moved to approve the concept plan as shown and expressed gratitude for the changes made. It was stipulated that the high trees should be placed due north, east, and south of the pool and the advice of an arborist acquired. The motion was also subject to the following conditions:*

- 1. The preliminary plat must show significant compliance to the conceptual plan to be sent to the Commission for approval of the recommendation of the TRC.*
- 2. Maintain the 15-foot setback. No structure in the project shall be located closer than 15 feet from any perimeter property line.*
- 3. A detailed landscape plan shall be submitted with the preliminary plat for approval.*
- 4. The final elevations of the buildings shall include verification of overall building heights in relationship to existing grade.*
- 5. The proposed type and color of construction materials and final square footage of each unit shall be submitted with the preliminary plat for approval by the Commission.*

*Commissioner Diederich seconded the motion. Vote on motion: Paul Shupe-Aye, Gene Carr-Aye, Cyrus McKell-Aye, Brad Scott-Aye, Howard Diederich-Aye, Richard Kimball-Aye, Jim Palmer-Aye. The motion passed.*

**3.3 Conditional Use – St. Vincent’s School Pavilion – 1385 Spring Lane.**

(20:35:04) Mr. Haskell presented the staff report and reported that the application was for a pavilion at the St. Vincent’s School between existing buildings on the campus. The height was proposed at 17 feet and the square footage would be approximately 2,625 square feet. New impervious surface would be included which would total 3,040 square feet including the pavilion. Because of the location of the pavilion and because no sound system was proposed, it was not expected to have any negative impact on the surrounding properties. Staff recommended approval with conditions.

Debbie Adams was present speaking as a parishioner of St. Vincent’s. All of the staff recommendations were determined to be acceptable. She explained that the pavilion would serve as a shelter for the children coming and going from meal times and would not add any activities to the parish grounds that don’t already exist. A picture of the proposed pavilion was displayed. The main purpose was to keep the children out of the weather before classes and at mealtime.

(20:41:20) Commissioner Palmer opened for comments. There were no public comments.

Commissioner Shupe had no concerns with the proposal since an amplification system was not proposed. Commissioner Palmer had no problem with amplified sound so long as it complies with the noise ordinance. Commissioner Diederich agreed. Noise issues were discussed.

(20:44:35) *Commissioner Diederich moved to approve the St. Vincent School pavilion based on the following conditions:*

1. *That the hours of operation be limited from 8:00 a.m. to 10:00 p.m.*
2. *Lighting shall be designed not to trespass off-site nor above the horizon. Any pavilion lighting shall be on automatic timers to dim levels needed for security only between the hours of 10:00 p.m. and 8:00 a.m.*
3. *The applicants shall comply with the attached approved site plan.*
4. *The applicants shall comply with all applicable noise ordinances, namely Salt Lake County Health Department Ordinance Number 21 and Codes 9.48 and 10.36.20.*
5. *No sound amplification systems will be allowed without a professional acoustic engineer's study showing that it complies with Salt Lake Valley Health Department noise regulations.*
6. *The pavilion shall not be rented for public use and shall be used only by the property owner, school, and church.*
7. *The occupancy limits for the pavilion shall not be for more than the gathering area in the church and will follow applicable fire and building code restrictions.*
8. *The applicants shall comply with any and all conditions listed in past conditional use permits.*

*Commissioner McKell seconded the motion. Vote on motion: Paul Shupe-Nay, Gene Carr-Aye, Cyrus McKell-Aye, Brad Scott-Aye, Howard Diederich-Aye, Richard Kimball-Aye, Jim Palmer-Aye. The motion passed.*

### **3.4 Exception – Snyder Residence – 2010 E. Lincoln Circle.**

The application for the above matter was withdrawn.

### **3.5 Exception – Holloway Exception – 2865 E. Jennie Lane.**

(20:47:15) Mr. Haskell presented the staff report and stated that the applicant was requesting an exception from the 100 feet normally required by code from the bank of the stream. Section 13.76.400 stated that the Planning Commission might grant an exception to the requirement with the consent of the City Engineer and the concurrence of any state or federal regulatory body with jurisdiction over the waterways. Mr. Haskell explained that staff did not have full plans for the proposed addition, however, they had concepts and were aware of the extent of the exception. Staff had measured and found that the proposed addition would not go to beyond the existing retaining wall and the retaining wall shown would be reconstructed further to the north. The City Engineer granted his consent and listed additional measures the applicants would need to take. Holladay Water was sent a request for recommendation, however, the City had not yet

heard back from them. Staff recommended approval of the stream setback exception with conditions.

(20:50:45) The applicant, Michael Holloway, stated that the reasoning behind the request was to bring the house out to the “forest” of Spring Creek. Their intent was keep the forest intact and bring the outside into their home.

(20:51:55) Commissioner Palmer opened up for public comment.

Noren Felton gave her address as 2856 Live Oak Circle, and asked about the proposed roofline. It was clarified that the proposed home would not be higher than the existing home. The proposed addition would be 32 feet by 10 feet in addition to a deck.

Commissioner Palmer explained that the ordinance prohibits building within 50 feet of a stream or 100 feet of a perennial stream. Spring Creek was identified as a perennial stream that runs year round. The 100-foot requirement was not a prohibition but required the consent of the City Engineer. Having visited the site, he believed the proposal was appropriate.

(20:56:24) Commissioner Diederich wanted to ensure that the foundation would not allow for any soil erosion and suggested that any equipment used on the site mitigate any damage to the forest area.

Commissioner McKell asked what would be done with the scrub oak on the site and suggested the roots be left to maintain stability. The applicant explained that the scrub oak to be removed were located away from the slope.

(20:58:49) *Commissioner Shupe moved to approve the application subject to the following conditions:*

1. *The applicant must comply with all recommendations listed in the City Engineer’s consent letter.*
2. *The addition, including the toe of the retaining walls, shall be set back at least two feet from the existing chain link fence on the site to the north.*
3. *Consent from Holladay Water will be obtained before a building permit is issued.*
4. *The final building permit shall comply with all other applicable regulations and codes.*
5. *The applicant shall take care of all soil erosion during building.*

*Commissioner McKell seconded the motion. Vote on motion: Paul Shupe-Aye, Gene Carr-Aye, Cyrus McKell-Aye, Brad Scott-Aye, Howard Diederich-Aye, Richard Kimball-Aye, Jim Palmer-Aye. The motion passed.*

### **3.6 Conditional Use Amendment – Greek Orthodox Church Pavilion – 5335 S. Highland Drive.**

(20:59:15) Commissioner Palmer reported that a letter was received from the neighbors and the parish representatives.

Mr. Haskell presented the staff report and stated that the last time the item was considered, it was to allow the church leaders and the neighborhood residents to get together to work out some of their concerns. The letter submitted discussed those concerns. Mr. Allred recommended not including the letter of agreement between the neighbors and the church as part of the conditional use permit but instead let it stand as evidence that they were working together and trying to be good neighbors. He felt that any of the issues brought up during previous public hearings could be mitigated with conditions and recommended approval.

(21:03:13) Bill Souvall was present representing the church. He reported that they had some good meetings with the neighbors and expressed appreciation for their forthrightness and willingness to discuss the matter. He believed that all of the outstanding issues had been resolved. He requested a minor change to the proposed conditions and remarked that the site plan may need to be modified slightly and the pavilion moved further east to allow for additional storage of lawn and maintenance equipment. The expansion was expected to be 10 to 15 feet.

(21:05:05) Mr. Haskell commented that staff received an updated site plan of a larger format involving the trash facility enclosure. Mr. Allred explained that the primary reason the matter was being addressed by the Commission was to consider and weigh the possible impacts to the neighborhood. He did not think that the storage on the end of the building as explained by the Church's representative would have a material affect on the neighborhood and believed it was an acceptable request so long as the required setbacks are met and it is used as proposed. He suggested questioning the applicant, however, on where any overhead doors might be located and ensure that they face north or south.

(21:12:33) Commissioner Palmer opened it up for public comment.

Jim Kastanis a 45-year resident, gave his address as 2612 Flamingo Drive and reported that he helped campaign to form Holladay City. He also served as Chairman of the Holladay City Interfaith Council. He urged the Commission to support the proposal.

(21:14:15) Gary Palmer gave his address as 5361 South 2110 East. He asked whether the recommendations made in the letter would be incorporated into the motion. He thought the experience working with the church had been a good one. The close neighbors on the north side had had problems late at night. They spoke with the church about putting a chain across the entrance at 11:00 p.m. to see if the problem could be resolved. He clarified that he did not oppose the proposal. They respected what the church was trying to do and wanted to assist them in any way possible so long as their rights are protected and the sound is mitigated.

(21:17:30) Mark Olson was not opposed to the pavilion but was opposed to partying late at night. There had been problems with noise in the past. His neighbor, Bret Laughlin, was troubled by the request but was unable to attend tonight's meeting. Mr. Olson asked what mechanism was in place in the event the conditions are not complied with. It was suggested that violations be reported to the City or proper authorities. Mr. Olson wanted to make sure the neighborhood is preserved. Mr. Haskell provided phone numbers for the Noise Ordinance Complaint Line and the Sheriff's dispatch. The two entities together were enforcing noise ordinances.

(21:23:55) James Pickering gave his address as 2016 East 5290 South to the north of the parking lot. He was bothered by a recent comment that virtually none of the calls made to the police were related to church activities. He contended that that was not true. Three of the calls he made were all involved church activities, one of which was a wedding. At 2:30 a.m. he had called the police three times and they did nothing. In his experience, the police show up and leave and nothing happens. In discussing the situation with the church, they were provided with two people to call. He thought that would help tremendously. He thought the suggestion of the chain across the two entrances was a great idea since some of the problems have nothing to do with the church.

Mr. Kastanis, a member of the Greek Orthodox community, stated that they received permission from the City and the Council at one time to go until midnight. He stressed that most church functions rarely go past 10:00 p.m. If police don't respond, he suggested that problems be brought to the Interfaith Council. The intent of the Council was to maintain the continuity of all faiths within the City.

(21:27:55) Commissioner Palmer closed the public input portion.

Commissioner Shupe commended Mr. Souvall and Mr. Palmer for taking the time to meet and be good neighbors. He commended them for their efforts. Commissioner Diederich suggested that any approval granted follow the same standards required for other pavilions. He did not suggest incorporating the letter but acknowledged that their working together was key.

(21:32:00) *Commissioner Diederich moved to approve the Prophet Elias Greek Orthodox Church pavilion recognizing the letter between the parishioners and the surrounding neighbors. Approval was subject to the following conditions:*

1. *Hours of operation shall be limited from 8:00 a.m. to 10:00 p.m.*
2. *Lighting be designed not to trespass off-site, nor above the horizon. Pavilion lighting shall be on automatic timers to dim to levels needed for security only between the hours of 10:00 p.m. and 8:00 a.m.*
3. *Comply with the attached, approved site plan with the added 20-feet for the enclosure to be worked out with staff.*
4. *Comply with all applicable noise ordinances.*
5. *No sound amplification will be allowed without a professional acoustic engineer's acoustic study showing that it complies with SLVHD regulations (#21 noise control).*
6. *The pavilion shall not be rented for public use, and shall be used only by the applicant.*
7. *Occupancy limits for the pavilion shall not be greater than that of the gathering area in the church and that it meet all other building and fire code requirements in that regard.*
8. *The dedication of 40 feet from the centerline of Highland Drive shall be made or verified prior to issuance of a building permit.*
9. *The upper eaves and ends of the roof structure shall be enclosed so that they don't amplify sound.*

**10:     *The trash facility shall be enclosed.***

***Commissioner Carr seconded the motion. Vote on motion: Paul Shupe-Nay, Gene Carr-Aye, Cyrus McKell-Aye, Brad Scott-Aye, Howard Diederich-Aye, Richard Kimball-Aye, Jim Palmer-Aye. The motion passed.***

Commissioner Shupe remarked that his vote did not reflect how far both parties had come. He thought great strides had been made. The amplification of sounds was the issue that bothered him most.

**4.     Consent Items.**

**4.1     Final Plat – Stegner Place – 4500 S. 2300 E.**

(21:35:42) Landscaping proposed for the Stegner Place subdivision was discussed. Commissioner McKell suggested the Commission encourage the applicants to address the landscaping that would remain. He identified three existing main trees between the two existing buildings. Tree issues were discussed. Discussion on the item was postponed due to the time, while the Commission assumed discussion of the regular agenda items.

(21:36:00) The discussion resumed. The applicant, Mike Akerlow, reported that his landscape architect told him that the Cyprus trees would grow to a height of 30 feet and that over time, they would form a wall. When they are planted, the trees would be 1 ½ to 2-inch caliper. Commissioner McKell remarked that those types of trees were often used for screening. Commissioner Diederich suggested the applicant work with the neighbor on design. Commissioner Shupe asked that more trees be planted than proposed. It was suggested that the trees be planted 6 feet apart. It was confirmed that the applicant would be preserving the existing walnut tree on the northwest corner.

***(21:41:05) Commissioner Scott moved to approve the final plat for Stegner Place with the landscaping as shown and the west side planting every six feet to center. Commissioner McKell seconded the motion.***

Commissioner McKell expressed concern with the survival of some of the trees because of the weather. The applicant stated that he would begin work the following day.

***Vote on motion: Paul Shupe-Aye, Gene Carr-Aye, Cyrus McKell-Aye, Brad Scott-Aye, Howard Diederich-Aye, Richard Kimball-Aye, Jim Palmer-Aye. The motion passed.***

**4.2     Approval of Minutes – Planning Commission Meeting – 8/15/06, 8/22/06, Work Meeting – 8/1/06.**

Commissioner Palmer stated that staff had asked the Commission to specifically study the minutes of August 22 with regard to the clarification on the motion approving the Holladay Village Center ordinance. He reminded the Commissioners that a portion of the ordinance changed other sections, not just the Holladay Village section. In actuality, they were amending Title 13.

(18:23:50) Commissioner McKell referenced page 5 of the August 22 minutes dealing with the motion made on the Holladay Village Center Plan and asked if staff felt the motion was stated sufficiently. Mr. Allred responded that at the conclusion of the last meeting he expressed concern with the motions and wanted to ensure that they were complete and comprehensive. After the meeting, he spoke with the City Attorney who expressed comfort with the motion recognizing that the Planning Commission was a recommending body. He clarified that in reviewing the minutes, staff made a suggested change to the minutes. He explained that what was considered at the meeting were changes to Title 13, not just to the Holladay Village Center.

Commissioner Carr referenced language in the motion referring to the “many” comments made in the Commission’s discussion. He remarked that none were stated specifically. Mr. Allred suggested the language be all-inclusive and each listed specifically or all matters covered in the discussion of Title 13 be included. Commissioner Palmer stated that a record of the meeting would be on file permanently which would allow someone to reconstruct “many” if necessary.

(18:32:13) Commissioner McKell referred to page 8 of the August 22 minutes where Tonya Torrance was identified as a neighbor on the “west” side. He thought it should actually be the “east” side.

Commissioner Diederich stated that he expressed concern with ambiguity in the August 22 minutes that had to do with the Neighborhood Buffer Zone because there were different maps. The Neighborhood Buffer Zone was removed altogether and incorporated into the final map. He emphasized that a Neighborhood Buffer Zone was needed and should be spelled out. It seemed to him that the two maps were in conflict.

(18:34:20) Commissioner Carr referred to page 4, line 36, and clarified that he asked Dan Lofgren if the area of three-story buildings south of Murray Holladay was deep enough to build a three-story building. At that time, Mr. Lofgren indicated that it was not, which was one of the reasons it was eliminated from the area. Commissioner Carr thought it was important that Mr. Lofgren’s opinion be included.

(18:35:35) Commissioner Scott referred to page 2, line 29, of the August 15 minutes but made no recommended change.

Mr. Allred suggested a change to page 14 of the August 15 minutes concerning his recommendation on a conditional use permit for the Greek Orthodox Church. He suggested adding the following to the sentence ending on line 14, “but that it be brought back within 30 days”. Commissioner Scott stated that a 30-day time period was previously listed on item 6. Mr. Allred withdrew his addition since the requirement was already included.

Commissioner McKell referred to page 2 of the August 15 minutes and questioned the spelling of Terry Diehl’s last name. He next referred to the word “anything” on end of the first line on the same page and suggested it be changed to “any”.

Commissioner Carr referred to page 11 and noted that Mr. Souvall's name was misspelled and asked that it be corrected. On line 25 of the same page it was suggested that the word "feet" be inserted after "200".

On page 7 of the August 1 minutes, Commissioner Diederich noted that the motion was seconded by Commissioner Shupe. He suggested that clarification be added to the minutes with regard to Lot 4. He suggested it be stated that Lot 4 should be in conformity with the existing homes off of Cumberland.

(18:44:42) Commissioner McKell referred to line 10 of page 5 of the minutes of August 15 and clarified that Holladay Boulevard itself was not being terminated. He suggested it instead be referred to as a "marriage" between Holladay Boulevard and 2300 East. After further discussion it was determined that Holladay Boulevard was being re-routed rather than having Laney extended.

(18:47:37) Commissioner Palmer referred to page 15, line 18, of the August 22 minutes and stated that Commissioner Diederich was concerned that the motion he made on Frank Ivory's project was not worded correctly and he made suggested changes. Commissioner Diederich felt that the minutes as worded specific to the August 1 clarifications, would resolve those concerns. He clarified that it would be in conformity with Cumberland and would not exceed the height of the surrounding properties on Cumberland.

*(18:54:30) Commissioner Palmer moved to suspend the rules and consider the consent items, final plat - 4.1, and approval of minutes - 4.2, including the changes as referenced in the record and in tonight's work meeting . Commissioner McKell seconded the motion. Vote on motion: Paul Shupe-Aye, Gene Carr-Aye, Cyrus McKell-Aye, Brad Scott-Aye, Howard Diederich-Aye, Richard Kimball-Aye, Jim Palmer-Aye. The motion passed.*

## **5. Staff Reports.**

(21:43:20) Commissioner McKell remarked that the Commissioners received a printout of an article entitled New York Times Action on Trails. He commented that he represents the City on the County Parks and Trails Advisory Commission and a recent article stressed the importance of trails and parks. It provided an interesting background on open space, parks, and trails with respect to residents, cities, and planning. He suggested the Commission Members read it.

## **6. Adjournment.**

*At 9:44 p.m. the Commission moved to adjourn by unanimous consent.*

*I hereby certify that the foregoing represents a true, accurate and complete record of the Holladay City Planning Commission meeting held Tuesday, September 19, 2006.*



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Teri Forbes  
Minutes Secretary

Minutes approved: 10-17-06