

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

**Tuesday, February 7, 2012
7:00 p.m.
Holladay Municipal Center
4580 South 2300 East**

ATTENDANCE

Planning Commission Members:

Les Chatelain, Chair
Spence Bowthorpe
John Garver
Lori Khodadad
Troy Holbrook
Matt Snow

City Staff:

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

CONVENE REGULAR MEETING

Chairman Les Chatelain called the Regular Meeting to order at 7:03 p.m.

ACTION ITEMS

1. Primo's CUP Extension – 4699 South Highland Drive – Extension of Conditional Use Permit for Restaurant Liquor and Site Plan Amendment – Planner: Rick Whiting.

(19:03:45) City Planner, Rick Whiting, presented the staff report and stated that on January 19, 2010, the Planning Commission extended a conditional use permit to Primo's Restaurant for a restaurant with liquor and granted an amendment to the existing site plan. The applicant has experienced difficulties getting out of the lease at their current location in Cottonwood Heights; therefore, the project has been delayed. A one-year extension of the conditional use permit has been requested under the Holladay City Ordinance. It was noted that a one-year extension is the maximum that can be granted. Mr. Whiting stated that a few months earlier a request was denied by the City Council to extend beyond one year. Activity must commence within the one-year period but it is not necessary for the restaurant to be open for business within that time.

Community Development Director, Paul Allred, referred to the ordinance verbiage with respect to time limit. It states that approval of the conditional use application shall expire 24 months after the date of the approval decision unless the applicant has obtained a conditional use permit and a building permit within a 24-month period. A 12-month extension can be obtained subject to payment of an extension fee. Mr. Allred did not expect the applicants to be able to meet the one-year extension requirement.

(19:09:15) Brian Shank was present on behalf of Skagg's Construction and will be overseeing the project construction.

Mr. Allred stated that the worst-case scenario was if the applicant has not begun work by February 7, 2013. If that were to occur, they would be required to re-file the original application and begin the process again. Work has taken place on the site but it has not been done in earnest due to the lease situation at the applicant's current location. It was noted that the zoning is C-2.

City Planner, Jonathan Teerlink, clarified that when there is a conditional use permit extension, the request comes back to the Planning Commission, who is the approving body, for review. Mr. Allred stated that technically he, as the Community Development Director, or the Planning Commission can approve an extension; however, he has never been comfortable granting such approval. His opinion was that the Planning Commission should reconsider it.

(19:16:07) Mr. Shank stated that there will be more than one use in the building and currently the lower level is operating as a salon. The main level will feature food during the day and a full restaurant in the evening.

(19:18:40) *Commissioner Holbrook moved to approve the conditional use permit extension for Primo's Restaurant subject to the following:*

Findings:

1. *There are other restaurants in the area that have been granted this use.*
2. *The addition of a liquor license at this location will not significantly increase the impacts of this restaurant on the surrounding properties.*
3. *The building was originally approved as a reception center and the site will adequately accommodate this change of use.*
4. *The site has access directly onto Highland Drive and any additional traffic generated by this use will not directly impact the neighboring residential properties.*
5. *The Commission agrees that the addition of liquor sales to the restaurant's menu will contribute to the long-term economic viability of this business.*
6. *The amended site plan meets the development standards of the C-2 Zone.*
7. *The community will benefit by having this business located within the City.*

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

It was clarified that the intent of the Commission was to extend both permits.

DISCUSSION ITEMS

2. Ground Floor LU Amendment – HV Zone – Planner: Paul Allred.

(19:21:00) Mr. Allred reported that a few months earlier the City Council discussed the issue of ground floor residential development on major streets in the village area, namely 2300 E. Holladay Blvd and Murray Holladay Rd. Presently, if such a request were made in this regard, the City could not deny it. He asked the Commission to examine the draft amendment and explore whether it is desirable in a multi-story atmosphere to allow the ability on major streets to

develop something other than residential on the street level. Mr. Allred was not aware of any instances of street level residential uses along these streets

Specific instances were discussed. Chair Chatelain recalled that with the previous proposal for the Holladay Village Center they were required to have commercial all the way around. Cowboy Partners complained that on the back side or west side of the site, commercial was not viable. They were concerned that the potential was to open the backside up to any type of development and not necessarily commercial. On the mid-block road it was recommended that ground floor commercial be required. Chair Chatelain indicated that he had heard that the new developer is planning residential in that area. Mr. Allred stated that the developers don't feel strongly about residential as long as they get what they want in other areas. They consider residential to be a waste facing the Plaza and 2300 East in the Village but have indicated that they do not have a problem with developing some residential on the back or west side of the site. Mr. Allred stated that the intent is to avoid a parking lot on the intersection of Laney and the mid-block road which is specifically prohibited in the ordinance. The preference would be to have a building there. It was noted that the original plan was for 103,000 square feet while the current proposal is 42,000 square feet.

Commissioner Snow commented that in his opinion commercial seems to encourage uses other than retail. His preference was to specify that the street level cannot be residential.

(19:54:53) Mr. Allred updated the Commission on ongoing communication with the developer who wants to have a timeline meeting the following Monday. He expected the first review and approval meetings to take place on the project in March or April. Currently, an all-commercial building is proposed with commercial on the bottom and office on the top. A question was raised as to whether limiting the ground level to retail only will seriously impede a developer's ability to lease the space. An inquiry was also made as to whether there is interest in ground level sites. Mr. Allred's opinion was that the likelihood of office on the ground floor is less than 50/50 because of leasing costs. The upper level space will likely be less expensive and the street level will be more costly. An office use on the ground level would need to be a substantial use. Commissioner Snow's preference was to have offices rather than shops and restaurants that are closed and empty and for the center to be full, active, and vibrant rather than to restrict it and have a lot of vacancies.

(20:01:02) Mr. Allred reported that the City recently received a grant for \$456,000 to build a mid-block road on Block 1. No decision had been made by the City Council with respect to how to spend the money. The need for a mid-block road was discussed by the commission. While Mr. Allred did not know if mid-block road will come to fruition he pointed out that it is mentioned prominently in the Holladay Village master plan and in the Holladay Village zone.

Matt Snow's opinion was that if a row of houses was built along the mid-block road, it would be very successful and help create the feeling of a walkable community. Chair Chatelain was not as opposed to residential there as he was to letting the mid-block road disappear altogether. He was concerned about not taking this opportunity to address the mid-block road. Commissioner Khodadad recalled that Cowboy Partners proposed locating the mid-block road halfway through the block from Laney to Murray Holladay Road until more land could be acquired. Mr. Allred

stated that the decision will be up to the Council who must make the decision about how to spend the funds. He explained that the grant is fairly flexible and can be used for the purchase of property or for street improvements. He pointed out that Fox Properties owns the land upon which Sharon's Café sits. Staff has had recent discussions with Fox Properties who expressed a willingness to work with the City on the property as it relates to the mid-block road. What they proposed as conditions for cooperation, however, were problematic.. Mr. Allred clarified that the grant is specifically for Block 1. Application has been made for a second grant for additional mid-block road funding. The projected cost was \$900,000 to take the mid-block road from Laney to Murray Holladay Road.

(20:17:43) A Commissioner liked the idea of a mid-block road throughout the development but thought the Commission should at least choose whether to apply what was discussed in this draft text amendment to the mid-block road in Block 1.. A statement should be sent to the Council on what they think should take place there. Mr. Allred stated that the question had to do with residential. The new developers have enough ground with the underground parking to fit residential on the property. They particularly do not want residential development, as he understands it, anywhere along 2300 East or Murray Holladay Road. The developers are convinced that it is a waste of time and money to put residential along those streets. Dan Lofgren had just the opposite view. Both arguments have merit but depend on the perspective of the developer. The current property owner wants to develop only commercial. The current project also is much smaller and simpler than the Cowboy project was.

Mr. Allred asked the Commission Members to send him their thoughts and suggestions within the next week for inclusion in the staff report. The consensus of the Commission was to change the language from "shall be commercial use only" to "shall be non-residential use".

Mr. Allred also asked for feedback about cornered properties. The consensus of the Commission was that uses do not have to be commercial once the corner is rounded. Various alternatives were discussed. Mr. Allred recommended that commercial be required from Laney to at least mid-block road to resolve any interpretational issues. Potential unintended consequences were recognized such as the orientation of buildings. The Council's intent in asking the commission to address this matter was to consider uses at the street level for prime property facing the major streets and whether or not residential uses should be allowed on the ground floor where the City might miss the opportunity for increasing the city's tax base and creating attractive uses that would draw people into the Village.

(20:42:45) Chair Chatelain was interested in seeing other options presented at the public hearing. Block 1 was considered the core of retail in Holladay and lends itself to being part of the walkable retail area. Block 1 gave one Commissioner reason to consider the residential restriction. Chair Chatelain recalled that there were serious challenges associated with it in the past. His preference was to have residential allowed rather than empty commercial. Parking issues were discussed. Mr. Allred stated that mixed-use development is ideal in areas where there is an existing synergy of high density residential population in the immediate vicinity. He noted that what is needed is a proper mix of uses to support central gathering spot in the community.

3. Sign Ordinance Amendments – HV and ORD Zones – Planner: Paul Allred.

MINUTES

4. Approve Minutes of the December 20, 2011 and January 10, 2012 Meetings.

(20:48:05) The minutes were reviewed.

(20:48:40) *Commissioner Bowthorpe moved that the minutes for the Planning Commission Meeting of Tuesday, December 20, 2011, be approved, as written. Commissioner Holbrook seconded the motion. Vote on motion: Troy Holbrook-Aye, Spence Bowthorpe-Aye, Matt Snow-Aye, John Garver-Aye, Lori Khodadad-Abstained, Chair Les Chatelain-Aye. The motion passed unanimously with one abstention.*

Mr. Allred described how minutes are edited and stated that individual staff members who have attended the meeting in question make corrections and edits that are shown in different colors and eventually incorporated into the document. By the time the minutes are presented to the Commission for their edits and corrections, they should be somewhat accurate.

(21:16:05) *Commissioner Snow moved to approve the minutes of January 10, 2012. Commissioner Garver seconded the motion. Vote on motion: Troy Holbrook-Abstained, Spence Bowthorpe-Aye, Matt Snow-Aye, John Garver-Aye, Lori Khodadad-Aye, Chair Les Chatelain-Aye. The motion passed unanimously with one abstention.*

OTHER BUSINESS

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

The Carmelite Monastery issue was discussed. Mr. Whiting stated that a major change was proposed. He next described what is envisioned. The issues with the proposal have to do with the road, the fire access, the setback, and whether to connect the buildings. The various options were being considered with the applicants.

The Holladay Highlands plat amendment request addressed at the last meeting was reviewed. Staff considered the lot to be buildable. From a legal point of view, staff saw no reason to deny the request. However, at the last meeting various issues were raised by the neighbors including view obstruction and dangerous road conditions. The neighbors could claim that as owners of the road they can deny access if the new subdivided lot is sold. A possible legal challenge was recognized.

(21:16:46) Chair Chatelain asked for an update on the Yorgio's application. Mr. Allred identified City Planner, Jon Teerlink, as the staff member who has been working with the applicants. Previously, the City had had issues with the proposed sign. Those concerns were being addressed. Mr. Allred stated that the applicant has pursued a different type of cuisine and that otherwise very little has changed.

6. Report from Staff on Upcoming Applications.

A question was raised about the status of the relocation of the fire station. Mr. Allred stated that the City refinanced some of its debt which would allow the existing station to be torn down and

moved to the new location on Murray Holladay Road. Recently four groups made presentations to a six-member committee. All four groups were highly qualified and the finalists were narrowed down to two. No final decision had yet been made. The Council planned to discuss the issue immediately and has had discussion on the matter. Mr. Allred was confident that whoever is selected will do an excellent job. All of the groups were highly qualified and do very good work. It was noted that the site plan and conditional use approvals will come through the Planning Commission. The proposed fire station is in the P Zone where any public or quasi-public use is conditional.

Commissioner Snow disclosed that he is working on the new Village project. Due to a potential conflict of interest he planned to recuse himself from any discussion. Mr. Allred reported that staff planned to meet with the new Village developer the following Monday to review the timeline. He stated that the Village and the fire station developments will be reviewed by the Planning Commission in the next few months.

(21:27:31) Mr. Allred stated that has received a few calls in the last few weeks from the media and residents about the Mall project. Staff had no news to report.

7. Discussion of Possible Future Amendments to Code.

ADJOURN

(21:28:00) Commissioner Bowthorpe moved to adjourn. Commissioner Snow seconded the motion. Vote on motion: Troy Holbrook-Aye, Spence Bowthorpe-Aye, Matt Snow-Aye, John Garver-Aye, Lori Khodadad-Aye, Chair Les Chatelain-Aye. The motion passed unanimously.

The Planning Commission Meeting adjourned at 9:29 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 7, 2012.



Teri Forbes
T Forbes Group
Minutes Secretary

Minutes approved: February 21, 2012