

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

**Tuesday, January 7, 2014
6:30 p.m.
Holladay Municipal Center
4580 South 2300 East**

ATTENDANCE

Planning Commission Members:

Chris Jensen, Chair
Spence Bowthorpe, Vice Chair
Lori Khodadad
Les Chatelain
John Garver
Matt Snow

City Staff:

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

PRE-MEETING/WORK SESSION

Chair Jensen called the meeting to order at 6:35 p.m. The agenda items were reviewed and discussed.

With regard to the stream setback amendment, City Planner, Jonathon Teerlink, reported that adjustments were made to the 50 and 100 foot criterion. A brief synopsis of the stream setback was presented. Items less than 50 feet from the stream will be reviewed by the Commission while properties between 50 and 100 feet will not. Notice was to be given to residents within 500 feet.

The Commission next discussed the Planned Unit Development matter. Community Development Director, Paul Allred, stated that the genesis for this issue was when the City Council indicated they were interested in further examining the benefits of PUDs for smaller parcels earlier in the year when they were considering the Phillips rezone.

The Orchard Hollow three-lot subdivision was next detailed. Mr. Allred stated that the matter is not up for public hearing but rather for just consideration of the preliminary plat during this meeting and recommended it be brought back to the Commission for final approval.

(18:59:34) Commissioner Bowthorpe moved to close the Work Meeting and relocate to the Council Chambers for the Regular Meeting. Commissioner Khodadad seconded the motion. The motion passed with the unanimous consent of the Commission.

CONVENE REGULAR MEETING

Chair Jensen called the Regular Meeting to order at 7:05 p.m.

ACTION ITEMS

1. Stream Setback Amendment – Staff: Jonathon Teerlink, City Planner and Clarence Kemp, City Engineer.

(19:04:55) Mr. Teerlink presented the Stream Setback Amendment as detailed in the staff report and stated that the issue pertains to perennial streams. Currently, the ordinance requires any development within 100 feet of the centerline of the waterways go through an additional layer of review. The amendment proposes that the criteria for any developments from 50 to 100 feet not be brought to the Planning Commission. Developments between zero and 50 feet will be reviewed by the Commission with proper public notice. He confirmed that the 100-foot buffer is not a setback. The only setback required for residential construction is set forth in Section 13.04, Rear Yard Setbacks. Properties within this 100-foot section currently require an additional layer of review. However, if the code amendment is approved, future applications for projects within 50 and 100 feet would essentially be removed from the public hearing and kept at staff level.

The second portion proposes that private developments, which convey irrigation across private property, be maintained by the property owner. City Manager, Clarence Kemp, stated that this is a long standing problem and a reiteration of what the City and state policy has been for many years. The irrigation laterals are owned by the individual irrigators. The purpose of this amendment is to serve as clarification and reminder of responsibility. When a pipe goes in, it is for the convenience of the property owner. The City does not own or maintain the laterals and maintenance is the sole responsibility of the property owner. Issues that are closely inspected include flood plains, bank stability issues, riparian issues, types of vegetation, and accessibility.

(19:21:10) Chair Jensen opened the public hearing.

Louise Hollander gave her address as 2561 East Valley View Avenue. She hoped to see the system expanded and homes kept at a distance of 100 feet from the creek bed.

Wendy Zeigler gave her address as 2557 East Valley View Avenue and shared concern regarding the code amendment. Her opinion was that it denies citizen input.

Commissioner Khodadad agreed with Ms. Zeigler's comments regarding the importance of citizen input. She explained that the proposed amendment would not change anything in the process with the exception of those who come in for issues dealing with 50 and 100 feet.

Mr. Allred confirmed that there is a noticing policy subdivision approval in place. Anyone within 500 feet of the proposed property will be notified and are invited to comment.

Robin Hough gave her address as 2465 Kentucky Avenue and raised concern about the advocacy of the City. She encouraged the Commission to ensure that the processes and systems are not at the expense of public input.

Brock Bennett gave his address as 2511 East Valley View Avenue. He remarked that he had not received notification regarding the Planned Unit Development. Chair Jensen confirmed that there has been no application for the property. He clarified that the item up for discussion is the stream exception.

Pauline Lehman gave her address as 2501 East Valley View Avenue and shared her opposition to any change proposed at less than the 100 foot mark.

Kim Johnson was present representing Dick and Donna Livingston who reside at 4787 Holladay Boulevard. He and found it interesting that those interested in decreasing efficiency don't want change. He also disagreed with the previous assertion that Livingston's had had flooded basements in the past from Spring Creek.

(19:49:53) There were no further comments. The public hearing was closed.

Mr. Allred stated that the planning staff is very environmentally conscious and proactive in protecting the surroundings and land.

Commissioner Bowthorpe stated that they must be careful not to relax conditions that currently exist within the City where the public is not afforded the opportunity to speak to an issue. Commissioner Khodadad was also of the opinion that the item requires further discussion.

(20:03:05) Commissioner Bowthorpe moved to continue the stream exception amendment to a future meeting for further discussion. Commissioner Khodadad seconded the motion. Commissioner Bowthorpe withdrew his motion.

Commissioner Bowthorpe moved to approve Section 13.76.400, Development Near Waterways, Item C, of the stream exception text amendment and recommend approval to the City Council. Commissioner Khodadad seconded the motion. Vote on motion: Les Chatelain-Aye, Lori Khodadad-Aye, John Garver-Aye, Matt Snow-Aye, Spence Bowthorpe-Aye, Chair Chris Jensen-Aye. The motion passed unanimously.

(20:05:40) Commissioner Bowthorpe moved to continue the balance of the stream exception text amendment proposal to a future meeting for further discussion. Commissioner Chatelain seconded the motion. Vote on motion: Les Chatelain-Aye, Lori Khodadad-Aye, John Garver-Aye, Matt Snow-Aye, Spence Bowthorpe-Aye, Chair Chris Jensen-Aye. The motion passed unanimously.

2. Chapter 13.78 - Planned Unit Development – Staff: Pat Hanson.

(19:34:26) City Planner, Pat Hanson, presented Chapter 13.78 Planned Unit Development as stated in the staff report and gave a brief history of the progress made up to the present time. It was clarified that because this is in an R-1-8 zone and requires a minimum lot size of 8,000 square feet, 16,000 square feet in the PUD would be required. Minimum area requirements for a PUD are based on doubling the minimum lot area for the zone. It was noted that commercial PUDs do not have a required area.

Chair Jensen opened the public hearing. There were no comments. The public hearing was closed.

(20:15:32) *Commissioner Chatelain moved to recommend adoption of the Chapter 13.78 Planned Unit Development text amendment to the City Council. Commissioner Bowthorpe seconded the motion. Vote on motion: Les Chatelain-Aye, Lori Khodadad-Aye, John Garver-Aye, Matt Snow-Aye, Spence Bowthorpe-Aye, Chair Chris Jensen-Aye. The motion passed unanimously.*

3. Orchard Hollow - 3-Lot Subdivision – 4245 South Holladay Blvd. - Preliminary Plat – Staff: Rick Whiting, City Planner.

(19:42:47) City Planner, Rick Whiting, presented the Orchard Hollow three-lot subdivision located at 4245 South Holladay Boulevard as detailed in the staff report. He stated that it was decided in District Court, that the provision in Code Chapter 15.28.020A allows for the portion of the public right-of-way being dedicated to be applied for the purpose of determining the lot area. The matter was reviewed by the Technical Review Committee (TRC) and the Unified Fire Authority (UFA) issued a letter granting approval. Staff recommended the Planning Commission favorably consider the merits of the application.

Simone McInnis confirmed that homes previously existed on the property but have since been demolished.

Doug Gilmore, from Gilmore Engineering, presented the preliminary plat and property details. Wall requirements and height were discussed. Mr. Whiting noted that the building code requires any retaining wall over four feet to be engineered.

Mr. Kemp confirmed that he reviewed the preliminary plat and found it to meet all required ordinances.

(20:30:42) *Commissioner Khodadad moved to approve the Orchard Hollow Three-Lot Subdivision preliminary plat located at 4245 South Holladay Boulevard with the following:*

Findings:

- A. *The proposed project meets the requirements for a residential subdivision in an R-1-15 zone, i.e. area, density, access, slope, public safety, etc;*
- B. *This project complies with the provisions of the City's General Plan for this area;*
- C. *This application is consistent with land use patterns in the general vicinity;*
- D. *The UFA has approved emergency access as proposed. Fire hydrant capacity and placement has been reviewed and approved;*
- E. *Minimum lot area requirements are met with the addition of allowed area from the public right-of-way (which will be dedicated to the City);*
- F. *The proposed project has been reviewed by the TRC and meets City requirements for Preliminary Plat, including provisions from item E above;*
- G. *Utility providers can serve the property and have provided appropriate service availability letters; and*

- H. *Topographical and geotechnical constraints have been mitigated and/or accommodated through subdivision design and will be further mitigated and/or accommodated through building permit requirements.*

Requirements: (Prior to approval of the Final Plat - all outstanding TRC issues must be resolved).

1. *A Final Plat and any other requirements for the subdivision shall be submitted to the TRC for review and approval;*
2. *A street dedication will be required on Holladay Blvd;*
3. *Covenants, Conditions and Requirements (CC&Rs) including road maintenance and right-of-way easements shall be submitted to be recorded with the Final Plat;*
4. *Street tree requirements and placement as well as curb, gutter and sidewalk accommodations will be determined by the Community Development Director;*
5. *Bonding requirements will be determined by the City Engineer;*
6. *An acceptable Title Report must be received and reviewed prior to Final Plat approval; and*
7. *Returns to the Planning Commission for final approval, as well as the TRC.*

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

(20:32:10) *The Commission took a short recess.*

4. Approve Minutes of the November 6, 19 and December 10, 2013 Meetings.

(20:41:10) The minutes of November 6, 2013, were reviewed and discussed.

Commissioner Bowthorpe moved to approve the minutes of November 6, 2013. Commissioner Chatelain seconded the motion. Vote on motion: Les Chatelain-Aye, Lori Khodadad-Aye, John Garver-Aye, Matt Snow-Aye, Spence Bowthorpe-Aye, Chair Chris Jensen-Aye. The motion passed unanimously.

The minutes of November 19, 2013, were reviewed and discussed.

Commissioner Chatelain moved that the minutes of November 19, 2013, be approved. Commissioner Khodadad seconded the motion. Vote on motion: Les Chatelain-Aye, Lori Khodadad-Aye, John Garver-Aye, Matt Snow-Aye, Spence Bowthorpe-Aye, Chair Chris Jensen-Aye. The motion passed unanimously.

The minutes of December 10, 2013, were reviewed and discussed.

Commissioner Chatelain moved to approve the minutes of December 10, 2013. Commissioner Khodadad seconded the motion. Vote on motion: Les Chatelain-Aye, Lori Khodadad-Aye, John

Garver-Aye, Matt Snow-Aye, Spence Bowthorpe-Aye, Chair Chris Jensen-Aye. The motion passed unanimously.

OTHER BUSINESS

5. Updates for Follow-Up on Items Currently in the Development Review Process.

Mr. Whiting reported that the Ivory Homes' Murano Subdivision will be presented at an upcoming meeting and that Millrock Building 5 is expected to return for Commission approval. He indicated that the Ivory Homes' Woodley Place Subdivision will also be coming back for preliminary re-approval.

6. Report from Staff on Upcoming Applications.

7.

8. Discussion of Possible Future Amendments to Code.

Chair Jensen reported that he and Commissioner Bowthorpe reviewed the current by-laws and believe there were items that could be altered to make the Planning Commission transitions run more smoothly. The first item would be to change the title of Vice Chair to Chair-Elect. This would enable additional training and preparation - anticipating that the Chair Elect would become Chair the following year. Mr. Jensen also stated that because the terms of Commission Members commence and generally terminate in July, elections should be held at a time to coincide with those terms, rather than the current year-end elections. Commissioner Khodadad was of the opinion that the current election process and the way they are held needs to be revised. Holding the position of Chair requires additional training and she was of the opinion that whoever holds that position should have a complete understanding of the duties. Alternative solutions were discussed.

ADJOURN

(21:39:27) Commissioner Bowthorpe moved to adjourn. Commissioner Khodadad seconded the motion. The motion passed with the unanimous consent of the Commission.

The Planning Commission Meeting adjourned at 9:40 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 7, 2014.



Teri Forbes, Minutes Secretary
T Forbes Group

Minutes approved: January 21, 2014

City of Holladay Planning Commission Meeting – 1/7/2014