

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

**Tuesday, June 16, 2015
6:30 p.m.
Holladay Municipal Center
4580 South 2300 East**

ATTENDANCE:

Planning Commission Members:

Les Chatelain, Chair
Matt Snow, Vice Chair
Spence Bowthorpe
Jan Bradshaw
Chris Jensen

City Staff:

Paul Allred, Community Development Director
Rick Whiting, City Planner
Michael Hayes, City Attorney

FIELD TRIP

Commissioners Bowthorpe, Snow, Bradshaw and Chatelain joined staff members Paul Allred and Rick Whiting to visit four sites. The group left City Hall at about 5:35 p.m. and traveled to the proposed SOHO Food Park site at 4737 South Holladay Boulevard. The applicant, Mark Olsen, and several neighbors consisting of Clark and Holly Richards, Debbie Petilos, Robyn Hough, Steve and Liz Doxey, Kirk Johnson, and John Adamson joined the group for a discussion about the proposed development. They then visited the Psarras/Richards home at 2436 East Kentucky Avenue where a stream exception was requested. Angela Psarras greeted the group and helped orient them to the request. They moved from there to the Huntsman home east of the Souvall's at 5079 South Cottonwood Lane and observed the row of trees that is the subject of a dispute over whether the trees constitute a hedge/fence or landscaping. The final stop was the site of a proposed four-lot single family home project, Holladay Town Center Court Subdivision, at 4545 South 2300 East. Nick Mason from David Weekley Homes provided an overview of the proposed project and answered questions. The group returned to City Hall at about 6:40 p.m.

PRE-MEETING/WORK SESSION

1. All Agenda Items May Be Discussed. No Decisions Will be Made.

(18:40:38) Community Development Director, Paul Allred, described the stream exception request and stated that there would be no further expansion of the home into the required setback area from the stream. The intent is to enclose a covered patio on the bottom and close in and open a deck above. A field trip of the site took place immediately prior to the meeting. A joint application was submitted between the current property owner and the new buyer. The issue was whether the Planning Commission is comfortable with the recommendation from the City Engineer. Mr. Allred explained that there should be no impact of any kind to the stream if the silt fencing is placed and the building is built exactly where it sits. The closest point of any part of the building to the stream is 20'6". The enclosure will occur at about 23 feet. The proposal was to place the silt fence 20 feet from the stream. Mr. Allred commented that the invasiveness is minimal. The upper story construction should have very little if any impact because it sits back further. The specific location of the property was described.

The food park matter was next discussed. City Planner, Rick Whiting, reported that a food park is an allowed use in the Holladay Village Zone as a conditional use. The Commission must impose conditions and requirements on the applicant to mitigate potential negative impacts. Staff had received a great deal of input from the community, both for and against the project. The public hearing was to be held to obtain public comment. He indicated that an error was made in the noticing of this item. The possibility of conducting a special meeting was mentioned. Enforcement and signage issues were discussed. If problems are reported, the applicant would have to come back before the Commission. Parking and traffic requirements were also addressed.

The Holladay Town Center Court item was next discussed. Mr. Whiting stated that it was proposed as an 11-unit condominium project. The applicants had full entitlement and were unable to obtain financing and move the project forward. The property owner had since rescinded his participation in that project and transferred the contract to David Weekley Homes who is now proposing a four-lot single-family detached subdivision. Because the property is narrow and tight, a PUD is necessary to make the setbacks work. The anticipation was that application would be made for a PUD conditional use permit along with preliminary plat.

Mr. Allred commented on the proposed Souvall appeal and stated that the City Attorney's Office consulted with staff and rendered their opinion in conjunction with his that the interpretation as applied for by the applicant is incorrect. It was Mr. Allred's belief that a series a trees or vegetation planted behind an existing fence does not constitute a violation or a wall that needs to be removed. Staff visited the site numerous times and had been looking at it since last fall. The applicant was encouraged to file an appeal based on the fact that they disagreed with the staff interpretation. City Attorney, Todd Godfrey, who drafted the letter, was unable to be present, however, Mr. Allred stated that there is already a fence there and to require the clear cutting or thinning out of trees is not the correct interpretation. Mr. Allred ultimately recommended a text amendment to clarify the language. He noted that in the City there are hundreds of properties with shrubs and trees planted at or near property lines. Additionally, trees are considered a valuable commodity in the City and are central in the General Plan. From a practical perspective alone, removing trees from behind a fence would be a dangerous interpretation and precedent. Mr. Allred recommended that if the applicant cannot be present that the matter be postponed.

(19:02:22) Commissioner Bowthorpe moved to close the Work Meeting and move to the Council Chambers for the Regular Meeting. Commissioner Jensen seconded the motion. The motion passed with the unanimous consent of the Commission.

CONVENE REGULAR MEETING

Chair Les Chatelain called the Regular Meeting to order at 7:06 p.m.

2. Welcome & Chair Opening Statement.

Chair Chatelain welcomed those present and described the role of the Planning Commission.

Community Development Director, Paul Allred, reported that this is the last meeting for Planning Commission Chair, Les Chatelain. Chair Chatelain was presented with a plaque recognizing him for his six years of service to the City of Holladay. Mr. Allred expressed his respect and admiration to Chair Chatelain. He commended him for the way he has handled himself over the years. His fellow Commission Members also expressed their thanks.

ACTION ITEMS

3. Psarras/Richards Stream Exception – 2436 East Kentucky Avenue – R-1-10 Zone.

(19:12:00) Mr. Allred presented the staff report and stated that the matter deals with a request to build within a restricted construction area next to a stream that runs year round. He reported that in Holladay there are two perennial streams that run year round. In order to build within 100 feet of these streams special approval is required from the Planning Commission. The subject property is already located very close to the stream. There is an existing covered patio on the lower level and an open deck to the side of the patio below. The request from the property owners, both the buyer and the seller, was to enclose the lower patio and the upper deck. The plan is to not build the structures any closer to the water than they already are. Currently the setback from the creek to the closest point of the building is about 23 feet. They simply want to have their construction go no closer than it is currently. Mr. Allred reported that the City Engineer recommended approval based on a plan to minimize any impact on the slope. Mitigating requirements were included in the staff report. Staff also recommended approval. The findings and requirements set forth in the staff report were reviewed.

Mike Spainhower was present on behalf of the applicant and explained that the cantilevered living portion of the home is supported by columns that are failing. Repairs are needed and the desire is to enclose that area and construct a regular foundation around it to support the existing structure.

(19:17:30) Chair Chatelain opened the public hearing. There were no public comments. The public hearing was closed.

Jan Bradshaw expressed concern with the proposed fence not allowing enough room to work. The stream is beautiful there and she did not want to see it damaged. With regard to distance, the City Engineer's letter does not specifically set a minimum. Based on the field trip taken earlier, Les Chatelain observed that there is a bit of slope. He felt that the concern not only pertains to construction materials entering the stream but also the potential to destabilize the slope. A 20-foot setback is required from the stream to the silt fence running for 80 feet. He felt this was a distance that should catch any debris. Additionally, staff frequently visits construction sites. Possible mitigation measures were discussed. Jan Bradshaw was comfortable with the City Engineer visiting the site during construction and monitoring the situation. The possibility of adding a condition to require inspection of the silt fence was mentioned.

(19:27:18) *Commissioner Jensen moved to approve the stream exception for the Psarras/Richards located at 2436 East Kentucky Avenue subject to the following:*

Findings

- 1. There is no stream course alteration proposed.***
- 2. The project is not within the FEMA regulated flood plain.***
- 3. The area is not considered wetlands.***
- 4. The project is confined within the existing "footprint" of the deck and supports.***

5. *The proposal does not require review of other agencies.*
6. *No bank disturbance or modification is proposed within the stream protection corridor.*
7. *The property is currently developed with a deck built to 20' 6" of Spring Creek waterway, an improvement which existed prior to Holladay incorporation and stream protection ordinances.*
8. *Existing HVAC equipment will be relocated from the stream bank to a location against the home.*

Requirements:

1. *New supporting posts/foundation of the proposed deck enclosure will be located no closer to the Spring Creek water's edge than the existing posts (approximately 23 feet).*
2. *Limit of disturbance/silt fencing shall be installed and maintained throughout the construction period. The fencing shall be set at a distance as approved by the City Engineer and shall run parallel to the watercourse for a linear length of a minimum of 80 feet. The City Engineer shall meet and review the limits of construction for the proposed silt fencing. In addition, all silt fencing shall be reviewed and inspected prior to commencement of construction.*
3. *All excavation/site work shall be conducted at a distance no closer than the existing deck supports.*
4. *All future landscaping, flatwork, and grading are not approved by the request and must be submitted for approval by the Community Development Director and City Engineer prior to commencing work.*
5. *Best construction management practices are to be followed to prevent pollution that may enter the stream system during construction. Specifically, silt erosion control fencing as per number two. There shall be regular monitoring and inspection by the City during the course of construction at regular intervals to be determined by the City.*
6. *All conditions listed in the City Engineer's consent letter must be followed.*
7. *All construction-related improvements must follow current applicable Holladay codes.*

Commissioner Snow seconded the motion. Vote on motion: Spence Bowthorpe-Aye, Matt Snow-Aye, Jan Bradshaw-Aye, Chris Jensen-Aye, Chair Les Chatelain-Aye. The motion passed unanimously.

4. SOHO Food Park – 4737 South Holladay Boulevard – Site Plan Review and Conditional Use Permit – HV Zone.

(19:31:00) City Planner, Rick Whiting, presented the staff report and stated that the request is an allowed use in the Holladay Village Zone. A deficiency was identified in the legal noticing for the public hearing. There was an error in the date of the meeting and there was a delay in sending out the notices. A correction notice was prepared and sent on June 10 to correct the

error to the date. If the Commission feels this is sufficient to delay the proceedings, legal counsel suggested the matter be addressed before proceeding with the details of the project.

City Attorney, Michael Hayes, reported that he was advised of the error. He believed the applicant could waive the issue and proceed with the hearing. He would do so, however, at his own risk because someone could raise it as an issue, which could potentially be used as a way to defeat or appeal the Planning Commission's decision. The applicant, Mark Olsen, reported that he and his wife own the SOHO Food Court and the property it sits on. He thought it behooved them to proceed due to the number of people present.

Chair Chatelain suggested hearing from those who are present and then renote the matter for the next meeting to allow additional public comment. Mr. Hayes agreed that that was a viable option. The possibility of conducting a special meeting was also recommended. Mr. Allred stated that the notice is a minimum of 10 days. The next scheduled regular meeting is July 7. A special meeting could potentially be held on June 30, which would give ample time to provide for a 10-day notice. Mr. Olsen stated that he came to the Commission hoping to capture the July 4 weekend. He expressed a willingness to meet on June 30. Mr. Olsen thought the best way to proceed was to allow public comment tonight and then resend the notices and allow anyone with new information to speak at the special meeting on June 30. Mr. Allred apologized on behalf of the city for the error, which was inadvertent. Mr. Whiting also apologized and said that he was to blame for the noticing error.

Mr. Whiting presented the staff report and stated that the project is an allowed conditional use in the Holladay Village Zone. The property is .27 acres in size. There are area requirements in the Holladay Village Zone as well as food court regulations. There is a disparity between the two but the proposed project meets both. The applicant is seeking to build a multi-slip food truck court where guests can purchase food from vendors and have a comfortable and aesthetically pleasing park-like atmosphere to enjoy their food. It was suggested that the Commission consider various issues such as parking. Mr. Whiting explained that the Holladay Village Zone has no specific parking requirements, however, the mobile food court regulations require one parking stall per food court truck. The applicant is proposing a maximum of six food trucks. As a result, the requirement would be six parking stalls. Mr. Olsen is proposing more than that with 20 stalls. Twelve of the 16 stalls will encroach on the City's right-of-way and Mr. Olsen will be required to negotiate an encroachment agreement with the City.

Traffic volume and safety were identified as concerns. It was noted that the proposed site is on a minor arterial roadway where there is a great deal of traffic. The additional traffic to the site would not be significant to the roadway but it could potentially increase traffic on Kentucky Avenue, which was a source of concern. It may be appropriate to put mitigating measures in place to protect the residents. The hours of operation were also a factor to be considered. The Code allows the mobile food truck part to operate a maximum of 16 hours per day. There could be mitigating requirements in terms of music, noise, or activity generated on the site.

Pedestrian movement and safety was also a factor that needs to be considered. The nature of the business could draw younger children and teenagers and it is appropriate for the Commission to consider measures that would maximize the potential safety of customers to the site. Signage was identified as another issue. Mr. Olsen indicated that he would install a monument sign, which is permitted under the Holladay Village sign regulations as well as the mobile food court regulations.

Trash removal should also be accommodated. The mobile food court regulations require all trash to be removed daily from the site. Business licensing issues were discussed. Mr. Whiting stated that the mobile food truck vendors that do business on the site will be required to be licensed with City's Business Official. Taxing occurs at the commissary where the food trucks are based and as a result, the City would not get direct revenue from taxes from the sale of food at the proposed site.

With respect to outdoor seating, there are no specific requirements for the proposed use in the mobile food court regulations. Clearly, what Mr. Olsen is proposing would be adequate for customers. In terms of background noise, the applicant has indicated that generators will not be permitted on the site. Special events would need to be permitted through the City. Seasonal sales would be an acceptable accessory use to the main use and would need to be licensed and regulated by the City. Fire safety issues were addressed. Mr. Whiting stated that the Unified Fire Authority (UFA) is currently investigating and may determine regulations for fire safety that do not presently exist. Staff suggested that any vendors be required to adhere to future fire safety regulations.

With regard to restrooms, staff suggested it would be appropriate for the applicant to place temporary restroom facilities for their customers. The sales agreement between Mr. Olsen and the City requires the applicant to landscape the southern parcel. He agreed to that and the City would have purview to regulate an acceptable amount of landscaping that makes the site presentable to the City and customers. A storage building is proposed and existing on the site. Staff suggested it may require a foundation or possible improvements. There had been discussion about use of the right-of-way and the need for an Encroachment Agreement between the City and the applicant. Mr. Whiting explained that there is no Design Review Board requirement for this application because there is no permanent structure involved. The applicant indicated that he has already accommodated ADA requirements, which should be reviewed as the project is constructed.

Concern was raised by neighbors that the applicant has accomplished much of the preparation for the site, which does not require City purview, licensing, or building permits with the exception of the electrical work, which has been inspected and approved by the City's Building Inspector. Staff recommended the Planning Commission conduct a public hearing and at the appropriate time, deliberate the merits of the project and determine its acceptability based on the findings and requirements outlined in the staff report.

(19:59:38) Chair Chatelain opened the public hearing.

Robin Hough gave her address as 2465 East Kentucky Avenue and thanked those responsible for installing the flashing 25 mph sign on Kentucky Avenue. She felt it had had a positive effect. She reviewed the Holladay Village requirements and the basic language contained in it when it was drafted that protected established single-family residential neighbors adjacent to or in close proximity to the Village. Ms. Hough's primary concern was that there is not enough parking for all of the commercial development that exists currently.

(20:06:14) Craig Hale gave his address as 4766 Holladay Boulevard and expressed concern with the traffic as well, specifically the lack of traffic because they don't have the vibrancy that comes with eating establishments such as food trucks. He likes food trucks and considered them a great

way to pull people in. He referenced a recent news story on food trucks that showed that they create a great community vibe that benefits surrounding restaurants and businesses. He appreciated the concerns of the neighbors but did not believe they were well founded.

Jerome Wittig identified himself as the owner of Blues Barbershop at 4706 Holladay Boulevard. He expressed his support for the Village and the resulting vibrancy. He appreciated the concerns of the residents but stated that progress cannot be stopped. Mr. Wittig reported that currently 99% of the activity takes place north of the intersection and his business depends on foot traffic past his business. Mr. Wittig expressed a desire to be an active participant in the Village and liked what Mr. Olsen is proposing.

Clark Richards gave his address as 2470 Kentucky Avenue. He met Mr. Olsen and likes and respects him. His first priority, however, was to protect the quiet enjoyment of his property and be a good citizen. He felt there could be some negative unintended consequences. Mr. Richards expressed concern with parking and safety as there is no sidewalk on the south side of the project. He also believed a business should be self-sustaining in terms of parking. Mr. Richards expressed concern with aesthetics as well and did not support the idea of a portable restroom at the end of his street. He recommended the Planning Commission exercise due diligence before making a decision and consider granting the permit on a temporary basis or not at all. He expressed his gratitude for the service the Planning Commission provides.

(20:13:56) Jenny Hale reported that she owns a gelato food truck. She expressed her support for the SOHO project and thought it would benefit the City.

Jennifer Bell gave her address as 5346 South Cottonwood Lane and indicated that she was born and raised in Holladay. She expressed support for Mr. Olsen and knew him as a friend and businessman. He has good character and is attentive to detail. She liked the idea of having more opportunities for Friday night activities in Holladay. She pointed out that downtown Holladay is zoned for business and is not residential. She felt that small businesses should be supported and encouraged.

Liz Doxey gave her address as 2430 Kentucky Avenue and had issues with the project. She was not opposed to food trucks but had a difficult time envisioning so many in such a small space with little parking. Recently she contacted several cities and asked them about their food truck ordinances. None had ordinances in place and are studying the use before moving forward. She remarked that there are too many unknowns in terms of traffic and parking. If the request is granted she asked that it be temporary so that it can be monitored. Ms. Doxey considered safety to be paramount. She urged the Commission to carefully consider the request.

(20:20:30) Rob Walton gave his address as 4884 Cottonwood Lane and stated that he is new to Holladay having recently moved from Denver. He met Mr. Olsen and was excited about the proposal and stated that there is nothing like it in Utah. Mr. Walton commented that he is a professional chef and the owner of a mobile kitchen and will be one of the vendors at Mr. Olsen's facility.

Christie Wittig gave her address as 4706 Holladay Boulevard and stated that she and her husband own the barbershop. They recently moved to the area and were looking for a family-friendly community. They were drawn to Holladay and have enjoyed living here. As the parents of six children aged 8 to 21, they are always looking for something that appeals to everyone. She felt

Mr. Olsen's development would bring that to the community. Safety issues were discussed. Mrs. Wittig commented that increasing pedestrian traffic will increase awareness and overall safety.

Jennifer Verhaaren gave her address as 2555 Kentucky and expressed her opposition to the proposed food truck project. She was not opposed to food trucks in general but her issues had to do with parking, traffic, and the proposed restrooms. She had no idea the intent was to put portable restrooms at the bottom of the street and she expressed her strong opposition. She commented that Kentucky Avenue has no sidewalks which causes children to have to walk in the street, which was of concern, particularly with increased traffic. She agreed with Ms. Doxey and recommended the Commission study the request before granting approval.

(20:27:09) Kate Johnson gave her address as 2542 Kentucky Avenue. She did not object to the food trucks but thought there were a lot of unanswered questions. She did not like the idea of portable restrooms and thought it was a very bad idea. She asked if the food trucks will be permanent and what that will mean for citizens. Ms. Johnson acknowledged that there is not enough parking in the area and there are traffic and access problems. She was concerned about traffic coming up Kentucky and preserving their property values.

In answer to Ms. Johnson's questions, Mr. Allred commented that fruit stands and snow shacks are allowed to remain 120 days per year. The food trucks will have to leave the site each day and go to a commissary to be cleaned. Each vendor must also have a Food Handlers' Permit.

(20:30:19) Matt Longson gave his address as 4913 South Viewmont Street and described himself as a proponent for the development. He thought the crosswalk may need to be improved and felt that the increased number of people in the area will help reduce speeds.

Jeanne Wright gave her address as 4769 Holladay Boulevard and stated that she lives directly south of Layla's Restaurant. She commented on the congestion of people and stated that an entirely new environment will be invited into the community.

Raelynn Potts identified herself as the owner of Auntie Rae's Dessert Island located at 4704 South Holladay Boulevard. She is new to the area and stated that this is her first business. She had been warmly embraced by the neighborhood and observed that the majority of those who frequent her establishment are local residents who are walking or biking. While she has ample parking next to her business she stated that it is not used as often as one would think. She also observed that there is a food truck that parks about 10 feet away from her door and the population she sees frequent the truck typically walk or bike. The average stay is 10 to 15 minutes to the food truck but the Saturday morning they parked near her establishment she had her best Saturday morning ever. She supported the food truck project and considered it to be a very exciting idea for businesses Holladay Boulevard businesses.

Robert Dunfield indicated that he owns property at 4749, 4751, and 4753 Holladay Boulevard. When the subject property was exchanged for the road adjustment he was asked by the City to purchase it. He thought that would be interesting but had no idea what to do with it since it seemed to be only a road with some landscaping. What was proposed seemed very innovative. He wants to be a good neighbor but had concerns and questions. He asked specifically about the location of parking. It seemed strange to him that approval was sought for something that has

already been built. Mr. Dunfield remarked that, if approved, he would have a restaurant next door with portable restrooms nearby, which seemed unusual and disconcerting to (dining) guests. He also commented on the garbage generated by the site. He recommended the applicant pay close attention to cleanliness.

(20:41:48) Ryan Church gave his address as 5340 Cottonwood Lane and expressed his support for the proposed food truck court and thought it was a great idea. He also understood the concerns of the residents but felt all should know the type of person they are dealing with. He stated that Mr. Olsen is not an average businessman and will care more about the community than his business. His construction sites are always very clean, which he considered extremely rare. Mr. Church stated that Holladay is desperate for business and he supports true entrepreneurs and buys local.

Debbie Petilos gave her address as 2415 Kentucky Avenue and stated that their one interaction with Mr. Olsen was not pleasant. If he is able to develop the property she asked that the Commission enforce the laws that are in place. Ms. Petilos noted that the use is conditional and Mr. Olsen is required to accommodate peak traffic to the site without impairing the use and enjoyment of adjacent properties. She wanted to see Mr. Olsen's plan for accomplishing that. With respect to parking, she asked how it can be enforced.

(20:46:33) There were no further public comments. Chair Chatelain continued the public hearing.

Mr. Olsen reported that two individuals could not be present and asked him to read statements on their behalf. Both were submitted and made part of the record. The first was from Jenny Pinnock. She and her husband are both lifelong Holladay residents and are pleased that the Holladay Village is functioning. She was excited by the idea of food trucks and felt it would be a community unifier, provide diverse options, and be great extension of the City. She expressed her support for the proposed project. The second statement was from Harris Dusty who considered the food truck option to be a positive effort that will help enliven the City Center.

Mr. Olsen thanked those who came out in support. He apologized to those who do not like what is proposed and reported that two years ago a food truck and food truck court ordinance was created with the intent of enriching the City. When the ordinance was adopted it opened up this option. Mr. Olsen reported that many businesses in the City are suffering. In fact, last year more restaurants closed in Holladay than were opened. There is more empty commercial space today than there was one year ago. If well managed, a food truck can be a great thing. Mr. Olsen stated that their food trucks are by invitation only. They are seeking out the very best in terms of food quality, operation, and cleanliness. He noted that the vendors will arrive in their food trucks and will not bring additional cars with them.

Mr. Olsen reported that a food truck operator's goal is to have a brick and mortar building. A food truck is a bridge that allows an artisanal chef to get a following and income enabling him to eventually move to a brick and mortar restaurant. The hope is that they eventually will establish a permanent location in Holladay. In addition, when the trucks come, if they need additional help they will employ local residents. He described the difficulty youth have finding jobs. Mr. Olsen explained that the food truck ordinance requires no improvements whatsoever. A food

truck court can be an empty, gravel, flat lot and requires nothing else on his part. The food truck court he has designed is intended to go to another level and get recognition as a City.

(20:56:03) Mr. Olsen commented that food truck courts are an allowed use in Holladay and the 12 conditions pertain to logistics and not improvements. The use is allowed and he stated that there is no alternative plan for the site. Mr. Olsen stated that he and his wife intend to manage the food court. He is there every day and picks up trash, shovels, and sweeps even though they are not open yet. He assured those present that if any food truck vendor who does not abide by the rules will not be invited back. He noted that there is no monetary incentive for him to get multiple trucks there. The incentive is to get [people from] the community there.

Mr. Olsen commented on regulation and stated that restraints are a recipe for disaster. With regard to walking traffic, he was confident that this type of business will bring foot traffic more than a brick and mortar business will. He noted that the ordinance specifies the area required for every truck that would be allowed. Mr. Olsen has two parcels of property and could have a maximum of 20 trucks. If he has 20 parking stalls he can have 20 trucks. He stated that he can easily have 20 parking stalls if he removes the patio area, which was not his intent. He instead decided on six parking stalls for six trucks plus the accessory uses. Mr. Olsen stated that his plan will be a case study on the worst thing that can be done in terms of finances but the best thing to be done to revive the City.

With regard to the south parcel, part of the agreement when he purchased the property from the City was that they would install a crosswalk from the south parcel to the north parcel. That was to have been done within 60 days. Mr. Olsen had been in contact with the City Manager who promised to get it done. With regard to the outdoor restroom, he stated that it is not part of his plan. He considered a temporary permit to be a recipe for failure. In terms of safety, Mr. Olsen recommended an additional crosswalk be placed at the north intersection of Kentucky and Holladay Boulevard. He also thought it would be prudent to put a crosswalk on the western border of the two parcels. He asked the City to reinstall the stop sign that was taken down. Mr. Olsen expressed his dedication to the food truck court being good for the City and stated that at some point it will need to carry itself.

(21:06:28) Commissioner Snow moved to continue the item to June 30 at 5:30 p.m. for a Special Meeting unless noticed otherwise. Staff was directed to properly notice the meeting. At that time the public hearing will be reopened. Commissioner Bradshaw seconded the motion. Vote on motion: Chris Jensen-Aye, Jan Bradshaw-Aye, Matt Snow-Aye, Spence Bowthorpe-Aye, Chair Les Chatelain-Aye. The motion passed unanimously.

5. Holladay Town Center Court – 4545 South 2300 East – Conceptual PUD Subdivision – RM Zone.

(21:09:13) Mr. Whiting presented the staff report and stated that the proposal is for four detached single-family homes in the RM Zone. The Technical Review Committee (TRC) reviewed the conceptual approval and found it to meet the requirements in terms of density, land use, access, utilities, and fire. Staff recommended approval.

The applicant, Nick Mason, was present on behalf of David Weekley Homes. They have found Holladay to be one of the only cities that will support the quality of building they do. They appreciate what is taking place in the Holladay Village and feel their development will add to

that. The proposed product will cater to empty nesters. He noted that they have seen a huge demand for this type of product nationwide. Mr. Whiting stated that the intent is for the request to be presented as a PUD subdivision, which will be detailed in the preliminary plat process.

(21:12:54) Chair Chatelain opened the public hearing. There were no public comments. The public hearing was closed.

Chair Chatelain indicated that the PUD requirements are fairly specific. He recommended the applicant address them at the next level. Commissioner Bowthroe expressed his support for this type of development for the City.

Mr. Mason reported that a neighborhood meeting was held with one person in attendance by the name of Mark Andrus who owns property to the east of this property. He was happy with how the development will affect him. The proposed project will be low impact on the neighbors and at the same time add to the Holladay Village. In response to a question raised by Chair Chatelain about how the hill will be addressed, Mr. Mason stated that his understanding was that the City was in favor of keeping the existing natural topography. By not doing mass excavation they eliminate having to relocate the storm drain line. He stated that because there are only four lots it is difficult to open a model home, however, they will have opening events and get feedback. He expected the homes to be sold prior to finishing them. The price range was expected to start around mid \$600K.

Chair Chatelain liked the concept and preferred it to the mass of the previously proposed condominiums. Commissioner Snow thought it was a better use with less impact to the neighbors and felt it was consistent with what is across the street and to the north.

(21:21:15) Chair Jensen moved to approve the conceptual plan to create the proposed Holladay Town Center Court four-lot single-family detached PUD subdivision with the PUD yet to be approved to be located at 4545 South 2300 East in the RM Zone based on the following:

Findings:

- A. The proposed project meets the requirements for a single-family residential subdivision in an RM Zone, i.e. area, density, access, slope, public safety, etc.;*
- B. This application is consistent with the land use patterns in the general vicinity;*
- C. The UFA has approved emergency access as proposed. Fire hydrant capacity and placement will be addressed in the Preliminary Plat and review and approval process.*
- D. The proposed project has been reviewed by the TRC and meets City requirements for Conceptual Plan and PUD subdivision; and*
- E. Utility providers can serve the property and have (or are expected to) provide appropriate service availability letters.*

Requirements: Prior to approval of Preliminary and Final Plat, all outstanding TRC issues must be resolved. These may include among other things:

- 1. A Preliminary Plat and other requirements for the subdivision and PUD shall be submitted to the Technical Review Committee (TRC) for review and recommendation to the Planning Commission; and***
- 2. A drainage and water retention plan shall be submitted to the City Engineer for review and approval with the Preliminary Plat.***

Mr. Whiting indicated that this matter had the same noticing deficiency as the previous item. It was noted that if the matter were appealed it would not be done until final approval. The potential risk was described. Noticing issues were discussed. The determination was made to combine the conceptual, conditional use, and preliminary approval into one.

Commissioner Jensen withdrew his motion.

(21:27:10) Commissioner Jensen moved to continue the matter to the next meeting when the applicant has submitted all of the required information. At that time the Commission will hear conceptual, conditional use, and preliminary. Commissioner Bradshaw seconded the motion.

Mr. Mason suggested the conceptual approval take place at the next meeting and then propose the conditional use and preliminary plat at the meeting after that. He wanted to avoid unnecessary risk if there is opposition at the next meeting. Mr. Hayes informed Mr. Mason that if they choose not to do it all in one night there will need to be proper noticing of both public hearings.

Vote on motion: Chris Jensen-Aye, Jan Bradshaw-Aye, Matt Snow-Aye, Spence Bowthorpe-Aye, Chair Les Chatelain-Aye. The motion passed unanimously.

6. Souvall Appeal – 5079 South Cottonwood Lane – R-1-43 Zone.

(21:30:19) The applicant, George Souvall, stated that he has lived in his home for many years and that Paul Huntsman lives behind him. His property has been his sanctuary during that time. His home is over 90 years old and is on one acre of ground. He had a disagreement with Mr. Huntsman who built a very large home and encroached on his property. He stated that Mr. Huntsman took more than five years to build his home which caused Mr. Souvall and his wife a lot of grief and disturbance. He noted that their disagreement had to do with the description of a hedge versus a wall on the property.

(Mr. Souvall left the meeting.)

Chair Chatelain reported that the Planning Commission conducted a site visit prior to the meeting. He agreed that it is a beautiful area. Mr. Hayes described the procedural issues and the appeals process. Chair Chatelain's impression was that there is clearly a fence there but the trees seem to be landscaping and staggered. He was not sure how to define a hedge but to him, what he saw was landscaping and not a hedge. His concern was that the regulation includes hedges. He encouraged the Commission to make a text amendment to remove that language sometime in the near future and clarify that what they are really talking about are fences. Chair Chatelain's

tendency was to side with the City that it is not a hedge and, therefore, not covered by the regulation.

A Commission Member agreed but stated that in reading what was submitted on the issue, he thought there was a place for the word “hedge” to be included in the ordinance language. In response to a question raised, Mr. Allred clarified that there is a second dwelling on the Souval’s side of the fence but it is Nick Souvall’s home. George and his wife live perhaps 150 feet further to the west. Mr. Allred indicated that there is no case law that guarantees someone a view. View issues were discussed.

Mr. Hayes disagreed with Mr. Allred’s claim that there is no case law guaranteeing a view and stated that there is plenty of case law indicating that it is not a property right for a view from someone’s property to another as long as they are compliant with the Code.

Mr. Allred commented that for Chair Chatelain and Commissioner Bowthorpe who serve on the General Plan Committee, the number one issue discussed at their meetings has to do with tree preservation and planting. The practical problem with what Mr. Souvall is asking the City to do is to put a bullseye on every tree near a property line where a neighbor has a problem with the fact that they don’t have the view they used to. He thought it was very difficult to arrive at the conclusion that the landscaping on the other side of the fence constitutes a fence. There would be no practical way for staff to enforce that Interpretation City wide. Mr. Hayes thought it would be dangerous precedent to allow the appeal to go forward and difficult to defend legally.

(21:50:30) Commissioner Snow moved to uphold the City’s interpretation of the fencing ordinance and deny the appeal. Commissioner Bradshaw seconded the motion. Vote on motion: Chris Jensen-Aye, Jan Bradshaw-Aye, Matt Snow-Aye, Spence Bowthorpe-Aye, Chair Les Chatelain-Aye. The motion passed unanimously.

Mr. Allred explained that due to contentious meetings that took place between himself, Todd Godfrey, and George Souvall, he asked City Planner, Jonathan Teerlink, to prepare the staff report. Mr. Godfrey thought that was an excellent idea because both he and Mr. Allred had had negative interactions with Mr. Souvall.

7. Approve Minutes from the May 19, 2015 Meeting.

The minutes were reviewed and corrected.

(21:52:23) Commissioner Bowthorpe moved to postpone approval of the minutes of May 19, 2015, until the Special Meeting on June 30, 2015. Commissioner Snow seconded the motion. Vote on motion: Chris Jensen-Aye, Jan Bradshaw-Aye, Matt Snow-Aye, Spence Bowthorpe-Aye, Chair Les Chatelain-Aye. The motion passed unanimously.

OTHER BUSINESS

8. Updates or follow-up on items currently in the development review process.

9. Report from Staff on Upcoming Applications.

10. Discussion of Possible Future Amendments to Code.

ADJOURN

(21:57:56) Chair Chatelain moved to adjourn. Commissioner Jensen seconded the motion. Vote on motion: Chris Jensen-Aye, Jan Bradshaw-Aye, Matt Snow-Aye, Spence Bowthorpe-Aye, Chair Les Chatelain-Aye. The motion passed unanimously.

The Planning Commission Meeting adjourned at 9:58 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 16, 2015.



Teri Forbes, Minutes Secretary
T Forbes Group

Minutes approved: July 7, 2015