

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

**Tuesday, June 5, 2012
6:30 p.m.
Holladay Municipal Center
4580 South 2300 East**

ATTENDANCE

Planning Commission Members:

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

City Staff:

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

The Work Session commenced at 6:37 p.m.

PRE-MEETING/WORK SESSION

(18:37:25) The agenda items were reviewed and discussed. With respect to agenda item number one, Community Development Director, Paul Allred, stated that the two property owners want to trade property. Both, however, are in separate subdivisions which affects the plat boundary and requires a plat amendment. Mr. Allred stated that another property owner in the City wants to join his property with the parcels of two of his neighbors. This requires the parcels be joined together, which would amend the plat boundary. The applicant was being represented by an attorney and the matter is in the process of being debated. Staff saw no downside to what is proposed. The feedback staff received from the applicant had to do with the cost and time involved to the property owner to amend the boundaries. Very little public comment was anticipated.

(18:42:26) Chair Chatelain remarked that agenda item number two involves a home business with clients.

With respect to the Canyon Slope Square Retail project, it was clarified that the conditional use is for retail only. Mr. Allred stated that the applicants want to develop retail or restaurant uses on Lots 3 and 4. The conditional use was to allow for additional retail on the site. Parking for the retail use was not anticipated to be problematic since generally retail has less of an impact than a restaurant use. The applicant was asked to provide the City with a letter from Dr. Perrin who prepared the shared parking analysis.

The Canyon Slope Square developer was also seeking to amend the shape of the lots but not the sizes. Doing so would allow the buildings to be laid out differently. The proposed changes were reviewed and discussed. Density issues relative to multi-family housing were discussed. Mr. Allred explained that with respect to agenda item number four, the applicant, would like to keep both the offices and development residential. Another option would be to do only residential

which would require only a site plan. The decision of the Commission was whether or not a PUD has been justified by the application. If not, specifics should be given with respect to what the applicants still need to do to justify what is proposed. The density being sought is 16 units per acre in addition to an office building and parking.

CONVENE REGULAR MEETING

Chair Les Chatelain called the Regular Meeting to order at 7:14 p.m.

ACTION ITEMS

1. Orvin Plat Amendment – 4815 Marabow Circle – R-1-10 Zone – Planner: Rick Whiting.

(19:15:35) City Planner, Rick Whiting, presented the staff report and stated that the above item involves a lot line adjustment. The applicant, James Orvin, and his neighbor would like to adjust the boundary between their two properties. Because Mr. Orvin’s lot resides in a subdivision, he is required by law to process the lot line adjustment through the Planning Commission in the form of a subdivision amendment. Staff and the Technical Review Committee reviewed the request and found it to meet City ordinance. It was recommended that the Planning Commission approve the request and allow the two lots to be “squared out”.

Chair Chatelain acknowledged the presence of the applicant and his neighbor and noted that the square footage remains nearly the same after the exchange.

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

(19:20:00) Commissioner Snow moved to approve the amended plat as described by staff with the requirement that a final plat be filed within one year. Commissioner Garver seconded the motion. Vote on motion: Paula Lowry-Aye, Spence Bowthorpe-Aye, Matt Snow-Aye, John Garver-Aye, Lori Khodadad-Aye, Troy Holbrook-Aye, Chair Les Chatelain-Aye. The motion passed unanimously.

2. Millcreek Sports Massage – 4140 South 2700 East – Home Occupation with Customers – R-1-10 Zone – Planner: Rick Whiting.

(19:21:30) Mr. Whiting presented the staff report and stated that the request is for a home occupation. The applicant, Ms. Smith, has an established 25-year massage therapy business that she has operated from a commercial location. She provides orthopedic, injury, and post-surgery massage. Ms. Smith now wants to scale back her business and move it into her home. She has requested a business license and conditional use permit to allow for that to occur. Hours of operation would be from 8:00 a.m. to 6:00 p.m. and no more than three to four customers per day were anticipated. Ms. Smith specifically chose to purchase her home in the location she did because it is on a relatively busy street and there would be little impact on the neighborhood. Modifications to the home were underway to allow a small studio for the service to take place. Ms. Smith has an established client base and is certified with the American Massage Therapy Association. A number of credentials were presented to verify her professional competency, ethical base, and moral bearings.

Staff recommended approval of the proposal based on the following:

Findings:

1. The proposed use at this location provides a service to citizens in the community, which contributes to the general economic well being of the community;
2. The use under the circumstances of this particular case will not be detrimental to the health, safety, or general welfare of the people living in the neighborhood;
3. The location of her home is on a busy intermediary street, 2700 East, so little or no disruption of the quiet neighborhood would occur;
4. The volume of patient traffic to her home (3-4 per day) would pose minimal impact on the neighborhood; and
5. The proposed use would comply with the regulations specified by the ordinance.

Chair Chatelain pointed out that there is additional parking perpendicular to the driveway which would allow space for three additional cars beyond the double-wide driveway.

(19:25:39) The applicant, Lynnette Smith, introduced herself and stated that she has been doing massage therapy since 1987. She taught at College of Massage Therapy for 11 years and has always worked in a massage practice. Until now, she has always been in a commercial space and would now like to scale back her work load to practice out of her home.

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

Mr. Whiting stated that staff received a few phone calls from concerned neighbors. Once they understood the nature of the proposal, however, they had no objections. He received an email from Jane Luke, which was read and made part of the record. Ms. Luke was a client of Ms. Smith's and expressed her support for the home occupation.

Commissioner Garver thought it was unfortunate that notice is not provided to neighbors who reside outside City boundaries. He pointed out that the neighbors across the street are outside City boundaries and received no notice. While 2700 East is fairly busy, the speed limit is 35 MPH and there are schools, churches, and pedestrians on the street. He asked that Ms. Smith be mindful of that and urge her clients to use caution in driving through the neighborhood.

(19:31:20) Amy Delap identified herself as a Physical Therapist at the Cottonwood Sports Facility and has subleased massage space to Ms. Smith for three years. She considered her to have been a great asset in her practice.

Ms. Smith stated that she would see a maximum of four clients per day. Additionally, clients will be spaced so as not to overlap. She stated that between the hours of 8:00 a.m. and 6:00 p.m. the maximum number of clients she would be able to see would be six. The layout of the home was described.

(19:36:40) ***Commissioner Lowry moved to approve the request for a conditional use permit for home occupation with customers located at 4240 South 2700 East, applicant, Lynette Smith subject to the following:***

Conditions:

1. *Parking for all customers shall be accommodated in the driveway.*
2. *Appointments shall be spaced so that no client is required to park on the street.*

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

3. Canyon Slope Square Retail – 3158 and 3176 East 6200 South – Conditional Use Permit for Multiple Retail Businesses – ORD Zone – Planner: Rick Whiting.

(19:39:30) Mr. Whiting presented the staff report and stated that Sequoia Development is the master developer of the Canyon Slope Square Project. Synergy Development would be taking over the management and operation of the two buildings shown on the site plan. Originally the two buildings were designated as restaurants. As the project has matured and progressed the developers have expressed interest in constructing retail establishments in the two structures. The basic concept was similar to a strip mall. The request was for a blanket conditional use permit to allow them to bring retail businesses into the project. Staff's initial concern had to do with parking. It was recommended that a parking study be conducted as a condition of approval. The applicant initiated the study through Dr. Perrin who has done work on the site in the past and is well respected. Staff recommended approval subject to the findings addressed.

Kevin Long was present on behalf of Synergy Development and Sequoia Development and was prepared to answer questions. He first clarified staff's comments on parking studies and stated that anytime there is a change of use within the development, they will be required to present a parking study to show that the use will not negatively impact the shared parking arrangement. This will in turn give the City ongoing control. Mr. Long explained that Synergy Development is seeking the conditional use permit to mitigate parking issues. They want to see a mix of retail in the project because it will help mitigate peak parking flows.

Mr. Long next addressed the orientation of the buildings, which are identical. He indicated that the buildings could be modified to accept single tenants. He noted that originally the upper building was approved as a multi-tenant building. A conditional use permit was obtained on Lot 2. Mr. Long had in his possession the latest drawings and explained that the anchor is the Hyatt Place Hotel, which will be the first new property built under the new Hyatt prototype.

(19:54:10) Chair Chatelain opened the public hearing. There were no public comments. The public hearing was closed.

Commissioner Garver indicated that he liked the idea of allowing a retail component which makes the entire project more viable.

(19:55:38) Commissioner Khodadad moved to approve the conditional use permit for retail sales in the Canyon Slope Square retail space located at 3158 and 3176 East 6200 South on Lots 3 and 4 based on the following:

Findings:

- 1. The proposed use(s) are needed and logical in this location especially in proximity to the hotel, restaurants, golf course, and ski resorts;*
- 2. The proposed uses will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity;*
- 3. The proposed use will comply with the regulations and conditions of Title 13.84, Conditional Uses;*
- 4. The uses are conveniently located at the intersection of two major streets and the I-215 freeway.*
- 5. Retail use in this part of the City will enhance the City's tax base while not creating a negative impact on surrounding uses or infrastructure; and*
- 6. This use is compatible with the General Plan and overall existing land use patterns in the general vicinity.*

Requirements:

- 1. A Parking Study shall be completed to show that required parking is available.*
- 2. Exterior lighting, other than security lighting, must be turned off when the retail businesses are closed. Security lighting details shall be provided at the building permit stage.*
- 3. The retail use/applicant/site must abide by the provisions of the CC&Rs to be administered by the site manager or Owner's Association as it relates to parking, landscaping, lighting, site maintenance, etc.*
- 4. At least one handicap parking stall must be provided for each building.*
- 5. The Planning Commission must find that the proposed architecture of these specific buildings, including the design of waste dumpsters, is appropriate in the zone.*
- 6. All tenants of these buildings must obtain required City Business Licenses and Sign Permits. They are not required to obtain new or additional Conditional Use Permits unless there are expansions of the building or changes in the lot or common areas – whereupon the use and/or site must be reviewed and approved by the Planning Commission.*
- 7. All signs must comply with regulations for the ORD Zone as they are adopted by the City.*
- 8. Lot line adjustments will be approved at a staff level after being reviewed by the City Attorney.*

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

4. The Cottonwoods PUD, CUP, and Conceptual Site Plan Review (Continued) – 1951 East 5600 South – Planner: Rick Whiting.

(20:09:54) Mr. Whiting presented the staff report and stated that the applicant made application for a planned unit development conditional use permit and conceptual site plan approval. The request was addressed by the Commission on May 15, 2012. The public hearing was continued and the applicant is now anxious to proceed. Mr. Whiting explained that there are a number of different configurations under which the project could be approved.

Staff felt the following three options could be explored:

1. Consider a planned unit development with mixed uses under which the existing medical office building would be allowed to continue as an office building. Potentially along with a rezone of a small parcel on the corner, a commercial use could be added to the project.
2. Similar to Option One without the commercial component. It would involve the residential component and the office building. The retail use on the corner would not be pursued.
3. Approve a residential development and not a PUD or any other components. Site plan approval would still be required. Requested conceptual approval would involve a rudimentary vision of what could occur on the site.

Staff recommended the Planning Commission carefully consider the three options, interact with the public and the applicant, and try to reach a reasonable decision.

The applicant, Mr. Jeff Cannon, stated that he and his son Clark have met with the neighbors. Following the May 15 meeting and the acrimony that was exhibited, he was contacted by Mayor Webb's Office for an on-site explanation of the proposal. They met with the Mayor and staff on site and described the proposal. The Mayor wanted to meet with the Citizen's Committee, which is the same group consulted on the Village Center Development. The applicants were not invited to attend. Mr. Cannon learned that the meeting was held the previous evening at City Hall and all of the citizens on the sign-in sheet from the May 15 meeting were invited to attend. Many of the same concerns expressed at the May 15 meeting were again brought up. It was made very clear at the previous night's meeting that there was great concern about every item on the list.

(20:21:33) Mr. Cannon stated that at issue was approval of the first step in the three-step process. It involved approval of the conceptual plan for the PUD which allows the applicants to move to the next step in the process of negotiating the long-term tenancy or ownership of the dental building with the dentists, who want to remain on the property. The dentists have expressed a desire to purchase the building. Mr. Cannon stated that that can occur as part of the PUD process. The applicants were now asking to move to that next step.

Mr. Cannon remarked that much has been said about double counting the parking for the dental offices. The proposed plan was based on the understanding of staff. The architect's layout would address the parking and be defended by them. Mr. Cannon asked that the Commission approve the conceptual plan for the planned unit development.

Chair Chatelain's understanding was that the conceptual plan presented included multi-use for the dental office and housing. Mr. Cannon responded that the plan as laid out would allow for that. He noted that there are dentists in the buildings whose livelihoods are based on their practices at that location. They want to move the process along as rapidly as possible.

Commissioner Holbrook asked Mr. Cannon if the two options that don't include the PUD are viable. Mr. Cannon responded that strictly residential is viable as is the dental and residential

uses. What is not viable is updating the existing building similar to what was done to the south due to the large amount of vacant business space in the area. The PUD was determined to be the most viable option and allows the applicant to leave the recently updated structure and raze the older structure and convert it to multi-family. Mr. Cannon was also considering converting the existing dental office to multi-family. He explained that if the PUD is not approved they will have no other option. Mr. Cannon urged the Commission to approve the PUD conceptual plan which will allow them to move to the preliminary plan stage and result in a better idea of what the corner will look like.

(20:33:50) Chair Chatelain resumed the public hearing that was opened at the last meeting.

Mr. Whiting pointed out that a courtesy notice of tonight's meeting was sent on June 1. Although not required by law, staff felt it was appropriate given the interest in the project. Notice was provided to individuals within 500 feet in addition to those who signed the roster at the last meeting.

(20:35:37) Gary Shields gave his address as 5565 Merlyn Circle, which is immediately west of the planned PUD. He suggested all consider the uniqueness of the property and described it as being like no other west of Highland Drive. The property was once the old Henry Moyle Farm that encompassed 30 or 40 acres. The family originally developed the property after which the Cottonwood Club bought a share. The original farm still exists. The utilities are underground and it is a very desirable place to live. Mr. Shields described the history of development in the area and estimated that a dozen homes have been sold in the neighborhood since he moved there 40 years ago. Many have been torn down and rebuilt. People who have moved to the area have made sacrifices to invest money here. When the Cannon's medical/dental building was constructed, the original owner respected the wishes of the citizens and built a single-story office building with a flat roof. Since then a two-story building has been constructed. Mr. Shields did not think that a medical building or multi-family units were compatible with the neighborhood. He expressed a desire to maintain the rural character of the neighborhood.

(20:39:26) Wade Budge identified himself as a land use attorney with Snell & Wilmer representing some of the dentists who are tenants in Messrs. Cannon's buildings. They were concerned about the application and do not want the project to be rushed on their account. They were most concerned about pending foreclosure than whether the request will be approved. Mr. Budge identified three major problems with the application that should compel the Commission to deny the request. First, the tenants are not happy with the proposal and some have leases that continue until May 2013. That is important since many were led to believe that tenants are fleeing the location. In the case of Mr. Budge's clients, they have been tenants for 10 to 12 years and would like to stay. They have successful practices and patients are familiar with the area and want to continue to come there. Mr. Budge noted that he represents dentists in both the new and old buildings.

Second, Holladay Code requires a two-step PUD process. The first is preliminary PUD approval. Before that can be considered, however, submissions need to be provided. Mr. Budge remarked that is incumbent upon the applicant to present the details necessary for the Commission to carefully consider and evaluate various criteria. He also noted that prior to obtaining final PUD approval, construction drawings must be submitted.

Third, Mr. Budge contended that the site is too small to accommodate the density proposed. He referred to the Code, which states that the minimum size for a residential PUD is three acres. Mr. Budge stated that he and his clients would like to work with the applicant on a solution but want to make it clear that the dentists are pleased with the current building and want to stay in the area. He felt the appropriate result tonight was denial due to the points identified previously.

(20:47:03) Norm Olsen stated that he has been a builder and developer his entire life and is in favor of development. When he received notice of tonight's meeting the information provided was very sketchy and included very few details. He took time to visit the Recorder's Office and asked to see the actual plot plan. Mr. Olsen was proud of his record of never starting a project that he couldn't finish. He remarked that when a developer doesn't properly finish a project the City is left to do so. He stressed the importance of the Cannons having the ability financially to do what is necessary. After Mr. Olsen ran the numbers obtained from two sources, he realized there were serious questions that should be answered. He expressed opposition to the proposed project. In response to a question raised, Mr. Olsen stated that the plans indicate that there will be 56 apartment units. He expected the cost to be around \$200 per square foot to develop a project like the one proposed, which equates to \$13 to \$14 million. He wanted to make sure the project is done correctly and finished well. He also did not think the proposed location was appropriate for the project.

(20:57:50) Helen Redd gave her address as 5727 Holladay Boulevard and identified herself as an original member of the Holladay Planning Commission. She thanked the Planning Commission Members for the service they provide. Ms. Redd stated that she and Bob Neslin were the appellants that successfully appealed to stop the more than 80 apartments approved to be built on the Video Vern's site. She pleaded with the Commission to not make the same mistake again by being hasty. She explained that repairing the inappropriate Video Vern's decision cost dozens of people thousands of hours and consumed significant City resources. She urged the Commission to proceed as cautiously as possible and make sure it is done right. She stated that the Commission is under no obligation tonight to approve a PUD. If they choose to grant approval tonight it will intensify the potential use of the property. Once approval is granted, rights begin to vest for the developer, which makes it very difficult to step the project back. Ms. Redd stated that citizens feel like they have not had sufficient notice and she suggested another effort be made to send out notice to the neighbors. Once the required plans are received from the developer, the community should have the opportunity to review them. Details of the Video Vern's approval were given. She suggested the approval process be as open as possible.

Noticing issues were discussed. In response to a comment made by Chair Chatelain, Ms. Redd stated that 500 feet is the minimum required notice. As a matter of public policy she thought the notice range should be extended in the case of a high profile project. Chair Chatelain questioned how much more of the taxpayers' money she would like to be expended. Ms. Redd considered it was money well spent. In response to a question raised by Chair Chatelain, Ms. Redd acknowledged that the appeal was denied on the Video Vern's site but the apartment development was successfully thwarted.

Commissioner Khodadad did not appreciate Ms. Redd accusing the Planning Commission of procedural inadequacies in the Video Vern's matter. She stated that that has no bearing whatsoever on tonight's issue. Commissioner Khodadad served on the Planning Commission at

that time and stated that proper procedures were strictly adhered to. Commissioner Khodadad reiterated that that decision has no bearing on the issue now before the Commission. Ms. Redd disagreed. Commissioner Khodadad stated that the Planning Commission Members are volunteers who care a great deal about the City. They take every decision very seriously and for that reason a great deal of public comment is allowed. In addition, courtesy notices were sent on the second public hearing. Ms. Redd considered public comment to be the right of every citizen and not something granted by the Commission. Commissioner Khodadad agreed.

(21:09:24) Robert Topham gave his address as 2520 Haven Lane and shared the sentiments expressed by the previous speakers that this is not the right place for the proposed project. He noted that his family was involved in the incorporation of the City. Because there is a problem, he hoped the Commission would postpone making a decision. Mr. Topham considered the Video Vern's project to be very relevant to tonight's discussion. He also saw no reason to rush the project without design plans.

(21:11:42) Ann Endar reported that she attended the last Planning Commission as well as the meeting with the developers the previous night. She gave her address as 5735 South 1800 East just south of 5600 South. In her area there are 107 homes and only streets with access onto 5600 South. There are no other access points. There are two other streets off of 5600 South with the same limited access. In addition, the Park Place Condominiums access only 5600 South. She felt there were considerable infrastructure problems and asked that the Commission seriously consider the potential traffic issues.

(21:14:01) Grace Ivory Rock gave her address as 5511 South Merlyn Drive and drives by the intersection several times each day. Her children attend Oakwood Elementary and she sells Ivory Homes. She felt fortunate to have grown up in Holladay and to now raise her children here. She was worried about the safety of her children who walk to school along Highland Drive.

(21:17:00) Candace Frioux gave reasons for not approving a PUD only. She stated that a conceptual plan has not yet been seen that is appropriate for the property. In addition, approving a PUD on the property changes numerous things, such as setbacks. She expressed concern with the density and commented that 16 units per acre is already high and allowing the PUD will only increase the density further. A PUD will allow the parking to be manipulated and perhaps allow joint parking. Her understanding was that each dentist is required to have five parking spaces. Her calculation showed the need for 187 parking spaces. If a PUD is approved some of the parking would be shared, which she was opposed to. Ms. Frioux did not agree with approving a PUD without seeing a conceptual plan. She also asked how the City can be sure they are working with the developers who will develop the property and that their intent is not to sell it off to someone else.

(21:20:43) Paula Bowman gave her address as 5575 Merlyn Circle and stated that she will be directly impacted by the building because they will lose their view, their property values will decrease, and there will be increased traffic. With respect to finances, she stated that the Cannons are in financial distress and the tenants have been directed by First Utah Bank to make payments to the bank rather than to the Cannons. They are one year behind on their loan balloon payment. As a result, time is of the essence for the Cannons to obtain approval. At the previous night's meeting, Mr. Cannon informed the neighbors that their financial position is none of their business.

Ms. Bowman felt it was their business because if the Cannons start construction and run out of money they could be forced to potentially rely on government help and pursue Section 42 low-income housing. She stated that an existing Section 42 development already exists in the City and has changed the nature of the school system because Section 8 vouchers are used. The existing low-income housing is a mini-refugee community where there are 40 to 60 languages introduced into the schools. This has caused a tremendous drain on the school system.

Ms. Bowman asked that the Commission delay making a decision on the PUD and was under the impression that the 56 units were pursued to make the residents feel better about accepting 38 units. She did not think three days was enough time for the community to thoroughly study the issue. She noted that once approval is granted, the developer begins to vest. Ms. Bowman understood that the Cannons want the highest and best use for the property, which she appreciated; however, the proposed use will cost her loss of value in her investment, which she considered unfair. She remarked that the community has united against the proposed development.

(21:26:13) Brian Powell gave his address as 1876 Merlyn Circle. He expressed his opposition and stated that Clark Cannon has a Twitter account where he makes reference to blacks and uses the “N” word. Mr. Powell has two bi-racial children who will live next door to this building. He hoped the City of Holladay would not allow an individual like Mr. Cannon to develop in Holladay.

(21:27:35) Harvey Lloyd gave his address as 2119 Pheasant Lane and stated that the apartments will have children who can be harmed by traffic or in the canal. He asked that the Commission seriously consider the comments made previously.

(21:28:56) Lynda Shields gave her address as 5565 Merlyn Circle, directly backing the subject property. She observed the number of people who are opposed to the proposal. She stated that the property is unique and once it is developed it will impact the character of the area. Ms. Shields stated that children who reside in the apartments will need a place to play. The property is next to a canal where her husband has already saved one child from drowning. She considered it a very dangerous place for children to run free.

(21:31:00) Trisha Topham gave her address as 2520 Haven Lane and stated that if the project is approved with so much citizen opposition it will turn into a long drawn out battle similar to the one that occurred with the Village Center. She stressed that not one resident has expressed support for the project. She stated that approval will cause a great deal more resentment and result in another battle. It was her hope that the Commission would at least postpone the matter even if the zoning allows apartments. She suggested that perhaps it is time to change the zoning since all of the neighbors don't support apartments. She urged the Commission to take into account the desires of the residents.

Commissioner Khodadad stressed that every Member of the Commission takes public comments very seriously.

(21:34:15) Ilene Petrogeorge gave her address as 2593 Flamingo Drive and stated that she owns a duplex to the south of the corner. It is on a one-third acre parcel and they have owned it since 1975. She was disappointed to hear that 56 apartment units were being proposed by the Cannons and felt the density was far too high. She asked how the two-story building on the corner was

approved with the neighbors having been opposed. Chair Chatelain explained that it complies with City Code. Community Development Director, Paul Allred, explained that it is a single-story building with a roof conversion.

(21:36:39) Patricia Falk gave her address as 2498 Walker Lane and owns property on 6200 South in Providence Court. Her understanding was that apartments do not provide sales tax revenue to the City. That impact on the City must be considered and she expected that before approval is granted that the impacts will be analyzed. Ms. Falk suggested that the canal company address the impact and risk they would undertake as part of the project. Mr. Whiting stated that he has contacted the canal company who is aware of the potential project.

(21:38:45) Linda Burbidge gave her address as 1910 Lakewood Drive and stated that she received three notices of tonight's meeting. She owns three parcels that receive tax notices, which she attributed to the multiple notices. She has a neighbor who received four. She suggested a better system be found when sending out notices. Mr. Whiting stated that efforts were being made to avoid sending out duplicate notices.

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

Mr. Cannon made comments which were not audible.

(21:41:30) Chair Chatelain made it clear that what was before the Commission for approval was the conceptual plan. He explained that a conditional use is a permitted use unless there is no way to mitigate the potential impact it causes. There must be clear and present damage caused. If the impacts cannot be mitigated, the request can be denied. The property has been zoned RM since it was annexed into the City and allows for apartments at the proposed density. In response to a question raised by Chair Chatelain, Clark Cannon stated that the property will be one parcel for the PUD. Mr. Allred clarified that the property is currently not part of a subdivision and it is not a problem to combine the parcels into one.

Mr. Budge read Section 13.78.050 of the Code which states that a non-residential PUD has a minimum size of five acres. He noted that there is not enough land here and the applicants cannot have both the office and residential use. Mr. Allred referenced Section 13.78.030(e) which states that mixed non-residential uses may be allowed. Site plan requirements were discussed.

Commissioner Khodadad felt there were far too many outstanding questions to warrant approval tonight. Outstanding questions were identified. Mr. Budge offered to submit a detailed list of items of concern. Mr. Allred indicated that the City Attorney has weighed in on some of the issues but suggested that he be asked to provide clarification.

(21:56:56) Commissioner Khodadad moved to table the Cottonwoods Luxury Multi-Family Residential Community Planned Unit Development, Conditional Use Permit, and Conceptual Site Plan for further interpretation of our City Zoning Ordinance and to take into consideration the legal aspects involved. Commissioner Holbrook seconded the motion.

Commissioner Khodadad moved to amend the motion to request that the City Attorney be present at the next meeting where the above matter is discussed. Commissioner Holbrook

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

Chair Chatelain suggested the matter come again before the Commission in a work session prior to the next meeting to review some of the issues in detail. If the agenda is full a special meeting should be scheduled. Citizens were encouraged to check the City's website regularly to stay informed. Commissioner Khodadad invited those interested in receiving notice via email to provide their email address to City Recorder, Stephanie Carlson. Mr. Allred stated that the website is the best way to stay apprised of upcoming meetings. It was announced that all meetings are open to the public.

(22:16:45) Procedural issues were discussed. Comments made during the public hearing were discussed by the Commission, particularly Ms. Redd's reference to the decision made by the Commission on the Village Center. Mr. Allred remarked that in his opinion there has not been a decision made in the community in the last decade that was more carefully considered than the Village. He applauded the work done by the Planning Commission.

Commissioner Bowthorpe commented that opinions tend to be polar in nature. He observed that those present for the public hearing were *against* the proposal but no one was *for* anything. He considered that to be a chronic problem in the City. He thought the message was loud and clear that certain members of the community will oppose apartments anywhere in the City. He disagreed with that attitude. He thought the Planning Commission should be willing to stand up to that. Commissioner Khodadad agreed. Mr. Teerlink remarked that the only timeframe applied to an applicant is that they are entitled to a hearing within 45 days of submitting their application.

(22:20:45) Mr. Allred stated that since the Village Center changed he has heard several comments from people who wished there had been a residential component. It was observed that people who are happy with a proposed project don't voice their opinion. Mr. Whiting stated that the fight over apartments moved from the Holladay Village to tonight's discussion because people don't want apartments. A Commission Member commented that he considered the mentality that renters are often criminals to be pervasive. Commissioner Khodadad stated that the reality is that not everyone can afford a home and renting is the alternative.

Commissioner Bowthorpe stated that when an applicant proposes a potentially controversial project without a concept or drawing, staff should advise them to spend time with a designer and come back with a more detailed proposal. He noted that a developer has to convince the Planning Commission, the City Council, and the community that what is proposed will benefit everyone. The cost involved was acknowledged. Mr. Allred suggested a special meeting be scheduled to address the issues relative to the project so that it is not unduly delayed.

A work session was to be held prior to the next meeting to discuss the proposal.

DISCUSSION ITEMS

5. Residential Building Corridor and Front Setback Code Amendment (Continued) – Planners: Paul Allred and Jonathan Teerlink.

(22:07:05) City Planner, Jonathan Teerlink, stated that staff has thought about how to determine whether to use pre or post 2000 homes in the averaging. The research necessary adds about one hour of review time to each individual home review. When the needed information cannot be found it is left to interpretation. Chair Chatelain suggested the cost of the extra hour be the applicant's responsibility. Timing and staff workload issues were discussed.

(22:33:38) *Commissioner Snow moved to table agenda item five to the next meeting. Chair Chatelain seconded the motion. Vote on motion: Paula Lowry-Aye, Spence Bowthorpe-Aye, Matt Snow-Aye, John Garver-Aye, Lori Khodadad-Aye, Troy Holbrook-Aye, Chair Les Chatelain-Aye. The motion passed unanimously.*

MINUTES

6. Approve Minutes of the April 17 and May 15, 2012 Meetings.

The minutes were reviewed and modified.

(22:38:43) *Commissioner Garver moved to accept the minutes of April 17, 2012. Commissioner Holbrook seconded the motion. The motion passed with the unanimous consent of the Commission.*

Mr. Allred hoped to have an opportunity to review the May 15, 2012, minutes prior to the Commission approving them. The importance of the May 15, 2012, minutes was acknowledged.

(22:41:50) *Commissioner Snow moved to carry forward the minutes of May 15, 2012, until the next meeting. Commissioner Bowthorpe seconded the motion. The motion passed with the unanimous consent of the Commission.*

OTHER BUSINESS

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

(22:14:00) Chair Chatelain asked for an update on the Village Center. Mr. Allred stated that corrections were given to the developer about 10 days ago and they have been working to address all of the issues identified at the DRB Meeting. Until the responses are received staff cannot prepare a report for the DRB to make their decision. The intent was to have information submitted the following day at which point staff would prepare a report for discussion at next week's DRB Meeting.

Mr. Allred reported on the fire station and stated that the City Council will be reviewing drawings from the architects at their next meeting. Because the fire station is a permitted use in the zone, only site plan approval is required. Height issues would be discussed at the public hearing before the next City Council Meeting. He did not expect a decision to be made that night. Mr. Allred clarified that the height amendment before the Council is not just for the fire station.

8. Report from Staff on Upcoming Applications.


9. Discussion of Possible Future Amendments to Code.

ADJOURN

(22:50:21) Commissioner Khodadad moved to adjourn. Commissioner Garver seconded the motion. The motion passed with the unanimous consent of the Commission.

The Planning Commission Meeting adjourned at 10:50 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, June 5, 2012.



Teri Forbes
T Forbes Group
Minutes Secretary

Minutes approved: June 19, 2012