

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

**Tuesday, May 7, 2013  
7:00 p.m.  
Holladay Municipal Center  
4580 South 2300 East**

**ATTENDANCE**

**Planning Commission Members:**

Lori Khodadad, Chair  
Brad Wright  
Les Chatelain  
John Garver  
Chris Jensen  
Matt Snow  
Spence Bowthorpe (arrived at 7:30 pm)

**City Staff:**

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

**PRE-MEETING/WORK SESSION**

Chairman Lori Khodadad called the work session to order at 6:32 p.m. The agenda items were reviewed and discussed

With respect to the amendment to Chapter 13.98 regarding group homes and the removal of the assisted living language, City Planner, Rick Whiting, detailed the difference between residential and commercial within the ordinance. Community Development Director, Paul Allred, stated that the zone is both quasi-residential and quasi-commercial. It was the opinion of City Attorney, Craig Hall, that it is a commercial use because it is licensed, specific services are provided on the site, and it is in a zone that allows for both commercial and residential.

(18:46:06) Chair Khodadad clarified that staff suggested it be classified as commercial and not seek administrative relief.

Staff next discussed the Cottonwood Place Assisted Living Center. Parking was addressed along with the text amendment, lighting and landscaping. Mr. Whiting explained that the lighting plan has been reviewed. He detailed questions that may be appropriate when addressing the applicant.

With regard to fencing, staff reported that a neighbor to the north of the site inquired about fencing higher than eight feet. It was suggested that the applicant and neighboring property owners come to an agreement regarding an acceptable height..

(19:01:00) *Commissioner Chatelain moved to close the Work Meeting and move to the Council*

**CONVENE REGULAR MEETING**

Chair Khodadad called the regular meeting to order at 7:03 pm.

## **ACTION ITEMS**

### **1. Text Amendment – Chapter 13.98 – Planners: Community Development Director Paul Allred and City Planner Rick Whiting.**

(19:03:51) Community Development Director, Paul Allred, presented the text amendment and stated that Chapter 13.98 is a section of the ordinance that deals specifically with group homes. This proposed amendment is intended to correct the provisions of the chapter to include only small scale developments. With regard to Chapter 13.98.040, items two and three state that parking must be located in the back of the building and that the height, regardless of size, can be no more than 10% taller than the homes that abut the property. Staff proposed that the text was intended for small group homes, not a larger facility which is really an institutional use. In order for the Cottonwood Place Assisted Living Center to move forward, the text must be amended. With the assistance and concurrence of the City Attorney, staff proposed striking reference to assisted living and simplifying Chapter 13.98 for group homes, which are for elderly and disabled persons under those definitions.

Chapter 13.98.030, which refers to a minimum spacing requirement, was also discussed. Mr. Allred reiterated that this chapter was not written for large facilities, which makes removing the term assisted living necessary. He asked the Planning Commission about their willingness to make a recommendation to the City Council with respect to the removal of assisted living from the text that was not intended for larger facilities. Doing so would enable the Cottonwood Place Assisted Living request to move forward.

(19:17:45) Chair Khodadad opened the public hearing. There were no public comments. The public hearing was then closed.

Staff discussed City Attorney, Craig Hall's, reasoning for removing other facilities from the section heading as well. Other uses than assisted living were also not shown in Appendix A. Mr. Allred reported that Mr. Hall suggested this specific assisted living use while technically classified under a broad heading under Appendix A as residential. However, the use itself is commercial rather than residential. City Planner, Rick Whiting, clarified that the only criteria that calls for a differentiation between the two is landscaping, whereas every other criteria in the RM Zone does not distinguish between Commercial or Residential and only is the consideration of the landscaping.

*(19:26:18) Commissioner Wright moved that the text amendment be approved for Chapter 13.98 as prepared and dated May 7, 2013, and that it be moved on to the City Council. Commissioner Chatelain seconded the motion. Vote on motion: Chris Jensen-Aye, John Garver-Aye, Les Chatelain-Aye, Matt Snow-Aye, Brad Wright-Aye, Chair Khodadad-Aye. The motion passed unanimously. Commission Bowthorpe did not participate in the vote.*

Commissioner Bowthorpe joined the meeting.

### **2. Cottonwood Place Assisted Living Center (continued) – Northwest Corner of 5600 South and Highland Drive - Preliminary Permitted Site Plan – R-M Zone – Planner: Rick Whiting.**

(19:28:02) Mr. Whiting presented the staff report and stated that this agenda item is a continuation of the Cottonwood Place Assisted Living Center from the last meeting. The item was continued in part due to the concern about the text amendment which has since been crafted and recommended to the City Council. There was also concern about the administrative relief associated with the landscaping criteria. The City Attorney suggested the land use be classified as Commercial for purposes of calculating landscaping area, reducing the amount from 40% to 30%. If the classification is accepted by the Commission, the applicant will now meet the requirement of the 30% with a 32% landscape figure. Staff felt this was an appropriate and useful interpretation. Lighting requirements were reviewed by staff and the issues discussed. Staff recommended approval to the Commission.

The applicant, Ryan Griffiths, stated that the landscaping requirements are at 32% with a total of 66 parking stalls as previously discussed.

Corey Middleton was present on behalf of Beecher Walker Architects and detailed the lighting plan as stated in the staff report. Mr. Middleton stated that the pole heights will be approximately 14 to 16 feet in height. A photo cell will be used to turn them on and a time clock used to extinguish the lighting at night. Placement of lighting was also discussed.

(19:45:27) Mr. Allred stated that he will share with the City Council the Commission's concern regarding the text stating that this is not residential, but commercial. He also commented that this differentiates the landscaping on the two types of uses. Mr. Whiting stated that the City Attorney was very specific in his hope that the Commission would not hold up this project based on this point and felt it was solid legally.

Commissioner Jensen raised a question regarding the length of the building on Highland Drive and the ability to break it up. Mr. Middleton detailed additional roof line changes.

It was Commissioner Garver's opinion that all requirements have been met, but that the aesthetic quality of the building elevation along Highland Drive has not been addressed as appropriately as it should.

It was the consensus of the Commission that final approval should come back to staff.

(20:02:42) *Commissioner Wright moved that the Preliminary Site Plan for a 138-resident Type I & II Assisted Living Facility, Cottonwood Place Assisted Living, located on the northwest corner of 5600 South Highland Drive in the RM Zone be approved based on the following:*

**Findings:**

- A. *This application meets the provisions of the City's R-M zone for Assisted Living I & II as a conditional use.*
- B. *The proposed project was granted a Conditional Use Permit by the Planning Commission on March 5, 2013 for the operation of an assisted living type I & II facility.*
- C. *This project complies with the provisions of the City's General Plan for respecting aging in place and providing a variety of housing options.*

- D. *The proposed project has been reviewed by the TRC and meets City requirements for Preliminary Site Plan approval subject to items “E or F,” below.*
- E. *The Planning Commission accepts the interpretation of land use on the proposed site as “commercial” and, therefore, it meets the RM Zone landscaping requirement of 30 percent coverage.*
- F. *The Planning Commission grants Administrative Relief for minimum landscaping area, or accepts the interpretation from the City Attorney that the use is residential, not commercial and therefore meets the minimum landscaping requirement at 30%*
- G. *The applicant has applied for approval of a Storm Water Pollution Protection Plan (SWPPP) from the State of Utah Environmental Quality Dept. of Water Quality for the site.*
- H. *Per City Engineer, Clarence Kemp, road dedication of land for public rights-of-way on 5600 South and Highland Dr. has previously been accomplished.*
- I. *The Unified Fire Authority (UFA) has granted approval for the proposed project. It meets provisions for access, fire hydrant placement and capacity as well as other requirements of the UFA.*
- J. *The proposed facility provides an attractive replacement for aged and disinvested existing buildings on the site as well as a significant new investment in the property.*

**Requirements:**

- 1. *A Final Site Plan and any other requirements for the project shall be submitted to the Technical Review Committee (TRC) for review and recommendation to the Planning Commission or approval subject to Item #9.*
- 2. *Receipt of acceptable redline corrections of all drawings by the TRC.*
- 3. *Receipt of written utility “Will Serve” Letters from all appropriate utility providers.*
- 4. *Receipt of a title report showing that no encumbrances exist for the property. Receipt of approval of a Storm Water Pollution Protection Plan (SWPPP) from the State of Utah Environmental Quality Dept. of Water Quality for the site.*
- 5. *Receipt of documentation from Salt Lake City Public Utilities demonstrating approval and provisions for storm drainage into the Jordan and Salt Lake Canal.*
- 6. *Final approval of the proposed lighting Plan must be verified by the TRC.*
- 7. *The applicant must provide plans showing the appropriate number, caliper and placement of street trees required in the public right-of-way, as designated by the Community Development Director, prior to Final Site Plan approval.*
- 8. *The Planning Commission may, at its election, delegate Final Approval to the TRC.*
- 9. *The Planning Commission has delegated the TRC to approve the final.*
- 10. *A lighting photometric plan be presented to staff.*
- 11. *An approval of the text amendment be approved by the City Council.*

*Commissioner Snow seconded the motion. Vote: Les Chatelain-Nay, Matt Snow-Aye, Brad Wright-Aye, Spence Bowthorpe-Aye, Chris Jensen-Nay, John Garver-Nay, Lori Khodadad-Aye. The motion passed 4-to-3.*

*(20:05:46) Commissioner Chatelain moved that Table A be revised through a text amendment indicating that all assisted living centers are commercial, not residential.*

Mr. Allred stated that as staff, this could be a future discussion item to bring back a text amendment. He suggested that during the next pre-meeting the Commission direct staff whether or not to proceed with a recommended text amendment that includes all assisted living facilities.

*Commissioner Chatelain withdrew his motion.*

**3. Residential Office (RO) Zone (continued) – Planners: Community Development Director Paul Allred and City Planner Pat Hanson.**

(20:10:18) City Planner, Pat Hanson, presented the RO Zone to the Commission and discussed the impervious surface coverage as stated in the staff report. She explained that it is married to the landscaping requirements, in that one item affects the other. Allowed percentages of impervious and landscaped areas were also discussed.

Commissioner Snow raised a question regarding administrative relief and the six criteria required to do so. Ms. Hanson stated that staff's recommendation will be to remove all of that language and replace it with new text. Mr. Allred reported that City Attorney, Craig Hall, had concerns with the language being too close to a variance and did not recommend keeping it. With regard to administrative relief, it was suggested that it pertain only to landscaping and that parking requirements be set by the ordinance. As per the landscaping standards, staff suggests new text that would allow a 10% relief which would be granted by the Community Development Director following the specific criteria used in the current residential policies and ordinances. Mr. Allred noted this would not be conditional, but would be similar to a special exception or the way in which performance codes work.

(20:30:05) Mr. Allred introduced Bill Price, a Member of the Design Review Board and stated that it was suggested that the RO Zone have DRB oversight.

Bill Price gave a brief background and stated that he lives on the lower end of Holladay Boulevard and is a 30-year resident of the City and he is interested in the planning process.

Ms. Hanson handed out new language amending the current Administrative Relief section. She reminded the Commissioners that if this text appears in the RO Zone, exactly the same language should be in the new landscaping chapter. The Commission further discussed the landscaping administrative relief as detailed on page 14 of the staff report.

(20:44:21) Mr. Allred clarified the limits on impervious areas. He reminded the Commissioners that varied architectural designs often require flexibility and with the averaging in the current ordinance, there has to be an equivalent or greater amount given elsewhere on the plan, this helps

fit most all buildings on the often irregular lots in the city. This should help the RO zone buildings as well.

With regard to the Administrative Relief Section A, Mr. Allred emphasized that most requests will work within the 10% allowance. In his opinion few will need section B. The importance of a competing value was further discussed. He stated that writing a rule like section B allows a developer or applicant to come before staff or the Commission and make an argument for additional relief.

The Commission discussed the impervious surface coverage limit of 60% along with an additional 10% for cause justified. It was Commissioner Bowthorpe's opinion that there should be a line drawn somewhere prohibiting the possibility of the Commission having to be put into a situation where a judgment must be made, potentially becoming political. Sub-section B being eliminated altogether was also discussed.

(21:03:05) Commissioner Jensen stated that if there is a variance, there is criteria and all requirements must be met, or the variance must not be granted.

Commissioner Chatelain commented that without Section B and the Commission having turned down a request, the issue may be appealed to the Council. Commissioner Bowthorpe suggested that a limitation be placed on Sub-Section B allowing an additional 10% to be achieved through the Commission's approval rather than being open ended. Commissioner Wright suggested keeping Sub-Section B to 5%. Staff discussed additional solutions.

(21:23:27) Commissioner Jensen proposed the maximum increase be set at 10% and Sub-Section B eliminated. It was suggested to the Commission that item B be stricken from the text and Section A remain and be 10% at staff level. Further discussion took place regarding language.

The Commission discussed the conversion of a home greater than 3,500 square feet and the allowed parking. Commissioner Chatelain suggested there be a maximum stated rather than a minimum allowance and four stalls per 1,000 square feet. The Commissioners agreed that the language should be changed to a maximum of 4 stalls per 1,000 square feet.

(21:40:50) Ms. Hanson asked if the Commissioners had any changes to the draft purpose statement. No changes were suggested.

#### **4. Approve Minutes of the April 16, 2013 Meeting.**

(21:43:40) The minutes of April 16, 2013, were reviewed and discussed.

*Commissioner Jensen moved that the minutes of April 16, 2013, be approved. Commissioner Chatelain seconded the motion. Vote on motion: Matt Snow-Aye, Brad Wright-Aye, Les Chatelain-Aye, John Garver-Aye, Chris Jensen-Aye, Spence Bowthorpe-Aye, Lori Khodadad-Aye. The motion passed unanimously.*

**5. Slope Cuts – Planners: Community Development Director Paul Allred and City Planner Jonathan Teerlink.**

(21:49:03) City Planner, Jonathan Teerlink, reported that on March 28, 2013, the City Council passed a moratorium, which directs staff to study and prepare a text amendment pertaining to affected sections of the Holladay Ordinance. Mr. Teerlink discussed the regulation details regarding cutting and retaining and/or filling and retaining on a property as stated in the staff report.

The Commission discussed the possible height allowance of retaining walls. Commissioner Wright pointed out that with a six-foot requirement, it would require a permit which comes with additional oversight.

(22:13:18) Mr. Teerlink next detailed exposed wall surface. The Commission discussed the definition of an exposed wall as well as dimensions.

Mr. Teerlink stated that the new language will be written as proposed in the new ordinance with additional discussion on the matter at a future meeting.

**6. Residential Landscaping – Planners: Community Development Director Paul Allred and Pat Hanson.**

**7. Highland Drive Citizen Review Committee Report - Planners: Community Development Director Paul Allred & Rick Whiting.**

The above matters were continued to a future meeting.

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

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

(22:24:00) Director Allred detailed upcoming items including the slope issue, which was Council generated. Food trucks on Kentucky Avenue were discussed. The proposal was presented to the City Council and the City tentatively agreed to sell the property. The City will be working on amending the ordinance allowing food trucks, as they are presently not allowed in the City. Mr. Allred clarified that this is both a business and land use ordinance.

The Dipo project was discussed briefly.

Mr. Whiting indicated that the property adjacent to the Sand Piper on 1300 East and Van Winkle and stated that the church property is under contract to expand the site resulting in some additional high density units being considered under the RM zoning already in place..

Mr. Whiting reported that there are two dental offices that may be coming before the Commission. He noted that the dental office involving the rezone on 3900 South and 2000 East has not been acted on by the Council.

The Phillips rezone on Highland Drive was still pending.

9. **Report from Staff on Upcoming Applications.**
10. **Discussion of Possible Future Amendments to Code.**

**ADJOURN**

*(21:33:01) Commissioner Wright moved to adjourn. Commissioner Jensen seconded the motion. Vote on motion: Matt Snow-Aye, Brad Wright-Aye, Les Chatelain-Aye, John Garver-Aye, Chris Jensen-Aye, Spence Bowthorpe, Lori Khodadad-Aye. The motion passed unanimously.*

The Planning Commission Meeting adjourned at 10:33 p.m.

*I hereby certify that the foregoing represents a true, accurate and complete record of the City of Holladay Planning Commission Meeting held May 7, 2013.*



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Teri Forbes  
T Forbes Group  
Minutes Secretary

Minutes approved: May 21, 2013