

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

**Tuesday, June 18, 2013
6:00 p.m.
Holladay Municipal Center
4580 South 2300 East**

ATTENDANCE

Planning Commission Members:

Brad Wright, Vice Chair
Les Chatelain
Spence Bowthorpe
Chris Jensen

City Staff:

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

Excused:

Lori Khodadad, Chair
John Garver

PRE-MEETING/WORK SESSION

In the absence of Chair Lori Khodadad, Vice Chair Brad Wright called the meeting to order at 6:35 p.m. The agenda items were reviewed and discussed.

The Summerwoods six-lot subdivision project was detailed.

City Planner, Rick Whiting, commented that there has been nothing but support offered pertaining to Dr. Arthur Traub and the proposed conditional use permit.

Staff detailed access to the Ivory Homes Wren Road 3-lot subdivision.

The Commission discussed the potential benefits of the mobile food business proposal.

(18:57:00) Commissioner Chatelain moved to close the work meeting and move to the Council Chambers for the Regular Meeting. Commissioner Bowthorpe seconded the motion. The motion passed with the unanimous consent of the Commission.

CONVENE REGULAR MEETING

Vice Chair Wright called the Regular Meeting to order at 7:00 pm.

ACTION ITEMS

1. Chapter 13.77 – Landscaping – City Planner Pat Hanson.

(19:01:27) City Planner, Pat Hanson, presented the proposed Chapter 13.77, Landscaping, to the Commission. She stated that the attached draft includes all changes the Commission agreed to to this point in addition to a minor change to the text of Section 13.77.040 B to clarify Community Development Director, Paul Allred's, concern about perimeter landscaping language.

Ms. Hanson detailed the “Purpose” statement as listed in the staff report and explained that the intent of the chapter is to consolidate and clarify the various sections in Title 13, which addressed landscaping regulations for all zones in the City. Staff recommended the Commission conduct the public hearing and if issues arise that require further discussion; the item can be continued to the next meeting. If the Commission is confident that all the issues have been resolved, a motion to forward a recommendation to the Council was suggested.

The Commission discussed the terms “permeable” and “impervious”.

Commissioner Wright opened the public hearing. There were no members of the public wishing to speak. The public hearing was closed.

(19:12:17) Commissioner Chatelain moved that the matter be continued for further discussion. Commissioner Jensen seconded the motion. Vote on motion: Les Chatelain-Aye, Chris Jensen-Aye, Spence Bowthorpe-Aye, Brad Wright-Aye. The motion passed unanimously.

Commissioner Jensen moved to amend the agenda and next discuss agenda item number 8. Bowthorpe seconded the motion. Vote on motion: Les Chatelain-Aye, Chris Jensen-Aye, Spence Bowthorpe-Aye, Brad Wright-Aye. The motion passed unanimously.

2. Approve Minutes of May 21, 2013.

The minutes of May 21, 2013, were reviewed and discussed.

(19:14:21) Commissioner Bowthorpe moved that the minutes of May 21, 2013, be approved with the staff changes noted. Commissioner Chatelain seconded the motion. Vote on motion: Les Chatelain-Aye, Chris Jensen-Aye, Spence Bowthorpe-Aye, Brad Wright-Aye. The motion passed unanimously.

Commissioner Chatelain moved to amend the agenda and next discuss agenda item number 9. Commissioner Jensen seconded the motion. Vote on motion: Les Chatelain-Aye, Chris Jensen-Aye, Spence Bowthorpe-Aye, Brad Wright-Aye. The motion passed unanimously.

3. Proposed HDCMP Amendment – Community Development Director Paul Allred, Rick Whiting and Pat Hanson.

(19:15:47) Ms. Hanson described the proposed amendment and stated that corrections and changes were made as discussed previously. She asked that the Commission give more direction regarding changes to the document. Commissioner Bowthorpe clarified that it should be structured to allow for each category and segment to be addressed, rather than just one.

Ms. Hanson clarified that the master plan is for a street that is very different from one section to the other. She also raised a question regarding taking the time necessary to work through the document or take a vote with a full Commission present.

Commissioner Chatelain stated that if left as-is the Commission could not accept any of it. Portions of the recommendation could be adopted, in which case it would be forwarded to the City Council or consider making major changes, which would require a significant amount of time. It

was Commissioner Jensen's opinion that the changes should be incorporated into a document to be presented to the Council.

Ms. Hanson detailed the format a General Plan should follow. The basic overall structure should give reasons why, the history, and include goals. The next step would be to develop implementation strategies. The parameters regarding the Committee's view on where the RO and NC zones should be allowed was discussed. Commissioner Chatelain suggested a Special Meeting be held in order to complete the review of the document.

4. Mobile Food Businesses – City Planner Pat Hanson.

(19:37:18) Ms. Hanson presented the Mobile Food Business item as detailed in the staff report. With regard to insurance, she reported that City Attorney, Craig Hall, stated that the City does not ask for insurance on a private property matter.

Discharge issues regarding mobile trucks were discussed. Commissioner Chatelain remarked that the Council discussed separation between residential and believed the trucks could be no closer than 100 feet from any residential property.

Commissioner Wright opened the public hearing.

Mark Olsen gave his address as 3010 Kahala Drive and reported that he has been in communication with staff for several years regarding the potential of allowing food trucks in the City. Mr. Olsen detailed his acquisition of property at Kentucky Avenue and Holladay Boulevard. Part of the challenge involved adoption of an ordinance that allows mobile food trucks on private property. He confirmed that approximately five or six food trucks would be allowed. He recommended the ordinance provide a ratio of property to vehicles rather than limiting the number of trucks.

Commissioner Bowthorpe shared concerns with potential parking, noise, pollution, and discharge of waste materials.

Mr. Olsen reported that 100% of the business will be walk-up customers. Additional parking was realigned along the property frontage and the width of the curve along Kentucky was increased, which allowed for 10 parking stalls. The larger plat would have a section of property allowing for additional vehicle space. Mr. Olsen stated that small, benign generators are most often used to power the food trucks. He detailed the process of providing electricity to a chain of trucks. Placing a decibel restriction on generators was suggested.

With regard to Health Department requirements, the food truck must be cleaned at a certified location at the end of each day. Waste and grey water is also regulated and must be discharged at an approved location. Liability issues were discussed. It was confirmed that the property owner is responsible for all insurance issues.

Regarding brick and mortar versus a mobile food truck, Mr. Olsen stated that the two create healthy competition. It generates additional traffic to the area and has the potential to be beneficial to both businesses. He believed it would improve both the brick and mortar businesses as well as the community.

(20:05:18) Commissioner Wright continued the discussion on the mobile food trucks until later in the meeting and proceeded to address agenda item 5.

Commissioner Wright resumed the discussion on mobile food trucks and resumed the public hearing.

Mr. Olsen detailed older food trucks versus the newer styles. He stated that the Health Department does not regulate the size and only deals with the health aspects. Placing restrictions on the size of the truck may limit the owner's ability to be creative with their business.

Mr. Allred identified locations where food trucks could potentially be allowed. The Commission discussed the issue of proximity to residences. Commissioner Wright raised a concern about buffering. Specifics of the noise ordinance on residential properties were also detailed. Mr. Allred reported that the current ordinance allows 55 decibels measured from the property line. The activity is to cease at 10 p.m. He also raised a concern regarding operation of the food trucks in an HV zone, which is both commercial and residential.

(20:39:02) Mr. Olsen recommended differentiating the regulations between operating on private property as opposed to public property.

Ms. Hanson commented that the ordinance is written specifically for trucks that are not at the commissary location. Should a business have a brick and mortar location, a food truck parked on their property would be considered an accessory to the building, not a mobile food truck. She detailed the different uses within the City. It was noted that mobile food trucks are classified as a temporary business.

There were no further public comments. Commissioner Wright closed the public hearing.

5. **Dr. Arthur Traub – Conditional Use Permit – Home Occupation with Customers – Psychological Counseling 4222 South Panorama Way – R-1-1- Zone – City Planner Rick Whiting.**

(20:05:37) Mr. Whiting presented the staff report and stated that Dr. Traub, an emeritus professor at the University of Utah, previously conducted counseling at the University. He now wishes to continue counseling patients on a limited basis from his home. He proposes to see fewer than eight patients per week between the hours of 10:00 a.m. and 6:00 p.m. Patients would be seen Monday through Friday with clients served one at a time. Staff recommended the Commission conduct a public hearing and consider the merits of the request in the R-1-10 Zone.

The applicant, Dr. Arthur Traub, gave his address as 4222 Panorama Drive and stated that after 44 years as a U of U School of Medicine professor, he has decided to maintain a small private practice in his home. He anticipated serving five to eight patients per week. Dr. Traub confirmed that there will be no employees or signs posted at his home and parking will be in his driveway.

Commissioner Wright opened the public hearing.

Marsha Petersen gave her address as 2019 Panorama Way. She stated that Dr. Traub has always been a great neighbor and has been nothing but very professional. Ms. Petersen expressed her full support for Dr. Traub's conditional use permit request.

Elaine Neff stated that she lives two houses away from Dr. Traub. She offered her support.

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

(20:14:08) *Commissioner Jensen moved that the conditional use permit for the home occupation for Dr. Arthur C. Traub on 4222 Panorama Drive be approved subject to the following:*

Findings:

1. *The proposed use at this location provides a service to citizens 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 proposed use will comply with the regulations specified by City of Holladay Ordinances for Conditional Use and Home Occupation.*

Requirements:

1. *Dr. Traub may only accept clients during regular business hours Monday through Friday - no weekends or evenings.*
2. *Dr. Traub may not allow more than 10 clients to visit his home per week.*
3. *No on-street parking is allowed.*
4. *No employees are allowed.*
5. *Dr. Traub may not post signs or advertising on the front of his home.*
6. *Dr. Traub must maintain his professional licensing to practice.*
7. *The Conditional Use Permit is subject to review by the Planning Commission upon any allegations of non-compliance.*
8. *There shall be no overlapping of appointments.*

Commissioner Bowthorpe seconded the motion. Vote on motion: Les Chatelain-Aye, Chris Jensen-Aye, Spence Bowthorpe-Aye, Brad Wright-Aye. The motion passed unanimously.

The Commission resumed its discussion of agenda item four.

6. **Tuusi – Home Healthcare Nationwide – Conditional Use Permit 1756 Fieldcrest R-1-1- Zone – City Planner Rick Whiting – this item was postponed.**

7. **Summerwoods 6-Lot Subdivision – Conceptual Plan 5310 S Highland Drive – R-1-8 Zone – City Planner Rick Whiting.**

(20:47:01) Mr. Whiting presented the staff report and described the Summerwoods six-lot subdivision. The City Council adopted the rezone in May 2013 and the applicant has returned to submit an application for conceptual subdivision design. The Technical Review Committee (TRC) reviewed the application and found that it meets the ordinance for conceptual plan. Staff

recommended the Commission hold a public hearing, consider the merits of the application, and approve the conceptual request.

The applicant, John Phillips, stated that the plan includes a landscaping buffer that is 10 feet wide. He suggested it be reduced to eight feet. Mr. Phillips confirmed that the homes will start at approximately 2,200 square feet on the main floor and then offer secondary space on a second floor. It was his intention to make the project “step-down homes” for those wishing to down size. Fencing issues were discussed. Staff detailed the plat and the setback requirements.

Commissioner Wright opened the public hearing. There were no members of the public wishing to speak. The public hearing was closed.

(20:57:38) Commissioner Jensen moved to approve the Conceptual Site Plan for the John Phillips subdivision on 5310 South Highland Drive subject to the following:

Findings:

- A. The proposed project meets the requirements for a residential subdivision in an R-1-8 zone, i.e. area, density, access, slope, public safety, etc.*
- B. This project complies with the provisions of the City’s General Plan for this area. This application is consistent with 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 review and approval process.*
- D. The proposed project has been reviewed by the TRC and meets City requirements for Conceptual Plan.*
- E. Utility providers can serve the property and have (or are expected to) provide appropriate service availability letters.*

Requirements:

- 1. A Preliminary Plat and any other requirements for the subdivision shall be submitted to the Technical Review Committee (TRC) for review and recommendation to the Planning Commission.*
- 2. A street dedication will be required on Highland Drive to provide a Highland Drive 40 foot right-of-way.*
- 3. A minimum eight-foot buffer for landscaping shall be required on the south property line.*
- 4. A gate shall be provided and shown for preliminary site plan.*
- 5. The west unit shall be provided with a hammer head to allow vehicular access to drive forward out rather than backing out of the property.*
- 6. Parcel A shall meet all the requirements for the impervious surface.*

Commissioner Chatelain seconded the motion. Vote on motion: Les Chatelain-Aye, Chris Jensen-Aye, Spence Bowthorpe-Aye, Brad Wright-Aye. The motion passed unanimously.

- 8. Woodbury 2-Lot Subdivision – Conceptual Plan 5310 South Highland Drive – R-1-8 Zone – City Planner Rick Whiting -This item has been withdrawn by the applicant.**

9. Ivory Homes – Wren Road 3-Lot Subdivision – Conceptual Plan 2595 East Wren Road – R-1-10 Zone – City Planner Rick Whiting.

(21:23:47) Mr. Whiting presented the staff report and identified the applicant as Ivory Homes who was represented by Nick Mingo. Mr. Whiting detailed the conceptual plan as stated in the staff report. There are slope and drainage issues and the City Engineer agreed to work with the applicant to ensure that hydrology is addressed appropriately. Staff recommended approval of the application.

Mr. Mingo stated that the alley serves three existing homes. Creation of the additional two lots will create a hammerhead allowing for ample space to turn around. Easement issues were discussed.

Commissioner Wright opened the public hearing. There were no members of the public wishing to speak. The public hearing was closed.

(21:29:39) *Commissioner Chatelain moved that the conceptual plan for the Wren Road three-lot subdivision be approved as recommended subject to the following findings and requirements outlined by the Technical Review Committee:*

Findings:

1. *The subdivision meets the minimum lot area for lots in the R-1-10 zone.*
2. *The lots have ample access from either Valley View or Wren.*
3. *The development complies with the General Plan for this area of the City.*
4. *The proposal is compatible with surrounding land uses and fits the land use pattern of the neighborhood.*

Requirements for moving forward to Preliminary Plat consideration:

1. *Corrections on the drawing as directed by TRC.*

Commissioner Bowthorpe seconded the motion. Vote on motion: Les Chatelain-Aye, Chris Jensen-Aye, Spence Bowthorpe-Aye, Brad Wright-Aye. The motion passed unanimously.

DISCUSSION ITEMS

9. Proposed HDCMP Amendment – Community Development Director Paul Allred, Rick Whiting and Pat Hanson.

The above item was discussed earlier in the meeting.

OTHER BUSINESS

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

(21:14:30) Mr. Allred stated that there are numerous new building permits being submitted as well as a substantial amount of new development being proposed.

Mr. Allred reported that many positive comments have been received on the fire station. He also reported that progress is being made on the dental office on 2000 East and 3900 South. He stated that the new Hyatt Hotel is impressive and he was pleased with the detail work. He also reported that the City readjusted its boundary with Cottonwood Heights.

Staff discussed future meetings and upcoming public hearings that could necessitate a Special Meeting.

The Commission shared concerns about neighboring restaurants not having received a public hearing notice on the mobile food truck item. Commissioner Wright requested that at some point the restaurants that are especially close to the proposed food court area are notified of the City Council public hearing as a courtesy.

Mr. Allred reported that Ms. Hanson discussed the issue with the Chamber of Commerce and had the word spread via the newspaper. He asked for clarification from the Commission regarding specific restaurants they recommend be notified. Different scenarios allowing input from surrounding restaurants were discussed. Mr. Allred confirmed that the Commission wishes to have a courtesy letter sent out to let restaurant owners know this item is active. They were encouraged to attend the July 2 Planning Commission Meeting or any subsequent meeting when the item is discussed in order to give input.

11. Report from Staff on Upcoming Applications.

Staff reported that 15 potential public hearings will be included on upcoming agendas, including a public hearing in July on an amendment to the Annexation Policy Declaration Policy Plan.

12. Discussion of Possible Future Amendments to Code.

ADJOURN

(22:02:20) *Commissioner Jensen moved to adjourn. Commissioner Chatelain seconded the motion. The motion passed with the unanimous consent of the Commission.*

The Planning Commission Meeting adjourned at 10:03 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 18, 2013.



Teri Forbes, Minutes Secretary
T Forbes Group

Minutes approved: July 16, 2013