

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

**Tuesday, January 6, 2015
6:30 p.m.
Holladay Municipal Center
4580 South 2300 East**

ATTENDANCE:

Planning Commission Members:

Spence Bowthorpe, Vice Chair
Les Chatelain
John Garver
Matt Snow

City Staff:

Paul Allred, Community Development Director
Rick Whiting, City Planner
Jonathan Teerlink, City Planner
Pat Hanson, City Planner
Todd Godfrey, City Attorney
Tosh Kano, Public Works Director
Clarence Kemp, City Engineer

PRE-MEETING/WORK SESSION

Vice Chair Bowthorpe called the meeting to order at 6:10 p.m.

1. All Agenda Items May Be Discussed.

(18:38:43) City Planner, Rick Whiting, stated that the Highland Court Subdivision includes nine twin homes or 18 units. There have been discussions regarding altering the access and road configurations to include an access to 5600 South. The corner portion of the property is zoned RM where the rest of the property is R-2, which is a lower density. Staff recommended approval. Property access issues were discussed.

The Commission next discussed the Pingree Drive approach. Public Works Director, Tosh Kano, stated that there are several existing 30-foot driveways in the neighborhood. He recommended approved.

City Engineer, Clarence Kemp, stated that the Blankenship property is essentially a pre-existing lot and a determination should be made as to whether it is reasonable. The lot is steep and the applicant is asking for a driveway slope in excess of what would normally be allowed. The Unified Fire Authority (UFA) has weighed in and agreed to the proposal. He stated that when a variance is granted, it falls on the Planning Commission to set reasonable requirements. Possible requirements were discussed. Paul Allred stated that the City Attorney has given his opinion that, upon review of the situation, the lots are legal, nonconforming, and are eligible for waiver consideration by the Planning Commission.

(18:59:30) Vice Chair Bowthorpe moved to close the Work Meeting and move to the Council Chambers for the Regular Meeting. Commissioner Snow seconded the motion. The motion passed with the unanimous consent of the Commission.

CONVENE REGULAR MEETING

Vice Chair Bowthorpe called the Regular Meeting to order at 7:03 p.m.

ACTION ITEMS

2. Highland Court – Twin Home Subdivision – 5610 South Highland Drive – Conceptual Plan – R-M/R-2-10 Zones – Staff Planner: Rick Whiting.

(19:05:26) City Planner, Rick Whiting, presented the staff report and stated that the applicant has proposed to build a 20-unit subdivision on 3.0 acres. It was noted that there is dual zoning in place on the property. The applicant proposed to develop as if the entire project were in the R-2-10 Zone. There are also nine twin homes with 18 dwelling units proposed in the twin home configuration and two single-family detached homes. Staff recommended approval.

The applicant's representative, Lee Conant, stated that the application is straight forward and all conceptual plan requirements have been met. As requested, an exit along 5600 South will be explored. Homes will be a mix of both single and two-story homes.

Mr. Whiting reviewed the land use along Highland Drive to determine if the request is new and unique. He determined that it is not. He explained that other developments have been done with comparable or higher density in the past.

(19:16:40) Vice Chair Bowthorpe opened the public hearing.

Reed Tateoka gave his address as 5645 South Nations Way. He determined that the preliminary proposal suggests that the twin home be placed 4.85 feet from his property line, which he believed would put him at a great disadvantage. If the setback were changed and this was the back lot, they would be required to have a 20-foot setback. He recommended staff take the least burdensome alternative and require that the proposed project be as carefully designed as possible.

Sandra Simpson gave her address as 1920 East Nations Way and expressed concern with a decrease in water pressure and density. A decrease in her property value was also of concern.

Tom Nelson, who resides at 2155 Pheasant Way, stated that a letter received by staff was included in the packet and contains a summary of the Highland Drive Master Plan Committee recommendations to the City. He considered it to be important and asked that it be incorporated as part of the minutes. He remarked that he may be in favor of the development with the exception of one major flaw and other minor items. Access to the proposed property and safety were his main concerns. The staff report stated that the proposed use and development will not have a material adverse effect on the character of the area or the public health, safety, and general welfare. It was not the traffic that concerned him but the type of traffic. Street configuration was detailed. Mr. Nelson urged the Commission to carefully consider an alternative entrance on 5600 South and not Highland Dr.

Jerry Sonkens gave his address as 2076 Pheasant Lane and identified his concern as the streetscape and what will happen between Highland Drive and 5600 South. Visual barriers were an issue as well.

Richard Tempest, who resides at 2392 Cottonwood Lane, reported that he served on the Highland Drive Master Plan Citizens Committee. One of the key elements was recognizing the peculiarities

of the stretch from Arbor Lane to the Van Winkle Expressway. It is not a corridor through the City, but primarily a residential road. He urged the Commission to recognize the danger of Highland Drive access to the project and recognize that moving the entrance to 5600 South would not only be responsible, but enhance the viability of the project and provide for the safety of future residents.

Ann Wilson gave her address as 2080 Wildwood Drive and expressed concern and opposition to the development being accessed from Highland Drive.

Gloria Chapman, who resides at 1900 Frontier Road, stated that Highland Drive is a dangerous street. She expressed her opposition to the proposed access design.

Chris Petrogeorge gave his address as 2593 Flamingo Drive and stated that if the developer wants to access the proposed site from 5600 South, they will have to go through his property. He was of the opinion that the City of Holladay has been overdeveloped.

Laurel Smith gave her address as 2174 Pheasant Way and expressed support for the proposal. Her concerns included traffic and the lack of green space.

David Wells, who resides at 2011 Pheasant Way, expressed concern with security issues during construction.

Joan Lewis gave her address as 1932 East 5600 South and urged the developers to review traffic issues.

Shauna Tateoka gave her address as 5645 South Nations Way and asked the Commission to move the location of the proposed homes so that she has sunlight and a view. She wanted to be able to continue to have the quality of life she currently enjoys. She was worried that the project will cause a decrease in her property value.

(20:04:18) There were no further public comments. The public hearing was closed.

Commissioner Chatelain pointed out that although many have expressed concerns with traffic and speed, those issues are not directly related to the proposed project. He suggested that those who spoke on the topic address the City Council who regulates and enforces speed limits. He directed them to encourage improvements to traffic management of Highland Drive and 5600 South as a solution.

Mr. Conant addressed the concerns identified and stated that the Highland Drive issue is not going to go away unless something is done. They designed the development with the intent of eliminating eight separate driveways accessed via Highland Drive and condensing them into a single access. They aligned it directly across the street, which is what they've been asked to do. This was not the simple solution despite what some may think. Engineers would review the design and were willing to accommodate the wishes of the City. It was their intent to have a wall. It was noted that many of the concerns raised will be addressed at the preliminary plat stage.

Community Development Director, Paul Allred, stated that the subdivision ordinance requires the development of a Street Tree Plan.

Mr. Kano remarked that he was very familiar with the concerns expressed. Since the closure of the Cottonwood Mall, Highland Drive traffic has reduced by 25%. He was agreeable to opening 5600 South and lining an access up with the assisted living facility directly across the street.

Commissioner Snow believed that building a wall would create a tunnel effect and increase speed along Highland Drive. Commissioner Garver concurred and added that when the mall is completed, traffic will be as congested if not more so than in years past.

(20:22:40) *Commissioner Chatelain moved to approve the Highland Court Twin Home Subdivision Conceptual Plan located at 5610 South Highland Drive in the R-M/R-2-10 subject to the following:*

Findings:

- A. The proposal represents continued positive movement in the overall redevelopment in the general vicinity. Several disinvested and vacant properties would be removed and upgraded.*
- B. The proposed project meets the requirements for a residential subdivision in the R-M & R-2-10 zones, i.e. area, lot width, access, slope, public safety, etc.*
- C. The proposed project complies with the maximum density allowed in the underlying zones.*
- D. This application is consistent with land use patterns in the general vicinity. Many two family and multi-family developments exist along both sides of this segment of Highland Drive.*
- E. The UFA has approved emergency access as proposed. Details of access, road design, fire hydrant capacity, and placement will be addressed in the Preliminary Plat review and approval process.*
- F. The proposed project has been reviewed by the TRC and meets City requirements for Conceptual Plan.*
- G. Utility providers can serve the property and have (or are expected to) provide appropriate service availability letters.*

Requirements:

- 1. A Preliminary Plat and any other requirements for the subdivision shall be submitted to the Technical Review Committee (TRC) for review and recommendation to the Planning Commission.*

Commissioner Snow seconded the motion. Vote on the motion: John Garver-Nay, Les Chatelain-Aye, Matt Snow-Aye, Vice Chair Spence Bowthorpe-Aye. The motion passed 3-to-1.

3. Pingree Drive Approach – Approach Design Exception – 1920 East Longview Drive – R-1-10 – Staff Planner: Jonathan Teerlink, Tosh Kano.

(20:26:00) Mr. Kano reviewed the Pingree Drive Approach and stated that the request is for a 35-foot exception. There are several homes in the neighborhood that already have 35-foot driveways and he recommended the Planning Commission grant the waiver to allow the exception.

The applicant stated that the original home was torn down. This is a rebuild and will have a three-car garage. The issue was as stated and the exception would allow the homeowners to exit straight out of the garage.

(20:29:28) Vice Chair Jensen opened the public hearing. There were no comments. The public hearing was closed.

Commissioner Garver commented that along the proposed street there are newer homes that have met the 25-foot requirement. He was confident that it could be completed and done nicely. Driveway design issues were discussed.

(20:34:10) *Commissioner Snow moved to recommend the City Council approve the Approach Design Exception for the Pingree Drive Approach located at 1920 East Longview Drive in an R-1-10 subject to the following:*

Recommendation:

Upon review of the application by the Public Works Director, Tosh Kano, made a recommendation to grant the applicant's request to increase the approach by 9 feet for a proposed width of 34 feet. He has indicated that the application would not create a safety hazard for the area based on the following findings:

- 1. The drive approach is located on a curve of a very slow street.*
- 2. It will be recommended to the City Council to change the Code in order to increase the maximum width from 25' to 35'.*
- 3. The Community Development Department Staff feels that a 34-foot wide driveway approach in this particular residential area would not adversely impact street traffic or aesthetics based upon the following:*

Findings:

- 1. The requested width of the approach is not out of line with existing uses on the street.*
- 2. A wider drive approach for a residential use may be convenient for the homeowner, however, the speed of vehicles entering a drive as wide as 34 feet are faster than a 25-foot approach. Since there seems to be slower traffic in this area and little pedestrian use this may not be an issue.*

Commissioner Chatelain seconded the motion. Vote on the motion: John Garver-Aye, Les Chatelain-Aye, Matt Snow-Aye, Vice Chair Spence Bowthorpe-Aye. The motion passed unanimously.

Commissioner Chatelain recommended the regulation be reviewed.

4. Blankenship FCOZ Waivers – 6415 Crest Mount – FR-20/FCOZ (continued) – Staff Planner: Jonathan Teerlink.(20:38:00) City Engineer, Clarence Kemp, presented the staff report and stated that the request pertains to a legally subdivided lot characterized by very steep slopes. There is a request for a steeper than allowed driveway. The UFA reviewed the design and was amenable given the length of the driveway. He recommended approval subject to conditions having to do primarily with the fact that it is a steep area. What is not listed in the recommendations, but is necessary, is that the driveway be heated given the slope. The bottom 20 feet of the driveway also be at a much lower percentage to ensure safety.

Vice Chair Bowthorpe clarified that the first waiver is for a driveway with a 15% slope, which exceeds the administrative approval standards. The second waiver is for development from slope protection regulations, which also exceeds administrative approvable standards.

Project Architect, Jeff Schindewolf, stated that the driveway design is the least steep option. Their preference would be to use asphalt rather than a concrete heated driveway. The driveway is designed with a 5% slope for the first 20 feet. The geotechnical report was also provided. Snow removal issues were discussed. Mr. Schindewolf detailed the post and beam design.

(20:50:57) Vice Chair Bowthorpe opened the public hearing. There were no comments. The public hearing was closed.

Mr. Kemp stated that the applicant has a legally divided lot and the zoning restrictions would make it virtually undevelopable. These types of issues under a normal situation would be addressed at the subdivision phase. He noted that this is a lot that existed prior to the incorporation of the City.

(20:56:35) *Commissioner Chatelain moved to grant the proposed 15% slope driveway waiver, which exceeds administratively approvable standards set forth in Holladay Ordinance 13.72.030.E subject to the following:*

Findings:

1. *The slope upon which the driveway is constructed and exists is man-made and not natural.*
2. *Given the narrow width of the lot at the Right of Way line, no alternate location for access is feasible or available.*
3. *No individual segment or increment of the driveway that will cross slopes between thirty percent (30%) and fifty percent (50%) exceeds one hundred feet (100') in length.*
4. *Fire safety concerns have been addressed or otherwise mitigated.*

Conditions:

1. *Shall not exceed 10% grade within 20' of the Right of Way.*
2. *All retention walls to comply with standards set forth in 13.72.030.*

Commissioner Snow seconded the motion. Vote on the motion: John Garver-Aye, Les Chatelain-Aye, Matt Snow-Aye, Vice Chair Spence Bowthorpe-Aye. The motion passed unanimously.

Commissioner Chatelain moved to grant the wavier for development from slope protection regulations, which exceed administratively approvable standards set forth in Holladay Ordinance 13.72.030.B subject to the following:

Findings:

- 1. The subject property is a legal lot of record.*
- 2. The proposed use is permitted in the underlying zone.*
- 3. The proposed structure does not encroach on any natural slopes over 40% (13.72.060.A.3).*
- 4. Strict compliance with the slope protection standards in subsection 13.72.030B or 13.72.030D3 and D4 of this chapter would render the site completely undevelopable.*
- 5. Strict compliance with the slope protection standards in subsection 13.72.030B or 13.72.030D3 and D4 of this chapter would result in a substantial economic hardship, not created by the applicant or otherwise self-imposed.*
- 6. Over 75% of the lot's 2.76 acres will remain in a natural private state.*

Conditions:

- 1. A Soils and Geotechnical report prepared by a licensed professional geologist. Recommendations therein shall be strictly followed throughout site work and the construction of the home.*
- 2. Geotechnical report shall include a rock-fall analysis*
- 3. All other FCOZ ordinances must be fully complied with.*

Commissioner Snow seconded the motion. Vote on the motion: John Garver-Aye, Les Chatelain-Aye, Matt Snow-Aye, Vice Chair Spence Bowthorpe-Aye. The motion passed unanimously.

5. Election of Planning Commission Leadership for 2015.

(21:07:29) Commissioner Chatelain moved to continue the above item to the next meeting. Commissioner Garver seconded the motion. The motion passed with unanimous consent of the Commission.

6. Approve Minutes of the November 5 and 18, 2014 Meetings.

The minutes from November 5, 2014, were reviewed and discussed.

(21:14:56) *Commissioner Snow moved to approve the minutes of November 5, 2014. Commissioner Snow seconded the motion. The motion passed with unanimous consent of the Commission.*

The minutes of November 18, 2014, were reviewed and modified.

Commissioner Chatelain moved to approve the minutes from November 18, 2014, with the changes noted. Commissioner Garver seconded the motion. The motion passed with the unanimous consent of the Commission.

OTHER BUSINESS

7. **Updates or follow-up on items currently in the development review process.** Mr. Allred stated that the next General Plan Meeting is scheduled for February 25, 2015.

The Titan Development project was discussed.

Mr. Allred stated that the Reuel's building is being demolished and that a new site plan will eventually be submitted where it will be required under the HV zone regulations to be reviewed by the Design Review Board (DRB) and moved forward to the street edge.

Commissioner Chatelain asked if public input regarding Highland Drive would be desirable. Mr. Allred stated that the consultants have made suggestions as well as the stakeholders. He suggested getting junior high and high school students involved to help generate interest in the community and in the General Plan process..

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

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

ADJOURN

(21:44:22) *Commissioner Chatelain moved to adjourn. Commissioner Garver seconded the motion. The motion passed with the unanimous consent of the Commission.*

The Planning Commission Meeting adjourned at 9:45 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, January 6, 2015.



Teri Forbes
T Forbes Group
Minutes Secretary

Minutes approved: February 3, 2015