

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

**Tuesday, February 5, 2013
6:30 p.m.
Holladay Municipal Center
4580 South 2300 East**

ATTENDANCE

Planning Commission Members:

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

City Staff:

Paul Allred, Community Development Director
Rick Whiting, City Planner
Jonathan Teerlink, City Planner

CONVENE REGULAR MEETING

Planning Commission Chair Lori Khodadad called the meeting to order at 7:03 p.m. The presence of Scout Troop 602 was acknowledged.

ACTION ITEMS

1. Park River Properties Zone Change – 1458 East Murray Holladay Road – R-1-10 Zone – Planner: Rick Whiting.

(19:05:00) City Planner, Rick Whiting, presented the staff report and identified the applicant and owner of the property as Park River Properties, LLC. They requested the property be rezoned from R-1-10 (Single-Family Residential) on 10,000 square-foot lots to RM (Residential Multi-Family). The property consists of 2.6 acres and is located approximately one block east of 1300 East on Murray Holladay Road. Significant topographical features were identified such as the fact that the slope of the land falls away rather quickly from the road and declines down to Big Cottonwood Creek, which abuts the property. Mr. Whiting identified a factor that the Commission would need to consider in the deliberations for the zone change request and later at site plan review. He explained that the property is near the FEMA flood plain but that it does not affect the property directly. He explained that Salt Lake County's Flood Plain Control Plan shows that Creek Side Park, which is immediately to the east and south of the property, is designed to serve as a flood control catch basin on a large scale. Salt Lake County has indicated that if the berm is breached, the subject property could be flooded.

Mr. Whiting reported that the property is currently classified as Medium Density Residential in the General Plan, which means that the maximum density is 12 dwelling units per acre. The requested RM zoning allows up to 16 units per acre. The ultimate decision will be made by the City Council following a recommendation from the Planning Commission. Staff was concerned that the applicant has not clearly identified what they propose to develop on the property. They have suggested either an assisted-living facility or a multi-family development. Mr. Whiting pointed out that the preference of the City Council is to have a clear picture of what is being proposed before granting approval.

(19:12:00) The applicant, Robert Olsen, gave his address as 9045 South 1300 East in Sandy, and was present representing Park River Properties, LLC. The zone change request was believed to be consistent with the zoning of the adjacent property. He noted that the intent was never to develop apartments. They were contacted by a group who would like potentially to build an assisted living facility on the property. In response to a question raised by Chair Khodadad, Mr. Olsen indicated that they have obtained a Letter of Intent from the group.

Density issues were discussed. Mr. Whiting reported (as corrected later in the meeting) that the R-2-8 Zone allows up to ten dwelling units per acre, the R-2-10 Zone allows up to eight, and the RM Zone allows up to 16. With respect to assisted living, there is no correlation to density. As currently zoned, the maximum density would be 4 dwelling units per acre or 10 units. The proposed change would allow up to 41 dwelling units.

(19:22:05) Chair Khodadad opened the public hearing.

Brent Beardall was present on behalf of Salt Lake County Flood Control and reported that they have concern with the idea of developing an assisted living center at the bottom of the Creek Side Park Dam, which is considered a high hazard area by the State of Utah. Mr. Beardall reported that in all of the dam break scenarios, this property was in the inundation area of the dam break. Their concern was with the evacuation of an assisted living center facility where people might not be mobile or have a difficult time moving. Mr. Beardall stated that the dam has never been fully filled although there has been water in the detention basin. It is not a dam that impounds water all the time, but rather a detention basin which will be dry 99% of the time.

(19:33:21) Community Development Director, Paul Allred, reported that there are ways to mitigate hazards on properties. Mr. Beardall suggested the Commission carefully consider what is to be built on the property and questioned whether an assisted living facility is appropriate for this type of a hazard. It was his opinion that the proposed site is not a suitable location for an assisted living facility.

(19:36:00) Robert Schoop, a 44-year resident, gave his address as 1409 Saratoga Road. With regard to the property in question, he had seen water collect there on occasion. His concern was with swampy water and the ability to make left hand turns exiting the facility.

Clifford White gave his address as 4811 South 1395 East, and shared the concerns raised previously about the property abutting Big Cottonwood Creek and potential flooding, the possibility of the dam breaking, and ingress and egress to the property. It was his opinion that the proposal was not well thought out.

(19:42:50) Brandon Wixam, a real estate agent, gave his address as at 8083 Barnwood Way in Sandy. It was his opinion that the proposed use is the highest and best use of the property. He felt there would be ample time to evacuate the facility should an emergency arise. He asked that the Commission allow the property to be rezoned.

There were no further public comments. The public hearing was closed.

Commissioner Chatelain clarified that the current zoning allows for four units per acre. A Commissioner reported that assisted living is allowed in the RM and Commercial Zones, but not

in R-1-10. Mr. Wixam stated that the developer wished to obtain the zone change before proceeding with the design and development.

It was confirmed that the County has an easement to maintain the dam from the property's side. The required width would be approximately 20 feet.

(19:52:17) Chair Khodadad stated that there needs to be more information provided prior to approval. Mr. Allred recommended City Engineer, Clarence Kemp, be present at a future meeting to clarify the issues. She suggested staff and Salt Lake County together and perform a risk assessment.

Mr. Beardall remarked that he did not feel qualified to speak on the State of Utah's rules. He stated, however, that the dam was built at least 35 years ago. Details regarding flow were discussed.

Commissioner Snow stated that if zoning were approved, the ability to impose conditions and safety concerns could be addressed at the site plan stage.

Commissioner Bowthorpe clarified that the Commission represents the interests of the communities and the safety and health of the residents. He felt there was a need for more specifics prior to making a decision.

Mr. Allred stated that there are varying levels of control that can be exerted on a site. There was language in the staff report encouraging the Planning Commission to follow the General Plan closely. Mr. Whiting confirmed that the City Council places importance on the General Plan.

Additional information required prior to a recommendation being made was discussed. Mr. Allred suggested that information be provided to address the potential hazard for development on the site in the event of a catastrophic event and how it can be mitigated. He suggested research be conducted regarding previous flood events and the history of the site.

(20:12:01) In response to a question raised by Mr. Olsen, Chair Khodadad explained that when a recommendation is made to the City Council, they prefer a more concrete plan and reasoning as to why the zoning should be changed. Commissioner Chatelain reminded the Commission of the property on 5600 South and Highland Drive which had very clear plans in place when their funding fell through.

Mr. Allred stated that a credible review could be completed and addressed again at the first Planning Commission Meeting in March.

(20:22:24) *Commissioner Snow moved that the Planning Commission continue the discussion and directed staff to provide more information on the following:*

- 1. Risk hazards of the dam on the property.*
- 2. Provide information on the worst case scenario of the dam being stressed. The likelihood of a worst case scenario occurring.*
- 3. The State's licensing procedures for assisted living facilities and if environmental issues such as the dam are taken into account.*

4. *Traffic and impact study for all RM uses.*
5. *Clarification of easements and determining how the dam affects the buildable area of the property.*

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

2. **Hands From Heaven Therapeutic Massage – 4638 South Stratton Drive – Conditional Use Permit – Home Occupation with Customers – R-2-10 Zone – Planner: Rick Whiting.**

The above item was removed from the agenda.

3. **Weissman Stream Exception – 5678 South Holladay Boulevard – Stream Setback Exception – R-1-10 Zone – Staff: Jonathan Teerlink, Clarence Kemp.**

(20:26:00) City Planner, Jonathan Teerlink, presented the staff report and stated that the property is located at 5678 South Holladay Boulevard. A single-family home currently exists on the 1.1-acre property, which is proposed to be torn down and rebuilt by the property owner. The current home is located approximately 55 feet from the creek and the proposed new home is projected to be in the same location. Due to City of Holladay Ordinance 1376-400, any structures proposed to be built within any perennial stream must have the purview of the Planning Commission and the consent of the City Engineer. In a written letter, Mr. Kemp recommended the proposed application be approved. It was noted that the application grants Salt Lake County channel maintenance easement access. This specific property does not have a 100-year flood plain hazard, however, Mr. Kemp recommended the finished elevation be at least one foot higher than the base flood plain elevation.

Commissioner Snow moved that approval of the request by the applicant for exception to the established 100-foot stream setback regulations per the positive recommendation given by City Engineer, Clarence Kemp. This positive recommendation grants exception to the regulation and permits the proposed single-family home to be constructed no closer to Big Cottonwood Creek than 55 feet based on the following:

Findings:

1. *There is no stream alteration, nor disturbances to the bank or removal of significant trees.*
2. *The area where the building is to be constructed is not considered wetlands.*
3. *The proposal does not require review of other agencies.*
4. *The proposed building is not located within the FEMA floodplain (floodplain is contained within the creek's channel).*
5. *The property is currently developed with a single-family home the same distance from the creek as the proposed new home with no increase of bank disturbance within the stream protection corridor.*

Requirements:

1. *The home and deck supports must be located no closer than 55 feet from Big Cottonwood Creek.*

2. *The finished floor elevation of the home shall be set at 4472 feet (one foot above base flood plain elevation).*
3. *No structures, pools, spas, etc. are allowed within the new 55-foot setback distance.*
4. *All future landscaping, flatwork, and grading within the 55-foot setback area must be approved by the Community Development Director and City Engineer prior to commencing work.*
5. *Best construction management practices are to be followed to prevent pollution of water that may enter the stream system during construction. Specifically, a limit of disturbance fencing and silt erosion control fencing shall be installed prior at the top of the north bank to construction and maintained throughout the duration of project.*
6. *All conditions listed in the City Engineer's consent letter must be followed.*
7. *All construction-related improvements must follow current applicable Holladay codes.*

(21:34:59) Tim Furner, a representative for The Highland Group, gave his address as 4471 South Highland Drive. He presented details regarding the design of the 55-foot setback and agreed that main structural components will remain behind the 55-foot line.

Commissioner Jensen suggested there be an addition to the requirements specifying that the setback must be surveyed, rather than providing an arbitrary line that is reviewed by the City Engineer. He stated that although the property has been surveyed, the 55-foot setback should be surveyed and staked to verify that the home is not built within the setback.

(20:42:52) *Commissioner Chatelain moved to amend the motion to approve the request for the exception of the established 100-foot stream setback regulation per the City's Engineer's positive recommendation. The positive recommendation grants exception to the regulation and permits the proposed single-family home to be constructed no closer to Big Cottonwood Creek than 55 feet. The motion was subject to the following:*

Findings:

1. *No stream alteration or disturbances of the bank or removal of significant trees is proposed.*
2. *The area of where the building is not considered wetlands.*
3. *The proposal does not require review of other agencies.*
4. *The proposed building is not located within the FEMA 100-year flood plain, and that the flood plain is contained within the creeks channel.*
5. *The property is currently developed with a single-family home at the same distance from the creek as would the proposed new home be so no increase in bank disturbance or stream protection corridor.*

Requirements:

1. *The home and deck supports must be located no closer than 55 feet from Big Cottonwood Creek.*
2. *That a 40-foot no disturb zone be established and fenced that should be established prior to demolition.*
3. *The 55-foot zone should be surveyed and staked prior to beginning construction.*

4. *The finished floor elevation of the home set no lower than 4472 feet, which is one foot above base flood plain elevation.*
5. *No structures, pool, spas, etc. are allowed within the new 55-foot stream setback distance.*
6. *All future landscaping, flat work and grading within the 55-foot setback area must be approved by the Community Development Director and City Engineer prior to commencing work.*
7. *Best construction management practices are to be followed to prevent pollution of water that may enter the stream during construction, specifically a limit of disturbance fencing and silt erosion control fencing shall be installed prior at the top of the east bank of the construction and maintained throughout the duration of the project.*
8. *All conditions listed in the City Engineer's consent must be followed.*
9. *All construction-related improvements must follow current applicable Holladay codes.*

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

4. Approve Minutes of the January 15 and 29, 2013, Meetings

(20:47:30) The minutes of January 15, 2013 were reviewed and discussed.

(20:48:50) *Commissioner Garver moved that the minutes of January 15, 2013, be approved, as amended. Commissioner Wright seconded the motion. Vote on motion: Matt Snow-Aye, Les Chatelain-Aye, John Garver-Aye, Spence Bowthorpe-Aye, Chris Jensen-Aye, Brad Wright-Aye, Lori Khodadad-Aye. The motion passed unanimously.*

The minutes of January 29, 2013, were reviewed and modified.

(21:05:32) *Commissioner Wright moved the minutes of January 29, 2013, be approved, as modified. Commissioner Garver seconded the motion. Vote on motion: Matt Snow-Aye, Les Chatelain-Aye, John Garver-Aye, Spence Bowthorpe-Aye, Chris Jensen-Aye, Brad Wright-Aye, Lori Khodadad-Aye. The motion passed unanimously.*

OTHER BUSINESS

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

Mr. Teerlink reported that the second phase will soon be issued on the Country Club.

Mr. Allred stated that there is a tentative proposal to build smaller lot single-family homes south of Café Madrid on the old Purk property. The proposal will require a rezone. Mr. Allred next reported that the Highland Drive Sub-Committee had a productive meeting and is moving forward. With respect to the RM text amendment, Mr. Allred reported that the City Council will vote in an upcoming meeting

It was noted that the Sandpiper may be proposing a two-phase project. They were expected to first come before the Commission for a clubhouse/office use.

6. Report from Staff on Upcoming Applications.

(21:11:11) Mr. Whiting reported that there will be an upcoming rezone regarding a dental office located on 3900 South and 2000 East. The owner is requesting an NC Zone, which will enable the building to be pulled closer to the corner and allow additional room for parking.

It was noted that the three-lot subdivision on Orchard Hollow will soon be before the Commission. Mr. Allred also reported that there may be a potential three-lot subdivision on Casto Lane.

Mr. Allred discussed potential issues with the RO Zone and stated that it will come before the Planning Commission at the upcoming March 5 meeting.

Procedures for the General Plan were detailed.

Possible uses for the property located at 6200 South and Holladay Boulevard were discussed.

7. Discussion of Possible Future Amendments to Code.

ADJOURN

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

The Planning Commission Meeting adjourned at 9:25 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, February 5, 2013.



Teri Forbes, Minutes Secretary
T Forbes Group

Minutes approved: 2/19/2013