

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

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

ATTENDANCE

Planning Commission Members:

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

City Staff:

Paul Allred, Community Development Director
Jonathon Teerlink, City Planner

PRE-MEETING/WORK SESSION

Chair Jensen called the meeting to order at 6:36 p.m. The agenda items were reviewed and discussed. Chair Jensen asked for details regarding Brad Wright's replacement on the Planning Commission. Community Development Director, Paul Allred, confirmed that staff is considering candidates and should have a replacement by July 1. Council Member Palmer arranged for a replacement for Lori Khodadad in District 5. It was noted that her term would soon be expiring.

With regard to the Locust Grove plat amendment, Mr. Allred stated that it involves a property swap that took place several years ago between one owner, who then sold off both lots. The new owners were unaware that there was an issue at the time of purchase and are now requesting a boundary change. The easement is being left in place and both property owners support the change.

The Dubell special exception was next discussed. The Commission Members expressed concern regarding the 65-foot setback and language pertaining to the "edge of seasonal creek".

City Planner, Jonathon Teerlink, detailed the Titan Development conceptual site plan.

The Olympus Clinic conceptual site plan was next discussed. Mr. Allred stated that the Design Review Board (DRB) was happy with the design and is proposing two stories from grade along with a full basement. The definition of basement was detailed along with ground floor retail requirements. Commissioner Garver expressed concern regarding the abundance of proposed parking.

Commissioner Garver moved to close the Work Meeting and move 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 7:03 p.m.

ACTION ITEMS

1. **Locust Grove Plat Amendment – Amended Plat - 4603 S Belmour Way - R-1 10 Zone – Staff: Paul Allred, Community Development Director.**

(19:11:45) Community Development Director, Paul Allred, presented the staff report and stated that the Andersons and Mr. Bodeen agreed to set a boundary line between them, which brings the property line into conformance. Approximately 533 square feet will be exchanged within the plat from the Andersons to Mr. Bodeen, who is outside the plat. Staff recommended approval of the amended plat as proposed with the conditions set forth in the staff report.

Caroline Anderson gave her address as 4603 Belmour Way and stated that the existing fence will remain.

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

(19:18:18) *Commissioner Khodadad moved to approve the Locust Grove Plat Amendment located at 4603 Belmour Way in an R-1-10 zone subject to the following:*

Recommendations:

1. *This is a minor adjustment of the plat boundary.*
2. *The adjustment is agreeable to the abutting property owners, Anderson and Bodeen, and represents settling of common interests regarding improvements on their shared (adjusted) property line.*
3. *The adjustment will not materially harm or negatively affect other properties in the Locust Grove Subdivision (Amended).*
4. *The proposal does not necessitate a vacation of any public utility easements. Staff recommends the following conditions be required as part of any approval.*

Conditions:

1. *Any corrections to the proposed plat per the TRC be submitted and approved prior to the recording of the plat.*

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

2. **Dubell Residential Construction – Special Exception – 2525 E Walker Lane. - Staff: Jonathon Teerlink, City Planner & Clarence Kemp, City Engineer .**

(19:19:40) City Planner, Jonathan Teerlink, presented the staff report and stated that the applicant is requesting a special review of a proposed home reconstruction at a distance of 65 feet from the creek. The Planning Commission is given authority to grant such an exception to an applicant that is proposing construction activities within 100 feet of a perennial waterway. The applicant, Steve Dubell, stated that the house has been placed with minimal tree disturbance.

(19:28:25) Chair Jensen opened the public hearing.

Jim Michie gave his address as 2561 East Hillsden Drive and expressed concern and opposition to any type of variance to Big Cottonwood Creek. He stated that any variance should be granted only under the rarest of circumstances and with very compelling reasons. He confirmed that there is a potting shed located right up to the creek's edge, which existed prior to he and his wife purchasing the home.

Mr. Teerlink clarified that variances are based on state law and are only granted by a Hearings Officer. He noted that variances are deviations from the current zoning. This application is not a variance, but a special exception and any structure within 100 feet of the stream is required to be reviewed. The 100-foot requirement is not a setback, but a distance that requires further scrutiny and review.

Mr. Michie clarified that the exception request is for the irrigation portion of the creek. He noted that they are more than 100 feet from the main stream. It was clarified that the measurement detailed is actually from a secondary stream and not the main stream.

Sunny Tangero, was present representing the sellers and stated that the property is triangular in shape. They are not trying to disturb the stream or build any closer to the stream than the current home, which measures 68 feet. They are looking to enhance the property and preserve the trees and landscaping.

Barry Topham, an adjacent neighbor, detailed the importance of preserving the stream and invited any interested party to visit his home to view the creek first hand.

(19:45:34) There were no further comments. The public hearing was closed.

Commissioner Garver asked for clarification on the exact location of Big Cottonwood Creek. Chair Jensen confirmed that the measurement is from the top back of stream.

Tara Adindakis asked for clarification regarding the setback.

Commissioner Chatelain moved to approve the Dubell Residential Construction Special Exception located at 2525 East Walker Lane to 65 feet from the edge of seasonal creek subject to the following:

Findings:

- 1. There is no stream course alteration proposed.***
- 2. No living structures are proposed with a FEMA floodway.***
- 3. The area where the home is to be re-constructed is not considered wetlands.***
- 4. The proposal does not require review of other agencies.***
- 5. No bank disturbance within the stream protection corridor is proposed.***
- 6. The property is currently developed with a home built within 68' of Big Cottonwood Creek.***

Requirements:

- a. All work and disturbance must be confined to the previously landscaped areas west of the existing fence line following the creek, but in no case closer than 50***

feet to the west bank of the creek. This delineation line must be shown on the drawings that accompany a building permit.

- b. Best management practices should be followed during and after construction to prevent pollution of Big Cottonwood Creek Water. These BMPs should include silt fencing adjacent to the creek, construction processes that limit excavation to the uphill side, etc.*
- c. All significant trees on the property must be protected and preserved unless specifically approved by the Community Development Director. Should such removal be deemed necessary, the applicant will be required to provide a more detailed planting plan specifically calling out the size, variety, and location of the required replacement trees.*
- d. Construction shall be monitored by the city on a regular basis in order to maintain best practice of construction.*

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

Commissioner Khodadad asked that at some point the stream setback language be addressed.

3. Titan Development – Conceptual Site Plan – 2265 E Murray Holladay Rd. – HV Zone – Staff: Jonathan Teerlink, City Planner.

(20:06:09) Mr. Teerlink presented the staff report and stated that the property is proposed to be structurally and interiorly remodeled. The DRB reviewed the design criteria in the HV Zone, namely section 13.71, and feels that the proposal now meets the design intent of the zone.

Mary Warner, the Project Architect, presented the project details and stated that they are looking to keep the existing building but also address the streetscape.

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

(20:16:23) Commissioner Khodadad moved to accept the DRB recommendation and approve the proposed building design for Titan Development located at 2265 East Murray Holladay Road in the HV Zone. Commissioner Garver seconded the motion. Vote on motion: Les Chatelain–Aye, Lori Khodadad–Aye, John Garver–Aye, Matt Snow–Aye, Spence Bowthorpe–Aye, Chair Jensen–Aye. The motion passed unanimously.

Commissioner Khodadad moved to approve the conceptual site plan for the site upgrades in the HV Zone located at 2265 East Murray Holladay Road. Commissioner Chatelain seconded the motion. Vote on motion: Les Chatelain–Aye, Lori Khodadad–Aye, John Garver–Aye, Matt Snow–Aye, Spence Bowthorpe–Aye, Chair Jensen–Aye. The motion passed unanimously.

4. Olympus Clinic – Conceptual Site Plan (Site Redevelopment) – 4624 South Holladay Blvd. – HV Zone – Staff: Paul Allred, Community Development Director & Jonathan Teerlink, City Planner.

Commissioner Snow recused himself from the above item due to a conflict of interest. He reported that he works for the Architectural firm making the presentation.

(20:19:45) Mr. Allred presented the staff report and stated that the DRB has reviewed the project and was overall excited about the design. He remarked that the proposal ties in well with the Village Building and is a great addition to the City. The project will incorporate small retail, significant medical office, and some non-medical office. Ground floor retail was discussed for the HV zone. The question concerns whether this applies to the whole floor or a partial floor. Staff recommended approval of the conceptual site plan with guidance for the applicant if there are no significant issues.

Project Architect, Ryan Berry, stated that they want to capture a design that works well with the Village theme. It was noted that a landscape buffer will be provided. Mr. Berry explained that the site slopes six to seven feet from the street face and the soil is not engineered fill. As a result, it will have to be completely excavated and replaced. The possibility of a basement entrance was described. He stated that they are developing a plan for how parking will be phased between the existing clinic and the new one.

(20:42:45) Chair Jensen opened the public hearing.

Devin Pardoe stated that he has entered into a contract to purchase the Spin Cycle Building. He expressed support for the Olympus Clinic.

Chair Jensen was of the understanding that this is a three-story building due to the proposed height measuring 14 feet from basement to the main floor. It is not in compliance in the HV Zone as a two-story building. The Building Code was detailed. Chair Jensen recommended the ordinance be reviewed and addressed in a manner that grade comes up or floor to floor heights come down. Mr. Jensen stated that it would be easy to lower the floor-to-floor height to 11 feet 11 inches and then leave it as is, or raise the grade and eliminate the door on the south side. He explained that any one point greater than 12 feet, by land ordinance or by definition of the IBC, establishes a story.

With regard to parking, Mr. Allred clarified that the applicants have the ability to work with the City, under the ordinances, that allow for off-site parking on a permanent or temporary basis during construction. Commissioner Garver expressed concern regarding the expansive size of the parking area. Mr. Allred stated that it is proportionately similar to that of the Village.

Mr. Berry verified all issues to be addressed and brought into compliance and stated that the parking ratio is based on each portion of the clinic. All portions of the façade are publicly accessible, have storefront functions rather than a retail operation, and a public interface operation.

(21:02:03) There were no further comments. The public hearing was closed.

Mr. Allred stated that several items surfaced recently that need to be resolved. First, there is a property issue with the adjacent Peony Gardens plat that will require lot consolidation prior to construction. A preliminary title report also needs to be reviewed and the Unified Fire Authority (UFA) requested that the area where the covered entry extends into the driveway be raised to accommodate emergency vehicles.

(21:07:28) *Commissioner Chatelain moved to accept the DRB recommendation and approve the proposed building design per paragraph 13.71. Commissioner Garver seconded the motion. Vote on motion: Les Chatelain–Aye, Lori Khodadad–Aye, John Garver–Aye, Matt Snow–Aye, Spence Bowthorpe–Aye, Chair Jensen–Aye. The motion passed unanimously.*

Commissioner Chatelain moved to approve the conceptual site plan for the Olympus Clinic located at 4624 South Holladay Boulevard. Commissioner Khodadad seconded the motion.

Chair Jensen requested that items pertaining to the number of stories as they relate to the definition of story and basement, additional definition on landscaping, retail, parking (both shared use and during construction), be included in the motion. Commissioner Chatelain declined to make the addition.

Vote on motion: Les Chatelain–Aye, Lori Khodadad–Aye, John Garver–Aye, Spence Bowthorpe–Aye, Chair Jensen–Aye. The motion passed unanimously. Matt Snow did not participate in the vote.

5. Grand Holladay Condominiums – 4545 S 2300 East – R-M Zone – Preliminary Site Plan – Staff: Paul Allred, Community Development Director & Jonathan Teerlink, City Planner.

(21:12:54) Mr. Allred presented the staff report and stated that the applicant proposes to build an 11-unit residential condominium project on the site. The landscaping appears to be in compliance with the landscaping ordinance and meets the 40% minimum requirement. City Engineer, Clarence Kemp, granted approval for the grading and drainage plan. Mr. Allred detailed the remaining outstanding issues such as retaining walls with adjacent neighbors and the filling of a hole, abutting driveways, and offsite lighting. He stated that the exterior blends well with the Village.

Commissioner Chatelain was of the opinion that additional time is needed to review the issue. He didn't want to feel rushed. Chair Jensen concurred. Commissioner Bowthorpe recommended continuing with the proceedings and making a decision at the appropriate time.

The applicant, Myron Child, stated that there are existing trees in the buildable setback area. Others will be preserved and additional trees will be planted.

The Architect, James Carroll, presented the proposed project hardscape, detailed its location, and described the exterior building materials. He stated that David Chad, a professional Lighting Designer, has been hired to create and design a contemporary lighting plan. He presented information on the proposed details and fixtures. The preservation and protection of existing trees was discussed. It was noted that the chimney design was eliminated and the cornice was reduced. It would, however, be increased again. The balconies were cantilevered and drainage will exit into permeable driveway pavers.

Mr. Child detailed the project. His comments, however, were not audible as he was not near a microphone.

(22:03:14) *Chair Jensen moved to continue the Grand Holladay Condominiums preliminary site plan located at 4545 South 2300 East in the R-M Zone giving staff the opportunity to do a full, thorough review of what has been proposed as well as the application to demonstrate the materials and more refined detail. Commissioner Snow seconded the motion.*

Mr. Allred stated that in fairness to the applicant, staff's primary concerns have been resolved. Aesthetic issues were all that remained.

Vote on motion: Les Chatelain–Aye, Lori Khodadad–Nay, John Garver–Aye, Matt Snow–Aye, Spence Bowthorpe–Nay, Chair Jensen–Aye. The motion passed 4-to-2.

6. Approve Minutes of the April 1, 2014 and April 15, 2014 Meeting

(22:08:50) The minutes of April 1, 2014, were reviewed and modified. The addition of the Pre-Meeting Field Trip was discussed.

Commissioner Khodadad moved to approve the minutes of April 1, 2014, with the addition of the staff notes. Commissioner Garver seconded the motion. Vote on motion: Les Chatelain–Aye, John Garver–Aye, Matt Snow–Aye, Spence Bowthorpe–Aye, Chair Jensen–Aye. The motion passed unanimously.

The minutes of April 15, 2014, were reviewed and modified. The addition of the Pre-Meeting Field Trip was discussed. Mr. Allred confirmed that there was some audio difficulty regarding the Pre-Meeting and recommended postponing approval.

Commissioner Khodadad moved to continue the minutes of April 15, 2014, pending the addition of the Pre-Meeting minutes. Commissioner Snow seconded the motion. Vote on motion: Les Chatelain–Aye, John Garver–Aye, Matt Snow–Aye, Spence Bowthorpe–Aye, Chair Jensen–Aye. The motion passed unanimously.

OTHER BUSINESS

7. **Updates for Follow-Up on Items Currently in the Development Review Process.**
8. **Report from Staff on Upcoming Applications.**
9. **Discussion of Possible Future Amendments to Code.**

ADJOURN

(22:16:37) *Commissioner Snow moved to adjourn. Commissioner Khodadad seconded the motion. The motion passed with the unanimous consent of the Commission.*

The Planning Commission Meeting adjourned at 10:18 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, May 6, 2014.

A handwritten signature in black ink that reads "Teri Forbes". The signature is written in a cursive style with a horizontal line underneath it.

Teri Forbes
T Forbes Group
Minutes Secretary

Minutes approved: June 3, 2014