

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

**Tuesday, February 19, 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  
Clarence Kemp, City Engineer

**PRE-MEETING/WORK SESSION**

Chair Jensen called the meeting to order at 6:33 p.m. The agenda items were reviewed and discussed.

City Planner, Jonathon Teerlink, detailed the Murano Subdivision stream setback exception and stated that lots 1 and 2 previously had a 55-foot setback granted to which City Engineer, Clarence Kemp, has requested be continued. The Lot 3 setback measures 55 feet, with Lots 4 and 5 having a 50-foot average. Mr. Teerlink discussed the FEMA floodplain. The request was inclusive to Lots 1 through 5.

Community Development Director, Paul Allred, reported that citizen comments included concern regarding the precedent this stream exception would set. Additional approval conditions were discussed.

Mr. Kemp gave a brief summary of the stream exception, as presented in the staff report. Best management practices were included in the recommendations.

Next discussed was the Thompson Day Care.

City Planner, Rick Whiting, detailed the Sycamore Gardens subdivision and stated that the applicant wishes to create two lots on the north end of the property.

With regard to the Dreyfous Farms proposed subdivision, Mr. Allred stated the applicant, Jim Dreyfous, wishes to divide this 15.75 acre parcel into three lots. Two new building lots would be created.

Mr. Allred next reported that the Holladay Condominiums is a good, low impact project on abutting properties.

(19:04:24) *Commissioner Khodadad 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**

Chair Jensen called the Regular Meeting to order at 7:08 pm.

## **ACTION ITEMS**

### **1. Murano Subdivision – 4775 S Holladay Blvd. – Stream Setback Exception – Staff: Jonathan Teerlink, City Planner & Clarence Kemp, City Engineer.**

(19:09:55) Mr. Teerlink presented the Ivory Homes, Murano Subdivision located at 4775 South Holladay Boulevard as detailed in the staff report and stated that City Engineer, Clarence Kemp, has reviewed the application and made recommendations based on the five lots as requested. Two of the five lots have a history with a previous stream exception granted several years ago. Mr. Kemp requested that approval be continued.

Nick Mingo was present representing Ivory Development and gave his address as 978 East Wood Oak Lane. He stated that a second neighborhood meeting was held to clarify citizen concerns. The developer was not proposing to touch the stream and there are no wetlands on the site within the buildable areas. Salt Lake County Flood Control has no reason to want a permit on this project based on the presented plans. Similarly, the Utah Division of Water Rights is not requiring a permit. There are no FEMA flood plains on the property and the homes will be significantly above the creek height. Limits of disturbance regarding demolition were discussed.

(19:20:00) Chair Jensen opened the public hearing.

Katherine Carson gave her address as 4777 South 2555 East and raised concern as to the setback requirement. Mr. Teerlink clarified the difference between a setback and a stream exception and stated that a buffer is being determined between the water's edge and the proposed development.

Michael Sivack gave his address as 4793 and 4797 South Holladay Boulevard and stated that exceptions seem to be the rule. It was his opinion that this project should be scrapped and purchased back from Ivory Homes and the construction of a park takes its place.

Karen Cannon gave her address as 4785 South Holladay Boulevard and stated that she currently resides in the home on one of the proposed lots and was agreeable to the project and having a paved road constructed.

(19:31:10) Mr. Kemp confirmed that the water in Spring Creek is owned by the Holladay Water Company and is used for irrigation during the summer months and crosses Holladay Boulevard through a series of ditches out to the west.

Wendy Ziegler gave her address as 2557 East Valley View Avenue and stated that the property ownership goes to the center of the stream and asked that a regular monitoring of the construction site is conducted ensuring the requirements.

(19:35:35) There were no further public comments. The public hearing was closed. Commissioner Bowthorpe was of the understanding that if a limitation was placed, as indicated in Mr. Kemp's report, it appears demolition would exceed the setback. Mr. Mingo confirmed that the demolition of Lot 5 will exceed the average due to the already existing structure and would be the only time the setback would not be met.

(19:40:00) Commissioner Garver joined the meeting.

Commissioner Bowthorpe recommended that depending on what is proposed, the developers dimensions be used on Lot 5, which are more restrictive than Mr. Kemp's study. Chair Jensen suggested the applicant submit some type of drawing to show the removal and repair of the property as a part of the submittal process for Lot 5, and agreed with the weekly review by staff to review construction best practices.

Mr. Kemp clarified that it is never his intention to grant more than what was requested. He encouraged the Commission to acknowledge an exception for the demolition of pre-existing structures under the supervision of staff.

*(19:53:09) Commissioner Chatelain moved to approve the stream exception for the Murano Subdivision in accordance with Mr. Kemp's letter included in the staff report, with the addition that an additional exception can be made for demolition of existing structures. Sites would be reviewed by staff as appropriate, on at least a weekly basis, ensuring protection of the stream and setbacks are maintained. Property should be appropriately landscaped to prevent damage to the stream. Commissioner Bowthorpe seconded the motion. Vote on motion: Les Chatelain–Aye, Lori Khodadad–Aye, John Garver–Abstain, Matt Snow–Aye, Spence Bowthorpe–Aye, Chair Jensen–Aye. The motion passed unanimously with one abstention.*

**2. Thompson Day Care – 2550 East Venus Circle – Conditional Use Permit – Home Occupation with Customers – Day Care – R-1-8 Zone - Staff: Rick Whiting, City Planner.**

(19:25:54) Mr. Whiting presented the Thompson Day Care located at 2550 East Venus Circle as detailed in the staff report and stated that the use would be limited to weekdays and would not unnecessarily impose on neighbors. This area of business is highly regulated by the State of Utah and is under business licensing requirements and supervision. Staff recommended approval of the conditional use.

Alma Jean Thompson, the applicant, stated she will be the only employee and is allowed up to eight children.

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

*(20:01:13) Commissioner Snow moved to approve the Thompson Day Care conditional use located at 2550 East Venus Circle in the R-1-10 zone subject to the following:*

**Findings:**

1. *The use is allowed by the zone in which the property is located.*
2. *The use is compatible with the character of the neighborhood and provides a much needed service to the wider community.*
3. *Vehicular access to the site will not materially degrade the existing level of service of the abutting streets and the required off-street parking is provided by the use.*
4. *Hours of operation of the proposed conditional use are in keeping with the hours of 6 a.m. to 7 p.m. and will not unreasonably impair the use and enjoyment of abutting and adjacent properties.*

**Conditions:**

1. *If the applicant desires to increase the number of children at the daycare, approval by the Planning Commission, Building Official and UFA Fire Safety Official must be requested.*
2. *The daycare shall not be open for business on weekends.*
3. *Ms. Thompson shall maintain an active Holladay City Business License and all State licensing required for this use.*
4. *The structure shall meet all applicable building and fire safety regulations.*

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

3. **Sycamore Gardens - 3-Lot Subdivision – 4724 Sycamore Lane – Conceptual Plan & Preliminary Plat – R-1-10 – Staff: Rick Whiting, City Planner. Item postponed.**

The above item was continued.

4. **Dreyfous Farms Subdivision - 3-Lot Subdivision – 5950 S 2300 East - Conceptual Plan – R-1-87 Zone – Staff: Rick Whiting, City Planner.**

(20:05:22) Mr. Whiting presented the staff report and stated that eventually two single-family homes can be located on each of the newly created lots and accessed from Pheasant Way only. This was previously approved by the Planning Commission in 2008 as a PUD, but never recorded and has since expired. There has been some opposition from the neighbors. A full UFA approved 20-foot wide access will be provided with appropriate turnaround and fire hydrant placement that will be determined at the time of building permit issuance. Staff recommended approval, finding that it meets the City Code.

Margaret Dreyfous, the applicant's mother, gave her address as 5950 South 2300 East and stated that they own the driveway leading to the property.

Chair Jensen opened the public hearing.

A letter from Maughn and Margene Peterson was read by Mr. Jensen expressing their opposition to the project.

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

Mr. Whiting confirmed that the first lot setback will measure approximately 30 to 40 feet. Further setback details were discussed.

(20:17:35) *Commissioner Khodadad moved to approve the Dreyfous Farms two-lot subdivision conceptual plan in an R-1-87 zone located at 5950 South 2300 East subject to the following:*

**Findings:**

- A. *The proposed project meets the requirements for a residential subdivision in an R-1-87 zone, i.e. area, density, access, slope, public safety, etc.*
- B. *This application is consistent with the land use patterns in the general vicinity.*
- C. *The UFA has initially approved emergency access as proposed. Fire hydrant capacity and placement will be addressed in the Preliminary Plat review and approval process.*
- D. *The proposed project has been reviewed by the TRC and meets City requirements for Conceptual Plan.*
- E. *This project is in compliance with the provisions of the General Plan.*

**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;*
2. *The applicant shall place a plat note restriction on the Final Plat that prohibits any future public access through the project from Pheasant Way to Fardown or 2300 East Street; and*
3. *Any request for additional subdivision of lots in the future will be subject to the formal subdivision process.*

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

**5. Holladay Condominiums – Fifteen Dwelling Units – 2350 East Murray-Holladay Road - Conceptual Site Plan and Condominium Subdivision Plan – HV Zone – Staff: Paul Allred, Community Development Director; and Rick Whiting, City Planner.**

(20:23:33) Mr. Allred presented the staff report and stated that conceptual layout of the units, as well as conceptual site plan, are being proposed simultaneously. The Design Review Board recommended approval. Mr. Teerlink stated that the DRB spoke highly of the project because it was presented clearly by the applicant. They conducted the necessary research and met all of the standards of the design elements required by the Holladay Village zone. The DRB made a strong recommendation for approval of the design elements.

Mr. Allred confirmed that the Holladay Village zone allows for zero landscaping, with an exception in this case as it is adjacent to a residential property requiring a buffer. Several issues

needing resolution were detailed. The interpretation of the setback was discussed as well as buffering.

City Attorney, Craig Hall, asked the Commission to consider a motion as to whether or not they agree with the Community Development Director's interpretation and application of the present ordinance regarding the setbacks. There was no appeal presently from a conceptual plan or a condominium plat preliminary approval. There may only be an appeal of a final decision. It would be somewhat disingenuous, not only to the property owner and the applicant, but also to the adjacent neighbor to not consider the preliminary motion. The first consideration was whether or not the interpretation is correct. Items two and three can be considered. This also gives the adjacent neighbor the opportunity, if they desire, to appeal the first motion.

(20:44:39) Ken Bell, the applicant, stated that the Holladay Condominiums have been in the works for some time and was excited to be a part of the Holladay Village.

Jerry Robinson, the Project Architect, gave his address as 6242 South 1250 East and presented the details of the proposed condominium project. All buffering requirements have been met and landscaping was discussed. He stated that this development is being interpreted as a new extension of the village and they are very sensitive not only to the letter of the ordinance, but the spirit of the project. Windows and height restrictions were detailed.

(21:02:23) Chair Jensen opened the public hearing.

Debbie Pattilos gave her address as 2415 Kentucky Avenue expressed concern with the proposed project setbacks to her abutting property. It was her belief that the project infringes on the 20-foot setback requirement and she urged the Commission to ensure the privacy of her home and require the project have the proper setbacks.

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

Mr. Allred clarified the buffering requirements and the unique situation of three different property lines in two different zones with wildly varying standards all coming into play at the same time.

Mr. Teerlink stated that there are two scenarios with this proposal where first, the HV ordinance grants a right to the applicant to a zero setback to property lines that are commercial, where the second enables the protection of residential property. Setback requirements were detailed.

Chair Jensen clarified that there are 15 proposed condominium units with an additional office for a total of 16 units. The definition of "adjacent" specified 'close proximity' and raised a question as to its interpretation. He encouraged the Commission to review the language prior to making a decision.

***(21:25:15) Commissioner Chatelain moved that the Community Development Director has made a decision that the residential buffering requirement as set forth in the R-1-10 and Holladay Village zones have been satisfied by the conceptual plan submitted. This decision***

*was questioned by an adjacent property owner. The adjacent property owner is entitled to have the Commission review that decision. After reviewing the applicable ordinances and applicable provisions it was determined that the decision of the Community Development Director in determining that the conceptual approval for Holladay Condominiums is in compliance with the applicable setback requirements set forth in both the R-1-10 and HV zones. This motion is not intended to give conceptual approval for the development. Commissioner Bowthorpe seconded the motion. Vote on the motion: Les Chatelain–Aye, Lori Khodadad–Aye, John Garver–Nay, Matt Snow–Nay, Spence Bowthorpe–Aye, Chair Jensen–Aye. The motion passed 4-to-2.*

*(21:28:34) Commissioner Khodadad moved to approve the conceptual site plan for the Holladay Condominiums 16 dwelling units at 2350 East Murray-Holladay Road. Commissioner Chatelain seconded the motion. Vote on motion: Les Chatelain–Aye, Lori Khodadad–Aye, John Garver–Nay, Matt Snow–Nay, Spence Bowthorpe–Aye, Chair Jensen–Aye. The motion passed 4-to-2.*

Mr. Allred next presented the Holladay Condominium subdivision plan and stated that the use is not only allowed, but encouraged. It is a mixed use and the developer plans to sell all of the units. Eventually, there will have to be an ownership plat that overlays the property in addition to the site plan review.

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

*(21:32:49) Commissioner Bowthorpe moved to approve the Holladay Condominiums conceptual subdivision plan located at 2350 East Murray-Holladay Road, as submitted. Commissioner Khodadad seconded the motion. Vote on motion: Les Chatelain–Aye, Lori Khodadad–Aye, John Garver–Nay, Matt Snow–Aye, Spence Bowthorpe–Aye, Chair Jensen–Aye. The motion passed 5-to- 1.*

Mr. Hall confirmed that the adjacent property owner only has 10 days to file an appeal with the Appeal Board.

## **DISCUSSION ITEMS**

### **6. Woodley Place Subdivision – 4245 South 2300 East - Final Plat – Staff: Rick Whiting, City Planner.**

(21:37:10) Mr. Whiting presented the staff report and stated that the Planning Commission requested the item return for final approval. The applicant has continued to refine the plat and provide the appropriate documentation. There remain unfinished items that staff recommended be in place prior to recordation. Mr. Whiting suggested that if the Commission is comfortable enough to make final recommendations, staff will ensure that all necessary documents are in place before recordation takes place.

Rod Pulley, identified himself as the President of the Shady Tree Homeowners Association and gave his address as 4130 South 2300 East. He expressed support for the project. He confirmed

that there is not an easement agreement to access the sewer located on their property and an element needed by the HOA would be the ability to retain counsel prior to final approval in order to benefit from advice and enable the project to move forward. Mr. Pulley asked that the Commission either continue the hearing until an agreement can be made, or the applicant verbally convey that the developer approves the request made 20 days prior.

The applicant, Skylar Tolbert, gave his address as 978 East Wood Oak Lane and concurred with Mr. Pulley's statement regarding an easement agreement not having yet been made. He confirmed that the developer agrees to what the Shady Tree HOA has requested, although it has not been agreed to in writing. Staff agreed that if approved, final details will be resolved prior to recordation.

Chair Jensen was of the opinion that an agreement be made between Ivory Homes and the Shady Tree HOA prior to final approval. Commissioner Garver concurred.

*(21:55:27) Commissioner Bowthorpe moved to approve the final plat for the Woodley Place Subdivision located at 4162 South 2300 East subject to the following:*

**Findings:**

- A. The proposed project meets the requirements for a residential subdivision in an R-2-10 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 may be further addressed in the Building Permit approval processes, as appropriate.*
- E. The proposed project has been reviewed by the TRC and meets City requirements for Final Plat.*
- F. Utility providers can serve the property and have (or are expected to) provide appropriate service availability letters.*
- G. This use represents an attractive alternative to the present use on this site.*

**Requirements:**

- 1. Any remaining issues with regard to the Preliminary or Final Plat must be resolved per requirements of the TRC.*
- 2. The City Engineer must approve a storm drainage and water retention plan prior to recordation of the Final Plat.*
- 3. The City Engineer must approve road design and construction details.*
- 4. The City Engineer will determine appropriate financial requirements for improvements and/or bonding. This must be accommodated and all fees paid.*
- 5. A Right-of-Way Easement and Road Maintenance Agreement for the 10 proposed lots must be recorded with the final plat. It must detail provisions and responsibility for access, maintenance, snow removal, etc.*
- 6. A road dedication on 2300 East will be required.*



7. *Relocation of curb, gutter and sidewalk will be required to accommodate the 40 foot half width road dedication.*
8. *Documentation of consummation of an agreement with the abutting homeowners' association regarding utility easements must be received or the developer must resolve sewer and utilities access in another acceptable way.*

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

7. **Approve Minutes of the January 21, 2014 Meeting.**

The minutes of January 21, 2014, were reviewed and discussed.

(21:57:35) *Commissioner Chatelain moved to approve the minutes of January 21, 2014. Commissioner Khodadad seconded the motion. Vote on the motion: Les Chatelain–Aye, Lori Khodadad–Aye, John Garver–Aye, Matt Snow–Aye, Spence Bowthorpe–Aye, Chair Jensen–Aye. The motion passed unanimously.*

**OTHER BUSINESS**

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

Mr. Teerlink reported that two walk-thrus have been completed on the Village building. All retail spaces on the main floor have been applied for.

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

Mr. Whiting stated that there are several projects in the work and they are maintaining a full agenda.

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

**ADJOURN**

(20:40:40) *Commissioner Khodadad moved to adjourn. Chair Jensen seconded the motion. The motion passed with the unanimous consent of the Commission.*

The Planning Commission Meeting adjourned at 10:04 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 19, 2014.*



Teri Forbes, Minutes Secretary  
T Forbes Group

Minutes approved: March 18, 2014