

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

**Tuesday, May 21, 2013  
7:00 p.m.  
Holladay Municipal Center  
4580 South 2300 East**

**ATTENDANCE**

**Planning Commission Members:**

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

**City Staff:**

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

**CONVENE REGULAR MEETING**

Chair Khodadad called the regular meeting to order at 7:02 pm.

**ACTION ITEMS**

**1. Chapter 13.50 Residential Office Zone (RO) Zone – Planners- Community Development Director Paul Allred and Pat Hanson.**

(19:03:45) Community Development Director, Paul Allred, presented the Residential Office (RO) Zone and stated that staff included items specified by the Commission from their last discussion on this matter. A thorough examination of the issues was completed and the public hearing was previously held. Staff felt that the draft ordinance was ready to move forward.

Chair Khodadad reported that the Commission has taken into consideration the Highland Drive Committee and Highland Drive Citizens Committee recommendations regarding this issue. After having detailed and discussed the RO Zone at approximately six meetings, the Commission felt that with citizen input, a successful ordinance had been developed and was ready to move forward.

(19:05:45) *Commissioner Chatelain moved that the Residential Office Zone Ordinance be recommended for approval and sent forward to the City Council for their consideration and adoption.. Commissioner Garver seconded the motion. Vote on motion: Chris Jensen-Aye, Spence Bowthorpe-Aye, John Garver-Aye, Les Chatelain-Aye, Chair Khodadad-Aye. The motion passed unanimously.*

*Commissioner Chatelain moved to amend the agenda to next approve the minutes. Commissioner Jensen seconded the motion. The motion passed with the unanimous consent of the Commission.*

**2. Briarcreek II Condominium Conversion to Twin Homes – R-2-10 Zone – Planners-Community Development Director Paul Allred & Pat Hanson.**

(19:32:30) Mr. Allred presented the staff report and described the Briarcreek II Condominium Conversion (to Twin Homes). He explained that staff made a liberal interpretation that the plat, as proposed, does not violate the density intent of the ordinance, which strictly interpreted requires each dwelling in a twin home to be on its own 5,000 square-foot lot . Mr. Allred reviewed the proposal as detailed in the staff report, which proposed taking the subdivision as it presently exists and changing the ownership from condos to twin homes. Essentially, the zoning does not change, the density is not affected, there is more than enough density for each of the units, the number of units does not change, and the property is in good condition and well maintained. The only change would be to the ownership arrangement of each dwelling. Staff recommended approval after much internal discussion.

(17:37:45) Chair Khodadad opened the public hearing.

Carol Mumford gave her address as 2434 East 4430 South and stated that she recently applied for a reverse mortgage. FHA did not like the 30-year old CC&R's and by-laws and asked that they be rewritten. It was suggested by her lender that they become a twin home association as there are four buildings and eight units. All unit owners were in agreement. In order to minimize complications, property lines were to remain as proposed on the new plat with the only changes being to the ownership of each dwelling itself. Ms. Mumford clarified that the homeowners believe it would be less complicated to leave the property lines as proposed on the amended plat than to require that each dwelling be required to be on a 5,000 square foot lot. . In response to a question raised by Commissioner Garver, Ms. Mumford reported that with the new law, their homeowners' association is required to carry liability insurance for all buildings, common areas, and limited common areas.

Commissioner Chatelain shared his concern that if a change is made on this property stating that lot size regulations do not have to be followed, others will arise in the future. Chair Khodadad stated that this is not new construction but rather an existing development. She noted that the County Recorder's office does not have an issue and there is an overall square footage of 5,000 square feet per unit. Commissioner Chatelain reiterated the regulations.

(19:48:05) Christine Hart gave her address as 2454 East 4430 South and stated that her parents were the original purchasers of the property. She questioned why the Commission wants to now make changes. Chair Khodadad clarified that the zone states that when changing to a twin home, a 5,000 square-foot lot is required.

(19:51:25) Marie McKinley gave her address as 2402 East 4500 South and identified herself as the Secretary/Treasurer of the homeowners association. She reported that they are not twin homes and are registered as condominiums and incorporated as such.

Ron Mumford gave his address as 2434 East 4410 South and stated that Briarcreek I was incorporated where Briarcreek II was not due to incomplete paperwork. In fact, no clear title as individuals existed. He urged the Commission to approve the amendment to the plat as proposed and enable homeowners to refinance and define their properties.

(19:57:00) Chair Khodadad raised a question regarding a lender looking into whether the proposed change meets City Code. Mr. Allred detailed the ordinance and questioned whether more than one interpretation exists. A simple density calculation resulted in far more than the minimum requirement for this development even though the proposed lots are less than 5,000 square feet. It was noted that the transition from condominiums to twin homes can only be done by calculating the square footage per dwelling in that particular zone. The Commission discussed how that determination is made. Mr. Allred commented that it is a density calculation.

Commissioner Bowthorpe agreed with the homeowners and stated that it would be difficult to equitably lay lot lines out allowing each unit equivalent footage. He believed problems will arise with respect to homeowners being treated unfairly, which may result in lawsuits and people trying to have equal ownership. He considered this a way to grant individual ownership of buildings and equivalency in terms of the common area land.

(20:06:00) Commissioner Jensen raised the issue of driveway easements between homeowners and a common entrance should they become duplexes. Mr. Allred stated that if a proposal for duplexes were to be submitted to the City, density would be the first issue examined. Next, it becomes a question of lines on the map. In a Planned Unit Development (PUD), height cannot vary but the setback can. The location and arrangement of buildings are what sets a PUD apart from a standard subdivision. It was clarified that Briarcreek II does not have the required acreage for a PUD, but meets the setbacks and density and other requirements..

(20:15:03) City Planner, Pat Hanson, reported that the ordinance language states that if the public interest or property owners' interest is in question, the intent of the City is to decide in favor of the property owner.

Ms. McKinley clarified that they have no objection to what the other property owners are trying to accomplish.

Commissioner Bowthorpe detailed the positives in terms of impact, which would allow the major portion of the land and landscaping to remain under the control of the homeowners' association. Staff confirmed that the CC&R's would have to be amended regardless of whether the 5,000 square foot change is made or the property remains as-is. Commissioner Chatelain stated that if the lots were divided into regular lots, the CC&R's could specify that the responsibility be shared as in the past and the larger lots will remain as such.

Mr. Allred reported that it can be done one of two ways. He explained that the lot lines could be drawn straight toward the rear and front of this development for the 5,000 square-foot lot requirement. Or, if it is a question of density allowance for this zone, then it already complies as it exists now and how it is being proposed.

(20:23:00) There were no further public comments. Chair Khodadad closed the public hearing.

Staff discussed the procedure if the proposal had involved new construction.

(20:27:07) Commissioner Chatelain believed that if the Commission states that it is not a matter of square footage per plot, and is a total of square feet and density, the rules will have changed. Commissioner Garver stated that rules can hinder the real goal and believed that it is not detrimental to the property. He expressed his support for the property owners.

It was Chair Khodadad's opinion that the proposed change is open to interpretation and did not believe there was a consensus.

(20:35:54) *Commissioner Garver moved to approve the amended Briarcreek II plat from condominiums to twin homes based on the following:*

**Findings:**

1. *There is no material harm to property or persons due to the approval of this request.*
2. *There is no material change to the property due to the request in terms of land use, density, etc., but rather only in ownership of the units.*
3. *Staff's opinion is that lots less than 5,000 square feet in area are allowable due to no change in the number of units and that the density calculation for this site is well over the minimum required.*

**Requirements:**

1. *To the homeowners, make any corrections as needed on the plat per the Technical Review Committee (TRC) review.*
2. *Amended CC&R's must be submitted to the City for the file.*

(20:39:15) *Commissioner Bowthorpe seconded the motion. Vote: Les Chatelain-Nay, John Garver-Aye, Chris Jensen-Nay, Spence Bowthorpe-Aye, Lori Khodadad-Aye. The motion passed 3-to-2.*

Chair Khodadad recommended a closer examination take place as much of the proposed language is open to interpretation. Staff agreed to put this matter on a "to do" list.

(20:45:13) *Commissioner Jensen moved to amend the agenda and next discuss item number 4. Commissioner Bowthorpe seconded the motion. The motion passed with the unanimous consent of the Commission.*

**Discussion Items**

**3. Review of the Highland Drive Citizen Committee Recommendation – Planners – Community Development Director Paul Allred and Rick Whiting.**

(21:41:14) Chair Khodadad reported that ideally, the Highland Drive Citizen Committee would like the Commission to pass the Highland Drive Corridor Plan changes on to the City Council. It was determined that the Committee recommendations would be thoroughly reviewed and discussed at the next meeting..

Mr. Allred detailed the previous Highland Drive Citizen Committee Meetings and stated that what was submitted is a consensus document by the committee..

**4. Chapter 13.77, Landscaping – Planners – Community Development Director Paul Allred and Pat Hanson.**

(20:45:50) Ms. Hanson presented Chapter 13.77.050, which included minimum landscaping requirements by zone. Staff recommended approval to specify that front yard landscaping be completed within one year of final occupancy. The Commission was asked to determine if the requirements apply to all homes in the City, new and old.

The 30% minimum landscaping requirement in the RM zone was discussed as well as impervious surface coverage. With regard to buffering, in the RM Zone, Ms. Hanson asked about the five-foot minimum strip along the side and rear property lines. The Commission was agreeable to the requirement.

The Neighborhood Commercial Zone was next discussed. Ms. Hanson detailed C-1 and C-2 Zone language. The purpose of landscape buffering was discussed by staff. Discussion of the remainder of the new landscaping chapter was postponed to the next meeting.

**5. Chapter 13.76.91 – Mobile Food Businesses – Planners – Community Development Director Paul Allred and Pat Hanson.**

(21:20:53) Ms. Hanson presented Chapter 13.76.91 regarding Mobile Food Businesses. Ms. Hanson stated that the City Council recommended these only be allowed on private property and not along the street. The 100 foot separation from a restaurant was discussed. Commissioner Bowthorpe inquired as to the provision and wonders if the city's objective is to protect restaurant owners and the space surrounding their businesses. Potential locations were next discussed.

Commissioner Chatelain raised a question regarding hours of operation. Ms. Hanson reported that the Council was agreeable to businesses remaining open 24 hours in the Village Center. The proposed draft has a 10 p.m. curfew if located within 100 feet of a dwelling as well as compliance with noise ordinances. Staff agreed to look at the current separations in the Village and bring back some information for the next discussion.

**6. Appendix A – Assisted Living Facilities – Planners – Community Development Director Paul Allred and Pat Hanson.**

(19:05:00) Chair Khodadad noted this matter was placed on the agenda at the request of Commissioner Chatelain. Commissioner Chatelain agreed with the staff report that if the only place this poses an issue is with landscaping, that is the change to work on. Mr. Allred reminded the Commissioners that there is no "commercial" category in the land use table and agreed that if this is adopted under the landscaping regulations, the problem will be addressed. As suggested by Ms. Hanson, rather than having dual landscaping figures in the RM zone, one standard would alleviate numerous problems. Ms. Hanson commented that this will be included in the new landscaping chapter and should be corrected at that time.

*(19:18:49) Commissioner Bowthorpe moved to amend the agenda to next discuss agenda items 8, 9, and 10. Commissioner Chatelain seconded the motion. The motion passed with the unanimous consent of the Commission.*

## MINUTES

### **7. Approve Minutes of the April 9 and May 7, 2013, Meetings.**

(19:07:43) The minutes of April 9, 2013, were reviewed and modified.

*Commissioner Chatelain moved that the minutes of April 9, 2013, be approved with the changes noted. Commissioner Jensen seconded the motion. The motion passed with the unanimous consent of the Commission.*

The minutes of May 7, 2013 were reviewed and modified.

(19:12:34) *Commissioner Jensen moved the minutes of May 7, 2013, be approved with the changes noted. Commissioner Garver seconded the motion. The motion passed with the unanimous consent of the Commission.*

(19:14:36) *Commissioner Garver moved to amend the agenda to next discuss item number six. Commissioner Chatelain seconded the motion. The motion passed with the unanimous consent of the Commission.*

## OTHER BUSINESS

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

(19:19:15) Director Allred reported that the Highland Drive Assisted Living Center submitted their drawings for final site plan approval. The major outstanding item pertained to the lighting plan. It was announced that the Sandpiper Clubhouse submitted their drawings and are ready to move forward.

City Planner, Rick Whiting, was excused for the next several weeks, as he was recovering from surgery.

It was reported that with respect to permits, there is an abundance of activity.

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

In terms of projects, the Ludlow Rezone was approved by the City Council. The site plan was to be presented in the near future. Dave Pennock held his neighborhood meeting regarding the dental office on Murray Holladay Road and will be coming before the Commission at a future meeting. The Village is moving forward and working through a few minor details. The east side of Canyon Slope Square was next discussed. Mr. Allred reported that the last available lot will consist of a single restaurant. A dumpster causing obstruction was discussed.

The Council asked the Commission and staff to look at a text amendment regarding real estate signs. They recommended creating standards for commercial and residential areas. It was reported that text amendments addressing food trucks and landscaping were forthcoming.

The Commission next addressed agenda item number two.

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

**ADJOURN**

*(21:52:05) Commissioner Jensen moved to adjourn. Commissioner Bowthorpe seconded the motion. The motion passed with the unanimous consent of the Commission.*

The Planning Commission Meeting adjourned at 9:52 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 21, 2013.*



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Teri Forbes  
T Forbes Group  
Minutes Secretary

Minutes approved: 7-18-13