

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

**Tuesday, July 7, 2015  
6:30 p.m.  
Holladay Municipal Center  
4580 South 2300 East**

**FIELD TRIP:** Commissioners Snow, Bowthorpe, Carter, Bradshaw and staff members, Allred, Whiting, and Teerlink visited two sites: Villages of Holladay Townhomes and Christensen Stream Exception.

**ATTENDANCE:**

**Planning Commission Members:**

Matt Snow, Chair  
Spence Bowthorpe  
Jim Carter  
Jan Bradshaw  
Chris Jensen

**City Staff:**

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

**PRE-MEETING/WORK SESSION**

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

(18:39:18) City Planner, Rick Whiting, discussed the Villages of Holladay Townhomes project and stated that there have been concerns with parking.

Commissioner Jensen recused himself from the discussion and vote on this item as he has a vested interest in it and would be acting as the applicants' representative. He stated that the home to the south is owned by the applicant. Parking on the site was detailed.

The Commission next discussed the Pheasant Cove Rezone. Community Development Director, Paul Allred, stated that the Development Agreement has been signed over to Ivory Homes but they have not yet pulled any building permits. The Planning Commission and City Council worked with the developer to keep larger lots in the back of the site. There are 11 proposed lots, which are platted to the middle of the street and all but one complies with the zoning. In the Development Agreement, the City Council agreed to allow one lot to go below 10,000 square feet. It was noted that this is a Council-generated petition to provide an additional layer of protection by specifying that any subdivision of the three back lots would require a change to the Development Agreement and the zoning map.

The Commission next discussed the Christensen stream exception located at 2684 East Hillsden. Chair Snow stated that a site visit took place and concerns were expressed regarding the preservation of trees. Commissioner Jensen was of the opinion that the applicant should flag the trees and create a detailed plan regarding those they intend to remove or keep.

(18:59:02) *Commissioner Jensen moved to close the Work Meeting and move to the Council Chambers for the Regular Meeting. Commissioner Carter seconded the motion. The motion passed with the unanimous consent of the Commission.*

### **CONVENE REGULAR MEETING**

Chair Matt Snow called the Regular Meeting to order at 7:02 p.m.

### **2. Welcome & Chair Opening Statement.**

(19:02:30) Chair Snow welcomed those present and described the role of the Planning Commission.

### **ACTION ITEMS**

### **3. Pheasant Cove Rezone – Amended – 5555 South Highland Drive – Rezone from R-1-10 to R-1-21 – Staff Planner – Paul Allred, Community Development Director.**

(19:04:28) City Planner, Jonathan Teerlink, presented the staff report and stated that the request was made by the City Council in early spring 2015. They expressed concern about the original Development Agreement between the City and the developer for Lots 1, 2 and 3. The plat was recorded and the City Council was concerned that in the future the Development Agreement may be lost in translation. They requested that the zoning map be amended to change the zoning from R-1-10 to R-1-21 to make the minimum lot size conforming and creating a situation where the property cannot be subdivided in the future.

(19:06:20) Chair Snow opened the public hearing.

Cory Chamberlain gave his address as 2064 Walker Lane and expressed his support for the rezone.

David Erickson, who resides at 2017 Pheasant Way, was curious as to why the matter was being discussed one year after the fact. Mr. Allred stated that the subdivision and development have been recorded. A Council Member expressed concern over the three lots being subdivided at a later date and recommended the property be rezoned R-1-21. There was no initiation of the zone change by the current owner and it was confirmed that the recommendation was made by the City Council.

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

Commissioner Bowthorpe expressed his support for the proposed rezone.

Commissioner Jensen explained that the proposed rezone is an effort to create a transitioning buffer between Pheasant Way and Walker Lane

(19:11:48) *Commissioner Jensen moved to forward a positive recommendation on the Pheasant Cove Subdivision rezone located at 5555 South Highland Drive from R-1-10 to R-1-21 to the City Council subject to the following:*

**Findings:**

- 1) *The Pheasant Cove Subdivision was approved via Development Agreement between the development and the City.*
- 2) *The Development Agreement was created to uphold and ensure the off-site improvement needs of The City and the development standards regarding minimum lot sizes of the surrounding community.*
- 3) *The proposed rezone supports the Development Agreement's .5-acre minimum lot size requirement for lots 1, 2 and 3 by overlaying the property R-1-21 zone, which requires a minimum lot size of .5 acre.*
- 4) *The proposed rezone will not create a non-conforming situation.*

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

**4. Villages of Holladay Townhomes PUD – 4269 South Highland Drive - Conceptual Plan – RM Zone - Staff Planner: Rick Whiting.**

(19:13:00) Commissioner Jensen recused himself from the discussion and vote on the above item.

Mr. Whiting presented the staff report and stated that the matter will most likely be considered for a Planned Unit Development (PUD) at the preliminary plat phase. There is currently a fair amount of parking that occurs on the site for the abutting care center. A potential concern was raised regarding a possible property line dispute or some kind of matter that may have to be resolved civilly regarding the property to the north. The project conforms to the General Plan, the density conforms to Code, and drainage and retention issues will be addressed in detail as part of the preliminary plat approval process. Staff recommended approval of the request.

Chris Jensen from Think Architecture was present on behalf of the applicant, Brad Reynolds who was proposing a 19-unit townhome development. The property is currently zoned RM with an allowable density of 16 units per acre. The total acreage is 1.66 acres, which would allow a total of 26 units. A yield plan was created and if developed as a PUD, the applicant made sure to not increase the density from what was proposed. The reason for the PUD request was due to the irregular shape of the property. The height limit in the zone is 40 feet. The two ramblers will be 25 feet in height with the back buildings being two stories above grade, but significantly below the height limit. Mr. Reynolds completed the purchase of the property and would be able to provide title reports as a part of the preliminary package.

Commissioner Carter clarified that any structures within the project would be at least 60 feet to the west of the existing wall and comply with the rear and side setbacks. Mr. Jensen confirmed that they will be 80 feet from the existing pre-cast concrete wall. It was noted that a neighborhood meeting was held previously.

Brad Reynolds, property owner and applicant, gave his address as 2500 East Haven Lane and stated that they have seen a need for smaller homes that young, married couples can afford. Elevations, site plan, floor plans and other details were discussed with a favorable response. Concern was raised by nearby residents regarding the height of the project blocking their views. Mr. Reynolds did not foresee this being a problem. He stated that they have also had discussions with the adjacent care center and confirmed that they have an easement that runs from the canal fence to the proposed project property line.

(19:26:04) Chair Snow opened the public hearing.

Scott Woodbury was present on behalf of his father, Douglas Woodbury, who is a property owner directly to the north. There is a strip of property that is 10 feet wide directly south of the existing apartments where there is a garage and carport. Mr. Woodbury stated that his father does not want the property any longer and is concerned that it will become a liability for the City if it is not included.

Douglas Woodbury presented a survey of the property displaying a two-foot strip without ownership and his 10-foot strip.

Charlotte Mackenzie, who resides at 1791 London Plain Road, asked for clarification regarding the details of the proposed PUD. Mr. Allred stated that it is defined as a residential or commercial development that has more flexible standards and allows buildings to be placed in a non-conventional way.

Alex Juski, who resides at 1797 Grover Lane, was of the opinion that the City does not need another dense row of homes. In keeping with the spirit of Holladay, the homes should be further spaced.

(19:34:21) There were no further comments. The public hearing was closed.

Mr. Jensen stated that the Alta survey shows the 10-foot parcel owned by Mr. Woodbury. The carport is built on that property thus eliminating the property line dispute. With regard to density, the proposed project is nowhere near maximum density and is in compliance with the General Plan. It was noted that Mr. Reynolds provides exceptional quality with his developments.

Mr. Whiting suggested that since the matter was noticed to begin at 7:40 p.m., that the public hearing remain open until that time. Chair Snow agreed to keep the public hearing open.

Commissioner Carter explained that the City Council determines the zoning, which sets the parameters of the development. As commissioners, they make the conceptual determination as to whether the project does or does not meet the mathematical standards.

John Tingey gave his address as 4520 Briar Creek Drive and stated that he is Mr. Woodbury's son-in-law. He asked if there are any restrictions to him developing the 10-foot strip of property other than to negotiate a settlement with the City or developer. He was also was curious as to whether the property could be used for signage or other purposes. City Planner, Jonathan

Teerlink, explained that under City ordinance, signage is considered an accessory use and requires a primary use. He explained that billboards were done away with years ago and as a result there is very little that can be done with the property

(19:42:07) Chair Snow closed the public hearing.

(19:42:50) *Commissioner Carter moved to approve the Conceptual Plan to create the Villages of Holladay 19-unit, multi-family subdivision to be located at 4269 South Highland Drive in an RM zone subject to the following:*

**Findings:**

- A. The proposed project meets the requirements for a multi-family residential subdivision in an R-M zone, i.e. area, density, access, slope, public safety, etc.*
- B. The proposed Conceptual Plan is in harmony with the vision of the General Plan.*
- C. This application is consistent with land use patterns in the general vicinity.*
- D. The UFA has approved emergency access as proposed.*
- E. The proposed project has been reviewed by the TRC and meets City requirements for Conceptual Plan.*
- F. Utility providers can serve the property and are expected to provide appropriate service availability letters.*

**Requirements:**

- 1. A Preliminary Plat and any other requirements for the subdivision and PUD shall be submitted to the Technical Review Committee (TRC) for review and recommendation to the Planning Commission.*
- 2. A drainage and water retention plan shall be submitted to the City Engineer for review and approval with the Preliminary Plat.*
- 3. Should be there any confusion regarding the northern boundary, that be reflected in the Preliminary Plat with the ownerships of both properties.*

*Commissioner Bowthorpe seconded the motion. Vote on motion: Jan Bradshaw-Aye, Jim Carter-Aye, Spence Bowthorpe-Aye, Chair Matt Snow-Aye. The motion passed unanimously. Chris Jensen did not participate in the vote.*

Commissioner Jensen rejoined the meeting.

**5. Christensen Property - 2684 East Hillsden - Stream Exception – R-1-43 Zone – Staff Planners: Jonathan Teerlink, City Planner & Clarence Kemp, City Engineer.**

(19:44:59) Mr. Teerlink presented the staff report and stated that the request is for a single-family home to be constructed within the 100-foot protection zone of Big Cottonwood Creek.

The applicant has requested to build a new home. Based on the irregularity of the lot, a large building pad must be placed toward the rearmost portions along the creek placing a wing of the home within 40 feet of the creek. City Engineer, Clarence Kemp, reviewed the proposed project and described the property in the form of a letter addressed to the Commission. He recommended approval based on the fact that the stream protection area is not altered and that the State of Utah water rights are being adhered to. It was noted that geotechnical concerns may be addressed during excavation to determine water table and erosion issues. He took exception to part of the ordinance detailing the delineation and protection of significant trees.

Tony Barrows identified himself as the Project Architect and stated that the applicants plan to retain all of the trees with the exception of a clump of five.

Commissioner Carter stated that because they are within 100 feet of the creek, the effect of the canopy is of concern.

(19:56:52) Chair Snow opened the public hearing.

Sterling Martell gave his address as 2680 Hillsden and stated that he is a neighboring resident. He believes there is a reason for the 100-foot setback. He also expressed concern with the after effects once landscaping is complete.

Kyle Christensen gave his address as 5084 Clarinden Place and stated that he is the owner of the proposed property. He believes the beauty of the lot is that it does not require much landscaping. He noted that a retaining wall will replace the existing fencing. It is their intent to augment and preserve what is otherwise a very attractive parcel of property.

Carrie Martell gave her address as 2680 Hillsden and expressed concern with the proposed exception which will alter their landscaping. With the help of staff and the Commission, it was their desire to preserve as much of their landscaping as possible.

Mr. Teerlink detailed the rear yard setbacks and identified the determining factors regarding what is and is not allowed within the stream setback. He stated that when trees are removed, it disrupts the bank structure and stability which can result in flooding. Retention of landscaping among other details, will be carefully scrutinized and evaluated by the City Engineer.

Commissioner Jensen asked what is being done along the west property line. He expressed concern with the retention in the rear and the raising of grades against existing trees.

Mr. Barrows confirmed that the existing retaining wall will remain unchanged and the proposed sport court will be over the setback line. The new proposed retaining wall is within a few feet of what exists currently. The base of the footing will be close to 20 feet from the trees.

Commissioner Bradshaw expressed concern with the removal of trees and the effects of the exception on neighboring residents. Commissioner Jensen concurred and suggested a plan to delineate and define that the mature trees be within the setback areas around the properties and within the 100 foot stream exception.

Commissioner Carter recommended giving the applicant specific direction on matters such as the flagging of trees, staking of ground, the extent of which fills would take place, and reviewing existing retaining walls and then revisit the property. The objective was to give the Planning Commission a better understanding of the applicants' intent.

Mr. Allred agreed with the direction of the Commission and stated that there is also a concern among residents to preserve and protect the identity of Holladay, which is considered to be a valuable community resource. Tree protection and preservation is of utmost importance and he thought that asking for further clarification would be wise.

Commissioner Carter believed the focus was on the undisturbed areas and how the proposed modifications will affect the stream.

Mr. Teerlink stated that prior to the incorporation of the City of Holladay in late 1999, all reviews went through Salt Lake County. Commissioner Bowthorpe believed that one more field trip to the site would alleviate many of the Commissioners' outstanding questions.

*(20:34:45) Commissioner Jensen moved to recommend to the applicant that this item be continued and that a more defined direction be given to the Planning Commission regarding the flagging of trees to be removed and those that will remain within the setback areas and within the 100-foot stream exception. They should be shown on the drawing and flagged on the site and reviewed at a future meeting as well as on site. He recommended the owner and architect be in attendance. The trees that proposed to remain shall be reviewed by Arborist to ensure that the proposed construction will not damage them. Commissioner Carter seconded the motion.*

*Commissioner Carter amended the motion to indicate that any retaining walls may be marked with a corner stake making the layout more visual. Commissioner Jensen seconded the amended motion.*

*Vote on the amended motion: Chris Jensen-Aye, Jan Bradshaw-Aye, Jim Carter-Aye, Spence Bowthorpe-Aye, Chair Matt Snow-Aye. The motion passed unanimously.*

Staff discussed potential meeting times to further discuss the matter.

**6. Approve Minutes from the June 2 and 16, 2015 Meeting.**

The minutes of June 2, 2015, were reviewed and modified.

*(20:46:20) Commissioner Jensen moved to approve the minutes of June 2, 2015 with the changes noted and subject to additional comments made by staff upon their review. Commissioner Bradshaw seconded the motion. Vote on motion: Chris Jensen-Aye, Jan Bradshaw-Aye, Jim Carter-Aye, Spence Bowthorpe-Aye, Chair Matt Snow-Aye. The motion passed unanimously.*

The minutes of June 16, 2015 were reviewed and modified.

(20:52:21) *Commissioner Jensen moved to approve the minutes of June 16, 2015, with changes noted and subject to additional comments made by staff upon their review. Commissioner Bradshaw seconded the motion. Vote on motion: Chris Jensen-Aye, Jan Bradshaw-Aye, Jim Carter-Aye, Spence Bowthorpe-Aye, Chair Matt Snow-Aye. The motion passed unanimously.*

**OTHER BUSINESS**

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

(20:53:13) Mr. Allred urged staff to review the draft of the General Plan and give input.

Mr. Allred indicated that there is an upcoming rezone located on 6200 South, which is likely to generate interest. He also noted that the Abbington Conditional Use and Preliminary Site Plan will be coming soon.

The need for Planning Commission replacement members was discussed.

Mr. Allred invited the Commissioners to stop by the TRC room and review upcoming items and proposals currently being worked on.

**7. Report from Staff on Upcoming Applications.**

**8. Discussion of Possible Future Amendments to Code.**

**ADJOURN**

(21:06:47) *Chair Jensen moved to adjourn. Commissioner Bradshaw seconded the motion. The motion passed unanimously on a voice vote.*

The Planning Commission Meeting adjourned at 9:07 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, July 7, 2015.*



Teri Forbes  
T Forbes Group  
Minutes Secretary

Minutes approved: 8/18/15