

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

**Tuesday, July 26, 2012
6:30 p.m.
Holladay Municipal Center
4580 South 2300 East**

ATTENDANCE

Planning Commission Members:

Les Chatelain, Chair
John Garver
Troy Holbrook
Paula Lowry
Matt Snow

City Staff:

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

PRE-MEETING/WORK SESSION

The Work Session commenced at 6:39 p.m. The agenda items were reviewed and discussed.

With respect to agenda item number four, Chair Chatelain stated that the sign ordinance amendment to the ORD Zone would be more thoroughly discussed.

With respect to agenda item number three, City Planner, John Teerlink, stated that more work was needed.

Chair Chatelain then addressed agenda item number five, and stated that this would be the first opportunity the Commission would have to review the Residential Office (RO) Zone.

Commissioner Chatelain next acknowledged the two action items, which included the Deerwood Farms Subdivision and Packer Dog Grooming. Mr. Teerlink suggested that for the sake of the applicant that the Packer Dog Grooming matter be addressed first on the agenda. In response to a request by Chair Chatelain, Mr. Teerlink indicated that the matter was reviewed by the Design Review Board (DRB) who approved the preliminary design. The applicants, Holly and Brett Packer, complied with all DRB recommendations and redesigned the façade which, in the opinion of the DRB, enhanced the design.

City Planner, Rick Whiting, next addressed the Deerwood Farms Subdivision preliminary plat proposal. He noted that conceptual approval was granted in December 2010. With that approval, the Commission required a 25-foot road width for the 1,300-foot access road to the subdivision. The developer, Ron Gunnell, made an intense and concentrated effort through right-of-way and property acquisition findings and determined this was not possible. The Code contains a provision that allows the City Council to make an exception with respect to road width based on aesthetic factors and certain variables. The Unified Fire Authority (UFA), the Police Department, City Engineer, and the Public Works Director all recommended approval of the exception to the 25-foot roadway. Mr. Whiting then presented the exception and he explained that a neighboring property owner expressed concern that they were inadvertently not notified of the proposal.

(18:48:00) Mr. Whiting addressed the issue of the two proposed gates at the entrance of the subdivision. He stated that Councilman Palmer preferred to see the gate placed further down toward the entrance on 6200 South. Mr. Whiting also stated that the flood plain has fingers that extend into the subdivision. That is not ground for denial but simply means that at the building permit stage the applicant will need to address the flood plain.

With regard to the proposed emergency exit, Mr. Whiting stated that it exists but property owners are opposed to any traffic on that road. During the recent road width discussion, concern was raised about the ability for motorists to exit in the event of a catastrophic event. Creek setback details were discussed. Staff recommended that if approval is warranted, the stream setback must be addressed prior to final approval.

(19:01:30) *Commissioner Snow moved to adjourn to the Council Chambers for the regularly scheduled meeting. Commissioner Garver seconded the motion. The motion passed with the unanimous consent of the Commission.*

The Commission made the decision to not reconvene in the Council Chambers.

CONVENE SPECIAL MEETING

Chair Chatelain called the Special Meeting to order at 7:05 p.m.

(19:05:00) *Commissioner Holbrook moved to address the Packer Dog Grooming DRB first. Commissioner Lowry seconded the motion. Vote on motion: Paula Lowry-Aye, Matt Snow-Aye, John Garver-Nay, Troy Holbrook-Aye, Chair Les Chatelain-Aye. The motion passed 4-to-1.*

ACTION ITEMS

1. Packer – Dog Grooming DRB – 4706 Holladay Blvd. – HV Design Approval – HV Zone – Planner: Jonathan Teerlink.

(19:07:03) Mr. Teerlink presented the staff report and reviewed the design for the applicants, Brett and Holly Packer. The applicants were proposing to open a new business in the Holladay Village Zone that would be centered on domesticated animals. It was to include pet grooming, a treats bakery, and a small veterinary clinic.

Mr. Teerlink reported that the HV Zone states that when a space exceeding 5,000 square feet is remodeled, the exterior also needs to be updated. The design was proposed to the Design Review Board (DRB) in July and approval of their design was granted with a few recommendations. Those included details about the type of crown molding, which was expected to accentuate the building. They also included white powder coating to surround the door and windows. Clap board siding would be used primarily as the façade treatment and the existing storefront structure was to remain unchanged with the exception of removal of the shingle shake canopy and the addition of a strong cornice and lighting. Sign illumination would come from gooseneck lighting. Staff reviewed the revised drawings and confirmed that the new proposals contain all of the DRB recommendations and are still in keeping with the original proposed design. Staff recommended the Commission accept the recommendation of the DRB and approve the design of the Packer façade remodel at 4706 Holladay Boulevard as proposed.

(19:09:51) The applicant, Holly Packer, gave her address as 2474 West 12040 South in Riverton. She stated that their plans are to beautify the façade of the building using a lap hardy board on the lower portion. The main body would consist of a board and batten and possible crown molding. Colors would consist of colonial yellow and cream with the cream on the lower portion of the building as well as the crown. The colonial yellow would make up the body. The applicant hoped to also place a black awning above the door and windows.

Chair Chatelain asked for clarification on the canopy or awning having lighting underneath in addition to lighting from above, which would illuminate the sign. Mrs. Packer replied that that had not yet been determined.

(19:12:36) Commissioner Garver asked Mrs. Packer if her plans were to increase the elevation or stay in line with the building to the south. Mrs. Packer replied that they would either stay in line with the crown of Meyer's Chicken or extend upward slightly. The applicants also sought to replace the windows; however, the cost was not within their budget. Their preference was to instead paint the silver window frames white. Following discussions with building owner, he was unwilling to change the north side of the building. Her plans were to wrap the building slightly and extend the board and batten as he did not want any changes to be made to the north side.

(19:16:15) Commissioner Garver moved to approve the façade design remodel of 4706 South Holladay Boulevard for the Packer Dog Grooming and Bakery Project. Commissioner Snow seconded the motion. Vote on motion: Troy Holbrook-Aye, John Garver-Aye, Matt Snow-Aye, Paula Lowry-Aye, Chair Les Chatelain-Aye. The motion passed unanimously

2. Deerwood Farms Subdivision – 2545 E. 6200 South – Preliminary Plat. R-1-87 Zone – 24 Acres – Planner: Rick Whiting.

(19:17:03) City Planner, Rick Whiting, presented the staff report and stated that the preliminary plat for property located at 2545 East 5960 South is a 24-acre property owned by Robert C. Gunnell. Mr. Gunnell proposed a 10-lot subdivision with each lot being two acres or greater in size. The property was determined to be in the R-1-87 Zone which allows for two-acre lots. The Planning Commission granted approval in December of 2010 of the conceptual plan with several requirements. The primary requirement was that the proposed 1,300-foot access road running north into the subdivision be widened to 25 feet per Holladay City Code. An access road or lane greater than 500 feet is required to be widened to 25 feet, rather than the standard 20 feet.

Mr. Gunnell pursued all available avenues to accommodate the requirement but came up short. The applicant returned to the Commission requesting an exception to the road width provided under Code to which Commission recommended approval of the exception based on the recommendation from the Unified Fire Authority, the Police Department, the City Engineer, and the City Public Works Director. Approval was also recommended to the City Council, who subsequently granted approval of the road exception in January 2012. The Technical Review Committee (TRC) reviewed the preliminary plat and felt it was ready for consideration by the Planning Commission. It was determined that all general requirements? were accommodated through the plat. Density was consistent with the General Area Plan as well as flood plain considerations, with the exception of the developer's attempt to mitigate that. At the building permit level, this was expected to be an issue in that each property owner will need to address structure placement. There will be no curb or gutter required by the City Engineer. It was noted

that access and right-of-way via the 1,300-foot primary access road was accommodated due to the road width exception granted by the City Council. The UFA reviewed and approved the plans and was agreeable to placement of fire hydrants as per the road configuration, turn around provisions, and the general design. Approval was contingent upon fire sprinklers being installed in the new home.

(19:22:30) Mr. Whiting stated that all utility providers, with the exception of Comcast, submitted “will serve” or plan approval letters. The remaining issue pertained to the minimum 100-foot stream setback resulting in the three easternmost lots being essentially unbuildable. He indicated that the applicant will return to present the Commission with a recommendation to reduce the stream setback to 50 feet, which makes the three lots buildable. If the Commission approves the preliminary plat, the stream setback matter will be back for public hearing and consideration..

(19:24:26) Mark and Shelly Hardy, who reside at 2533 East 6200 South, indicated that they are the only other occupied home in the subdivision. Mr. Hardy stated that he purchased the home 14 months ago and was told that the 25-foot road width requirement would preclude further development. He informed the Commission that they were not notified of the 25-foot issue until March 2012. He further identified safety concerns, aesthetic issues, and convenience issues. Mr. Hardy expressed concern that Mr. Gunnell never at any point contacted them. Their first contact with Mr. Gunnell was just prior to tonight’s meeting.

Mrs. Hardy stated that they had no knowledge of the development and that the location and setting were their reasons for purchasing their home. She indicated that they were not informed that their setting would be decimated and they would be dealing with construction for possibly 10 years. She expressed concern about the potential for increased traffic on 6200 South.

Mr. Hardy added that the subdivision entrance does not allow for more than one vehicle at a time. Because of this, he expressed concerns about safety. It was Mr. Hardy’s opinion that development of the proposed subdivision will only increase traffic and the frequency of accidents. Mr. Whiting suggested that as issues are worked through, with the City Engineers’ help, many of the Hardy’s concerns may be addressed and the process streamlined.

(19:33:19) Jim Raines, was present representing the developer, Ron Gunnell, and stated that after discussions with the City Engineer, Public Works Director, and Unified Fire Authority, the entry gate was moved. He explained that with a gate, there can be resulting stacking problems. After much discussion, the gate was moved further north into the development in an effort to alleviate bottle necking and stacking off of 6200 South. After meeting with the Salt Lake County Solid Waste District, the applicant confirmed that every lot and subdivision will be serviced and the need to place garbage containers on 6200 South will be eliminated. He further explained that Waste Management will access the homes through a keypad. It was reported that per the subdivision’s CC&Rs, 75% of the homeowners will be required to sign a Private Lane Agreement.

(19:37:35) Commissioner Holbrook asked if the serviceability of the lots is based on a specific number of homes being approved. He asked when garbage pickup would commence for the existing property owners. Mr. Raines clarified that garbage service is not dependent on the lots being occupied and is directly related to approval of the subdivision improvements. Mr. Raines

addressed the issue of 6200 South and stated that there is sufficient space and a dedicated right-of-way for a right turn lane off of 6200 South should it be deemed necessary by the City Engineer.

(19:41:30) The Commission discussed the width and length necessary for two vehicles to safely pass one another. The current street width varies between nine and 12 feet. Once the project is underway and the road is expanded, it will be about twice as large, 17 to 23 feet in width.

Mr. Hardy expressed concerns about safety and the inability for two cars to safely pass in a 17-foot wide road. Mr. Raines replied that presently there are two options. First, a driver could back out onto 6200 South. Second, a driver could back to the horse pasture. Mr. Hardy reiterated that it is not physically possible for two vehicles to pass on the lane. He then stated that what is being proposed has additional options including those that do not require a vehicle to back onto 6200 South resulting in the turnout at midpoint. From the midpoint on the road becomes wider. Regarding 6200 South, within the 40-foot half width right-of-way, which is owned by the City, the developer can do what is suggested subject to the City Engineer's recommendation.

(19:47:02) Community Development Director, Paul Allred, discussed the existence of wasted space adjacent to the Watkins' driveway. He explained that the theoretical acquisition of that property would enhance the entry into the subdivision and allow additional space for vehicles to pass at a safe distance.

(19:48:28) In response to a question raised by an audience member, Chair Chatelain responded that public comment took place during the presentation of the conceptual plan. Additionally, the Hardys claim to have not received proper notification of tonight's meeting and were given an opportunity to voice their concerns.

(19:51:00) An adjacent property owner stated that he, along with his neighbors, received no information on the subdivision until just prior to tonight's meeting. He strongly urged staff to postpone approval and allow them additional time to review the preliminary plat. He indicated that he was not present at the public hearing since he received no notice.

Chair Chatelain explained that the City's policy is that public comment be heard at the conceptual hearing stage. Although citizens are welcome to provide written comment, the commission? may choose to exclusively address those comments, accept nothing at all due to the expiration of the public comment period, or to allow those present to speak. Chair Chatelain asked for input from the Commission.

(19:55:20) Mr. Allred commented that the road width exception has already been approved. The Council, on a legislative basis, approved the exception to the road based on the Planning Commission recommendation. Subdivision approval is an administrative act if ordinances are adhered to. The Planning Commission is the approving body for the subdivision and because the road in question was approved, the developer is within his legal rights to subdivide. The preliminary plat is the next step where the majority of the details of the subdivision are discussed. Mr. Allred clarified that the laws in the City require as part of a subdivision approval, the dividing of lots. The public hearing occurs at the conceptual stage. More than 100 notices were sent to every property within 500 feet of any portion of the subdivision. The public hearing is held at the beginning of the process so that citizens can present concerns early. The City of Holladay has a

long-standing tradition of allowing citizens to comment throughout most of the process, which is not the case in most other communities. He described the details of a conceptual plan and preliminary plat. Mr. Allred stated that the City Council, the City's law making body, granted an exception on to the road width based on research and comment, and the opinion of staff, the Police Chief, the Fire Chief, the City Engineer, and the Public Works Director. After the first notice was sent, a courtesy notice, which is not required, was sent to all surrounding property owners. It was now up to the Commission to determine whether to allow additional public comment.

(20:01:3) A Mr. Semnani addressed the Commission and was present to express his objections to what is proposed. He indicated that Mr. Gunnell did not approach the neighboring property owners and he urged the Commission to postpone making a decision for an additional two weeks since he and his neighbors did not receive proper notice. It was his opinion that notice without an opportunity to comment is meaningless. At the end of the two weeks, he asked the Commission to allow another public comment period to better understand the issues and what the nearby residents want.

In response to a question raised by Chair Chatelain, the citizen expressed a willingness to collect signatures from every property owner within 500 feet of the subdivision.

Mr. Whiting clarified that the property owners Mr. Gunnell contacted were those abutting the access lane and not the general neighborhood.

(20:05:28) Chair Chatelain reported that a neighborhood meeting was held prior to the conceptual hearing for which minutes were available. Mr. Gunnell was responsible for notification and for providing a list of those in attendance. It was noted that thus far there have been four separate opportunities for the public to comment.

(20:07:04) Jim Raines stated that laws exist that prohibit decisions from being based on public clamor. The process is not a vote of the public but rather compliance with the rules and regulations of the City. Mr. Raines agreed to hear from citizens with legitimate concerns, but did not support tabling or denying the request unless there is substantive reason for doing so. He had compassion for the citizens' complaints, but indicated that their reasoning is not legally sound. The developer had complied with all City requirements and followed procedure. They also addressed even the most minor issues. Mr. Raines further stated that the process has been extremely costly and to delay another two weeks would be catastrophic.

(20:12:49) Mr. Whiting stated that one requirement imposed at the conceptual approval stage was that the head gate access issue be resolved prior to final approval. If that requirement is not shown on the final drawing, approval will not be granted. Procedural issues were discussed. Mr. Whiting revised the requirements set forth in the staff report that must be resolved prior to final plat approval. He also noted that all outstanding TRC issues must be resolved.

(20:20:17) Staff further discussed the 6200 South right-of-way and the possibility of it accommodating further expansion. The matter was to be reviewed by City Traffic Engineer, Tosh Kano.

The Commission made the determination to allow no further public comment.

(20:26:12) Chair Chatelain addressed Mr. Raines with regard to the property line of the proposed lots. Mr. Raines clarified that the property line in question bisects the lots.

Chair Chatelain asked staff to clarify the location of the Hardy residence and their need to be included in the CC&R's, since they access their property from the access road. Mr. Raines stated that they may be included if they so choose, but the developer has to honor their easement. He stated that the Hardy's do not reside in either subdivision and the other lots in question are within the Cottonwood Acres #2 Subdivision.

Mr. Allred explained that he verified with the City Recorder that notice was mailed on the road width exception item and was published in the newspaper. The City Recorder also verified that notice was sent on the Council level as well.

(20:29:52) Chair Chatelain asked Mr. Hardy to clarify the location of his driveway. Discussion took place on the 13 ½ minimum vertical height restriction for fire apparatus that will be required on the existing trees and those that would be removed. Mr. Whiting described Mr. Gunnell's plan to preserve as many trees as possible and relocate those that need to be removed. He detailed the exceptions contained in Chapter 14.12.150 that in cases where unusual topographic, aesthetic, or exceptional conditions or circumstances exist, variations or exceptions to the requirements to the Chapter may be approved by the City Council.

Mr. Raines addressed the citizens' concerns and invited them to participate in a meeting where their concerns could be discussed further. Mr. Allred offered to be in attendance. The Commission discussed the details of the 17-foot road width section of the proposed road.

(20:47:36) Commissioner Holbrook asked Staff if their recommendation was based on the parcel or the entire horseshoe. It made no sense to him to make a recommendation on one road and then return for a recommendation on the other. Mr. Whiting stated that approval could be made at tonight's meeting with an amendment to occur at some point in the future.

(20:51:38) Mr. Allred stated that with regard to the exception, the City Council had a lengthy discussion and an extensive amount of comment was received. It was determined that these properties accessed by a very narrow driveway tend to have some of the highest property values in the State. Ironically, such lanes do not enhance public safety. It was Mr. Allred's opinion that the Council granted approval due, in part, to the existence of similar narrower roads throughout the City such as the Walker Lane area immediately to the north and also the turnout, the fire sprinklers, preservation of trees, and the recommendation of several professionals.

Chair Chatelain explained that there is a system and order that allows the Commission to deal with issues. The Commission is a regulatory body and must follow a protocol. The Council, on the other hand, has more freedom and the ability to postpone approval when there are issues and concerns.

(20:57:38) Mr. Semnani complained that his voice was not being heard and planned to speak to his lawyer. Chair Chatelain encouraged him to do so. Chair Chatelain stated that the Commission is compiled of volunteers who do their best and work through the regulatory process. He stressed that they are not elected officials.

(20:58:41) A Commission Member discussed the 17-foot road and whether it should be approved as submitted or allow the applicant to make it a narrower 20-foot road. There was some question as to whether it is in the Commission's best interest to recommend preservation of the trees to expedite the matter when it is heard by the City Council.

(20:59:15) A Commission Member stated that as far as the recommendation to the Council on the issue of the road and impacts to property owners, they were not comfortable with the applicant returning to go through the process of making another recommendation to Council. It was his opinion that it is within the Commission's jurisdiction and their responsibility to take a closer look. If there is an average or narrowing of the road that feeds all of the lots and it doesn't compromise life safety, it needs to go through the process. The least impacted property owners should have the ability to be heard without being reliant upon the applicant. The Commission Member stated that there is no harm in making a recommendation now to Council as part of a motion to look at the entire road width throughout the development in advance of hearing another exception request. The Commission, as well as the applicant, agreed that whatever the recommendation might be, development should not be delayed.

(21:02:44) A Commission Member recommended looking at reducing the narrowing of the road with the condition that it is the will of the applicant and is approved by the UFA, Public Works, Police Department, and other recommending bodies. Mr. Allred remarked that the recommendation would be non-binding, but allow the applicant to approach the Council and ask for a reduction based on tonight's discussion.. With regard to the dimensions and road width, it was confirmed by the applicant that the roundabout dimensions and drawing had since been revised.

(21:08:26) *Commissioner Snow moved to approve the Deerwood Farms Subdivision at 2545 East 6200 South, preliminary plat subject to the following:*

Findings:

- 1. The proposed project has been reviewed by the TRC and meets City requirements for Preliminary Plat.***
- 2. The proposed project meets the requirements for a residential subdivision in an R-1-87 Zone.***
- 3. This project complies with the provisions of the City's General Plan for this area.***
- 4. This application is consistent with land use patterns in the general vicinity.***
- 5. This subdivision is necessary and desirable because it allows expanded land use by the property owner. The project, as proposed, compliments and enhances the character of the neighborhood.***
- 6. It will not be detrimental in any reasonable way to neighboring properties.***
- 7. Building of single-family structures on the lots would not block viewscapes, restrict sunlight, airflow or access to individual properties.***
- 8. The UFA has approved emergency access as proposed via a code amendment as well as fire hydrant quantity and placement.***
- 9. Ingress and egress for the proposed subdivision can be made from 6200 South given the road width exception granted by the City Council.***

10. *Emergency egress can be made via a private road to the east in the event of a catastrophic event.*
11. *Utility providers can serve the property and have provided appropriate service availability letters.*

Requirements:

1. *A Final 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 for approval.*
2. *Floodplain mitigation measures will be required at the time of building permit application if the footprint of any proposed residence falls within the floodplain.*
3. *The applicant shall make every effort to preserve trees along the interior roadway as well as in the interior portions of the subdivision.*
4. *A Shared Road, Right-of-Way Easement and Maintenance Agreement must be prepared and recorded along with Final Plat.*
5. *Receipt of a title report reflecting no encumbrances on the property before Final Plat recording.*
6. *Payment of the balance of all fees required by the City.*
7. *A Stream Setback Exception must be allowed by the Planning commission for a 50 foot building setback from the creek on lots one, two and three before Final Plat approval may be granted.*
8. *All new homes built in this subdivision must include fire sprinklers.*
9. *This project shall be reviewed by the Planning Commission for Final Plat approval.*
10. *The entrance lane shall be improved to ameliorate queuing.*
11. *The UFA and other bodies with a vested interest in public safety shall consider narrowing the remaining subdivision roads to match the narrowing requirements that have already been approved by the City Council on the southern portion of the road. The narrowing should be no less than 20 feet for the entire horseshoe for the purposes of aesthetics and preserving trees.*
12. *If an exception is requested by the applicant, the issue will go straight to the City Council and public notice shall be issued in a 500-foot radius and posted on the City's website.*

Mr. Allred added that City Planner, Jonathan Teerlink, confirmed that the 6200 South right-of-way is 80 feet wide and completely paved.

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

The Commission took a short recess.

DISCUSSION ITEMS

3. **Residential Building Corridor and Front Setback Code Amendment (continued) – Planner: Jonathan Teerlink.**

(21:19:03) Mr. Teerlink, presented the staff report and described the residential building corridor and front setback code amendment. He stated that strides have been made based on comments and

revisions from the temporary regulations passed by the Council. Mr. Teerlink met with Councilman Pace who indicated that Councilman Palmer requested that larger lots be eliminated from the building corridor requirement. Lots measuring less than one acre must be designed to the building corridor and anything larger is exempt.

The best way to deal with possible reductions was discussed as well as home placement restrictions.

Mr. Teerlink reviewed the changes to the amendment. Modifications to page 2, line 49, state that the building corridor for any new home proposed on lots smaller than one acre shall be determined based on the average depth of the homes on the block face and used to determine the applicable front yard setback. Commissioner Holbrook added that when the matter was originally addressed, it was based on what was taking place with another subdivision. He further questioned the issue of regulating density and whether doing so was the correct approach. It was noted that restrictions are now being added with unintentional consequences.

(21:24:14) Mr. Teerlink next stated that the Building Corridor issue was allowing for deeper and deeper properties and in order to correct the issue, a temporary regulation was enacted. Using that as a catalyst, Councilman Palmer raised an issue with the enactment of the building corridor. It was noted that he never supported that piece of ordinance. He stressed that the ordinance does not work in large estate areas. Using the temporary regulation as a catalyst, the thought was that restrictions on the larger estate properties can be adjusted. For that reason one-acre was recommended as a starting point. A modeling procedure was underway. Mr. Teerlink stated that the building corridor protects back yards against an imposing view of a neighbor's development. There was some question as to whether these properties have that problem.

With regard to calculating the front yard setback, Mr. Teerlink stated that the minimum setback for any building with frontage on a public street should be calculated using an average of the front setbacks of each of the main structures on the block phase within four adjacent lots with two on each side of the property in question. He proposed the 10 measuring points be reduced to two measuring from the nearest and furthest points only.

In response to a question raised, Mr. Teerlink stated that the block face is defined as homes on the same side of the street, and within the block. The measurement is taken from the first point that measures 18 inches above the ground such as a concrete porch, foundation wall, or deck supports. Steps coming down from a porch are exclusively exempt from any setback. Mr. Teerlink stated that the difficulty involves homeowners and developers trying to understand the Code. Architects appreciate it, however, and frequently offer options when floor plans are designed.

Mr. Teerlink described how the averaging takes place. He explained that if one or more of the lots required in the averaging calculations is vacant, the front setbacks will be determined based on the average front setback of the main building. The previous setback of an existing home must be determined. If lot has never been occupied, or the front setback of the former building cannot be determined, the front setback shall be calculated using a fifth lot or only three, at the discretion of the Community Development Director. Potential problems were identified.

(21:39:17) With regard to the building corridor, there was discussion about whether the one acre size is the appropriate threshold in determining whether this piece of ordinance applies to that property. Commissioner Snow's opinion was that one acre is too large. He felt that someone buying a one-acre estate lot with distance between homes will want to build their dream home. He did not want to regulate how much grass they must have. Mr. Teerlink posed the question as to whether it is a function of distances between homes. Chair Chatelain remarked that his home has only eight feet between property lines. On a square one-acre lot, placing the home anywhere on the lot should be allowed. With a narrow lot, building narrow and deep would still allow a deep back yard.

With respect to lot widths, Mr. Teerlink considered looking at required lot widths for each Zone. For example, in the R-1-43 Zone, the lot width requirement has a minimum of 100 feet. If a lot width is less than what is required in the zone, the result will be a narrower, deeper piece of property. A one-acre lot with 100-foot front yard would be twice as deep as it is wide or 220 feet across and 435 feet deep. At 75% of the required minimum lot width of the zone, it would apply. He also stated that this only applies to homes that front public streets.

(21:46:56) Next discussed were items 1 and 2 of interior lots, which addresses whether the homes on either side are built prior to or after 1999. For homes built from the year 2000 to present, depth plus the increase is not an option. For homes built post 1999, the average plus the increase is applicable. Mr. Teerlink explained that this tool is used to slow the perpetual increase of growth, which was a problem identified by Councilman Pace.

Mr. Teerlink next discussed Item B relative to corner lots. The same applies as above, but the increase would be 20% deeper.

Commissioner Holbrook disagreed with the size proposed. Discussion on frontage continued. Chair Chatelain suggested three-quarter acre be the set size as many lots are either larger or smaller. Details of the proposed size were discussed.

It was Mr. Allred's opinion that the purpose of the building corridor is to ensure that there are no 'outliers' that affect others. It was the result of a study conducted eight years prior by Mr. Whiting, who was an intern at the time. The study involved the building of intrusive and expansive homes. It also protects future development, and prevents someone from building beyond the growth factor, which is set at 15%.

(22:06:07) Mr. Allred expressed the importance of change not happening too quickly. In response to Commissioner Holbrook, Mr. Allred stated that growth is regulated due the need to determine how residential neighborhoods should be allowed to grow in the future. Rules and regulations were developed by the City Council allowing residential areas to expand, but at a controlled rate. Millcreek adopted a similar ordinance where anything higher than 28 feet must be reviewed by the Planning Commission. Mr. Allred explained that one advantage of the ordinance was that someone can build a long house, but only a portion can reach the maximum height. The remainder of the home must be stepped down.

(21:11:55) Commissioner Holbrook expressed concern about whether the ordinance is isolated to the Harvard/Yale area and specific to a certain lot. He questioned whether the issue was being

overcomplicated. He suggested exceptions be imposed. He would support what is proposed as Mr. Allred has discretion. He did not, however, want the end result to be frustrated neighbors and conflict. Mr. Teerlink replied that there is some latitude that allows staff to work with the developer. Procedural issues were discussed.

Stream setback issues were discussed. Mr. Teerlink stated that Spring Creek on Wander Lane will be addressed at the next meeting. Commissioner Holbrook asked if the setback could be set at 40 feet. He suggested the matter be addressed by the Council and ultimately a recommendation made to the Council. Mr. Allred stated that any number will be an arbitrary figure. The distance from the high water mark was discussed. It was noted that the ultimate goal is to protect the stream.

(22:20:19) Mr. Teerlink next clarified that it's a function of the Stream Corridor Code which provides guidelines if there are structures within 40 feet. If the structure stands at 50 feet or greater, there are no restrictions. It was Mr. Holbrook's understanding was that Murray City had an additional setback to prevent the dumping of waste into the river as there were no sewer systems at the time the older homes were built. The setback was set at a great enough distance so it would not drain directly into the river.

Based on Mr. Allred's previous experience as a Flood Plain Administrator, it was not necessarily problematic to build in the flood plain. It can, however, become a problem if the lowest habitable floor is not at least two feet above the FEMA determined flood level. It was his opinion that the corridor is intended to protect the river or stream so that the trees and foliage help stabilize the bank.

(22:26:00) Chair Chatelain proposed postponing agenda items 4 and 5.

4. Sign Ordinance Amendment ORD Zone – (continued) – Planner: Paul Allred.

5. Residential Office Zone – RO Zone – Planner: Rick Whiting.

(22:26:05) Mr. Whiting requested the Commission's opinion on the Residential Office Zone. He asked that they read through it, make notes, and provide feedback. Commissioner Holbrook stated that it may make more sense to add flexibility to the Neighborhood Commercial (NC) Zone rather than create an entirely new zone. He suggested removing the architectural restrictions in the Neighborhood Commercial Zone along with other components that allow it to have more flexibility. Doing so would enable the Residential Office (RO) Zone to accomplish what is to be achieved by the Neighborhood Commercial Zone.

Mr. Allred stated that the above matter was being presented because the moratorium is nearing its end and it was suggested that something be done in the RO Zone. Chair Chatelain suggested it be dealt with in the Neighborhood Commercial Zone and presented to the Commission. Mr. Allred stated that the Council requested the new zone deal with conversions of homes to office uses. Mr. Whiting suggested the Commission communicate to the Council their opinion that there is no need for a new zone and suggested adding additional elements to the NC Zone.

OTHER BUSINESS

6. Approve Minutes of the June 19, and 26, 2012, Meetings.

(22:39:19) The minutes were reviewed and modified.

(22:44:48) *Commissioner Garver moved to table approval of the minutes. The motion was seconded by Commissioner Snow. The motion passed with the unanimous consent of the Commission.*

7. **Updates or Follow-Up on Items Currently in the Development Review Process.**
8. **Report from Staff on Upcoming Applications.**
9. **Discussion of Possible Future Amendments to Code.**

ADJOURN

The Planning Commission Meeting was adjourned at 10:45 pm.

I hereby certify that the foregoing represents a true, accurate and complete record of the City of Holladay Planning Commission Special Meeting held Tuesday, July 26, 2012.



Teri Forbes
T Forbes Group
Minutes Secretary

Minutes approved: 9-18-12