

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

**Tuesday, August 5, 2014
6:30 p.m.
Holladay Municipal Center
4580 South 2300 East**

ATTENDANCE:

Planning Commission Members:

Chris Jensen, Chair
Spence Bowthorpe, Vice Chair
Les Chatelain
John Garver
Matt Snow
Jim Carter

City Staff:

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

FIELD TRIP

Two Proposed Project Sites – the Nunley Villas Twin Home Development and the Keone Lot Subdivision will be visited.

The City of Holladay Planning Commission participated in a pre-meeting field trip on August 5, 2014. It was attended by Planning Commission Members John Garver, Matt Snow, Les Chatelain, Chris Jensen, and Spence Bowthorpe. Staff members included Rick Whiting and Paul Allred. No members of the general public were in attendance.

The staff and Commission Members commenced the field trip by private car to two sites. The first site was the proposed Nunley Villas Twin Home development at the west end of Nunley Circle. The group arrived at approximately 5:40 p.m. at which time various aspects of the development were discussed. Those present walked around the site and examined the surroundings. At 6:05 p.m., the group departed to visit the proposed Keone 4-lot subdivision located at approximately 2500 East Murray Holladay Road. The Commission Members and staff walked the site and discussed various details of the project before returning to City Hall at approximately 6:30 p.m.

PRE-MEETING/WORK SESSION

Chair Jensen called the meeting to order at 6:34 p.m. The agenda items were reviewed and discussed.

Chair Jensen stated that the Commission concluded their field trip to 1926 East Nunley Circle and the Keone Four-Lot subdivision at 2521 East Murray-Holladay Road.

The Cottonwood Lane stream exception was first detailed. Commissioner Chatelain was comfortable with a restriction stating that any activity beyond the current footprint or the direction of the stream must return to the Commission. Activity within the 50-foot restriction area was discussed. Chair Jensen read a letter from City Engineer, Clarence Kemp, stating that multiple significant trees will be impacted by this project and will need to be relocated. Mr. Kemp

suggested this be included as a condition of approval, particularly where such trees are currently located within 100 feet of the north bank of Cottonwood Creek.

Next discussed was the Nunley Villas twin home development. Community Development Director, Paul Allred, stated that his only concern was with the road and easement. Mr. Allred reported that the Keone Four-Lot Subdivision is a continuing non-conforming situation with two homes on one lot. City Attorney, Todd Godfrey, was of the opinion that the non-conformity could be grandfathered in.

The HV Text Amendment meeting is upcoming and Commissioner attendance was encouraged.

City Planner, Jonathon Teerlink, reported that the Summit Cyclery request has been postponed and they will be returning with a redesign.

The Salt Pizza Company project was next discussed. Dumpster placement was detailed.

(19:01:45) Commissioner Bowthorpe moved to close the Work Meeting and move to the Council Chambers for the Regular Meeting. Commissioner Garver seconded the motion. All present voted in favor of the motion. The motion passed unanimously.

CONVENE REGULAR MEETING

Chair Jensen called the Regular Meeting to order at 7:07 p.m.

ACTION ITEMS

1. Cowboy Partners Center - 6440 S Wasatch Blvd. – Zone Change from R-M to O-R-D.

The above matter had been postponed.

Commissioner Bowthorpe moved to amend the agenda and next discuss the meeting minutes. Commissioner Carter seconded the motion. The motion passed with the unanimous consent of the Commission.

2. Cottonwood Lane Subdivision – 5156 S Cottonwood Lane – 3-Lot Stream Exception – R-1-43 Zone - 7:30 - Staff: Jonathan Teerlink, City Planner & Clarence Kemp, City Engineer.

(19:14:47) Mr. Kemp presented the staff report and stated that the applicant has requested development within 50 feet of the stream. Anything within 100 feet requires engineering and Commission consent. Mr. Kemp granted consent and recommended approval. He explained that the ordinance is in place to protect native habitat and ensure the stability of stream banks. Commissioner Bowthorpe stated that this is a sacred 50-foot zone that is undisturbed. Mr. Kemp commented that the setback is intended to maintain the character and natural state that currently exists.

Drew Menlove was present on behalf of Beckstrand and Associates. He gave his address as 5004 South Maryland Drive and stated that their intent is to convert the two larger lots into four smaller ones. The applicant wishes to tear down and rebuild their home on one of the lots and sell the remaining. It was reported that the building permit has been approved with the exception of the stream exception issue.

(19:24:48) Chair Jensen opened the public hearing.

Raymond Springer gave his address as 5270 Cottonwood Lane and expressed concern regarding the placement of the home and disruption of the setback. Chair Jensen confirmed that erosion control and access through the zones during construction will be monitored by the City.

Mark Olsen gave his address as 3010 Kahala and identified himself as the President of the Green Ditch. He emphasized the importance of the existing foliage being protected.

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

Commissioner Bowthorpe asked why the staff report details a three-lot stream exception when this is a four-lot subdivision. The applicant, Steve Hopkins, clarified that one of the homes is already within the 50-foot setback. The request includes Lots 1, 2 and 4. Commissioner Carter was of the opinion that the area between the structures and the stream is landscaped to prevent overland flow, contribution of sediment, and maintenance of functional integrity. Setback requirements were discussed.

Commissioner Chatelain stated that because the application is for three lots, the options were either to deny or ask the applicant to return and include a fourth lot. Mr. Kemp confirmed that leaving out the single lot, by default the 100-foot study area will be retained and force the applicant to return for Planning Commission review.

(19:41:13) Commissioner Carter moved to approve the Special Exception to the regulation and permit the proposed building footprints and disturbed areas on Lots 1, 2 and 4 to be no closer than 50 feet to the nearest bank of Big Cottonwood Creek based on the following:

Findings:

- A. The property is partially developed with two existing homes, one of which was built within 30 feet of Big Cottonwood Creek, prior to City of Holladay incorporation and stream protection ordinances.*
- B. There is no stream course alteration proposed.*
- C. The property is not considered wetlands.*
- D. The proposal would comply with State of Utah Division of Water Rights setback requirements and Salt Lake County Channel Maintenance requirements.*
- E. The nearest (north) bank of Big Cottonwood Creek in this area is well defined. There are no excessive steep slopes or other geotechnical concerns.*

Requirements:

- 1. A limit of disturbance/silt fencing shall be set as instructed by the City Engineer.*
- 2. No bank disturbance within the stream protection corridor will be allowed.*
- 3. Any landscaping of stream bank as per submitted plans shall be part of this approval. All future landscaping, flatwork, and grading between 50 and 100 feet*

of the nearest bank of Big Cottonwood Creek must be approved by the Community Development Director and City Engineer prior to commencing work.

- 4. Best construction management practices are to be followed to prevent pollution of water that may enter the stream system during construction. Specifically, the limit of disturbance fencing and silt erosion control fencing shall be installed and maintained throughout the duration of project.*
- 5. The applicant will be required to demonstrate compliance with the “Significant Trees” requirement as part of their building permit process – particularly where such trees are currently located within 100 feet of the north bank of Big Cottonwood Creek.*
- 6. This property is subject to the provisions of Chapter 13.74 – Floodplain Hazard Regulations and FEMA flood plain requirements.*
- 7. All conditions listed in the City Engineers consent letter must be followed.*
- 8. All construction related improvements must follow current applicable Holladay codes.*
- 9. Stream Exception notes must be placed on the subdivision Final Plat.*
- 10. Approval is not included for Lot 3.*

Commissioner Bowthorpe seconded the motion. Vote on motion: Matt Snow-Aye, Les Chatelain-Aye, John Garver-Aye, Spence Bowthorpe-Aye, Jim Carter-Aye, Chair Chris Jensen-Aye. The motion passed unanimously.

3. Nunley Villas 4-Twin Home Development – 1926 E Nunley Cr. – Conceptual Plan – R-2-10 Zone - Staff: Rick Whiting, City Planner.

(19:49:10) City Planner, Rick Whiting, presented the staff report and stated that the applicant has requested that the property be divided into four twin home dwellings. All subdivision requirements had been met for the R-2-10 Zone. Mr. Whiting reported that the request meets City codes and staff recommended approval.

The applicant, Matt Lepire, gave his address as 8796 South Sandy Parkway and confirmed that they meet City Ordinances in the R-2-10 Zone. The easements were researched and documented in their Alta survey to have access and an Access Agreement.

Chair Jensen opened the public hearing.

Justin Jones gave his address as 4974 Kalani Lane and expressed his support for the proposed project.

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

(19:55:49) *Commissioner Carter moved to approve the Conceptual Subdivision for the Nunley Villas 8-lot four twin home subdivision located at 1926 East Nunley Circle in the R-2-10 Zone based on the following:*

Findings:

- A. *The proposal represents a continued positive movement in the overall re-development of this particular street and in the general vicinity.*
- B. *The proposed project meets the requirements for a residential subdivision in an R-2-10 zone, i.e. area, density, access, slope, public safety, etc.*
- C. *This project complies with the provisions of the City's General Plan for this area.*
- D. *This application is consistent with land use patterns in the general vicinity.*
- E. *The UFA has approved emergency access as proposed. Fire hydrant capacity and placement will be address in the Preliminary Plat review and approval process.*
- F. *The proposed project has been reviewed by the TRC and meets City requirements for Conceptual Plan.*
- G. *Utility providers can serve the property and have (or are expected to) provide appropriate service availability letters.*

Requirements:

- I. *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.*

Commissioner Chatelain seconded the motion. Vote on motion: Matt Snow-Aye, Les Chatelain-Aye, John Garver-Aye, Spence Bowthorpe-Aye, Jim Carter-Aye, Chair Chris Jensen-Aye. The motion passed unanimously.

4. Keone 4-Lot Subdivision - 2521 E Murray-Holladay Rd. – Conceptual Plan - Staff: Rick Whiting, City Planner.

(19:57:07) Mr. Whiting presented the staff report and stated that the applicant has proposed to subdivide their .86-acre property into four lots. The area is deficient due to a smaller home residing on the smaller portion of the lot. Staff consulted with the City Attorney who counseled that it should be considered grandfathered and that it would be acceptable to grant a four-lot subdivision. It was noted that the maximum density is slightly less than what is called for in the General Plan. Staff recommended approval.

Commissioner Chatelain confirmed that there would be 4.6 dwellings per acre where four are recommended, hence the applicants would not adhere to the General Plan due to non-conformity. City Planner, Jonathon Teerlink, stated that when homes are on non-conforming lots in terms of size and they have established the residential use - if demolished, normal zoning rules would apply as long as the home remains a single-family residence.

Mr. Allred confirmed that the non-conforming section reads that a non-conforming use may be continued as long as it is not abandoned. Non-conformance issues were detailed.

The applicant, Maile Keone, gave her address as 2521 Murray Holladay Road and stated that there are two addresses with separate utilities for each existing home. It was her intent to preserve the character of Holladay and see that both homes remain. It was their wish to subdivide and build her mother a home on one of the lots.

Commissioner Chatelain was more agreeable to three lots rather than the proposed four. Commissioner Carter was of the opinion that continuing non-conformity would be less potentially problematic than the current non-conformity. Commissioner Bowthorpe also believed that the proposal would enhance the property and create a more conforming situation.

(20:16:40) Chair Jensen opened the public hearing.

Rob Etherington gave his address as 2541 East Murray-Holladay Road and questioned the maximum square footage allowed. Mr. Allred confirmed that it is a function of several rules. Easement issues were discussed.

Marjorie McDermott gave her address as 2534 Murray-Holladay Road and expressed concern with an addition of a detached garage on the applicant's current lot. Mr. Teerlink stated that detached garages are not allowed in the front yard.

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

Commissioner Snow was of the opinion that the proposal would give the property owner more flexibility.

(20:30:09) *Commissioner Carter moved to approve the Conceptual Plan for subdivision to create the proposed Keone Four-Lot Subdivision located at 2521 East Murray-Holladay Road in a R-1-10 Zone based on the following:*

Findings:

- A. *The proposed project meets the requirements for a residential subdivision in an R-1-10 zone, i.e. area, density, access, slope, public safety, etc. with the exception of the above noted legal-non-conformity.***
- B. *This application is consistent with the land use patterns in the general vicinity.***
- C. *The UFA has initially approved emergency access as proposed. Fire hydrant capacity and placement will be address 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 with the exception of the above noted legal-non-conformity.***
- E. *This project is in compliance with the provisions of the General Plan with the exception of the above noted legal-non-conformity.***

Requirements:

1. *With this Conceptual Plan approval, the Planning Commission accepts the noted deficiency in lot area of Lot #1 and declares it “legal-non-conforming.” Henceforth, in future considerations and potential approvals that will not be a constraining factor.*
2. *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.*

Commissioner Bowthorpe seconded the motion. Vote on motion: Matt Snow-Aye, Les Chatelain-Nay, John Garver-Aye, Spence Bowthorpe-Aye, Jim Carter-Aye, Chair Chris Jensen-Nay. The motion passed 4-to-2.

5. **Summit Cyclery. – 4646 S. Holladay Blvd. – Preliminary Site Plan – HV Zone (HV) – Staff: Jonathan Teerlink, City Planner.**

The above matter was tabled.

6. **Salt Pizza Company – 4737 South Holladay Boulevard – Preliminary Site Plan – HV Zone (HV) – Staff: Jonathan Teerlink & Rick Whiting, City Planners.**

(20:31:46) Mr. Teerlink presented the staff report and stated that the conceptual site plan was approved with specific needs noted for Preliminary Site Plan. City Traffic Engineer, Tosh Kano, recommended against an access on Holladay Boulevard. He explained that with the newly realigned Kentucky Avenue, an additional access would create too much confusion. The minimum cost for a simple four-way intersection would be approximately \$250,000 and reported that they cause more accidents than an open intersection.

Commissioner Bowthorpe asked for clarification regarding the amount of accumulated traffic on Kentucky Avenue and Holladay Boulevard and its direction. Mr. Kano was of the opinion that traffic flow to Salt Pizza Company will be minimal in comparison to the previously existing liquor store. His preference was to first observe and take action if there is a parking problem.

The applicant, Mark Olsen, detailed Kentucky Avenue and the residents’ concern with traffic. He expressed the need for a stop sign. Mr. Kano concurred and recommended a four-way stop.

Exterior details of the project were discussed. Commissioner Chatelain commended Mr. Olsen for taking a difficult spot and creating a positive and welcoming space.

(21:02:10) Commissioner Bowthorpe moved to approve the application for Preliminary Site Plan for the Salt Pizza Company located at 4737 South Holladay Boulevard in the HV Zone based on the following:

Findings:

- A. *The proposed project meets the requirements for development in an HV 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.*

- C. This application is consistent with land use patterns in the general vicinity.**
- D. The UFA has approved emergency access and fire hydrant capacity and placement as proposed.**
- E. The proposed project has been reviewed by the TRC and meets City requirements for Preliminary Site Plan.**
- F. Utility providers can serve the property and have (or are expected to) provide appropriate service availability letters.**
- G. Topographical and geotechnical constraints can reasonably be mitigated and/or accommodated through site and/or building design.**

Requirements:

- 1. Site related details including grading, storm drainage, landscaping, and lighting should be reviewed by the TRC prior to Final Site Plan approval.**
- 2. Any remaining design items required by the TRC or the DRB should be completed before Final Site Plan approval is granted.**
- 3. Final approval may be taken to TRC for review and approval.**

Commissioner Garver seconded the motion. Vote on motion: Matt Snow-Aye, Les Chatelain-Aye, John Garver-Aye, Spence Bowthorpe-Aye, Jim Carter-Aye, Chair Chris Jensen-Aye. The motion passed unanimously.

7. Approve Minutes of the June 23, July 1 and July 15, 2014 Meetings.

(19:09:01)The minutes of June 23, 2014, were reviewed and modified.

Commissioner Snow moved to approve the minutes of June 23, 2014, with the noted changes. Commissioner Chatelain seconded the motion. Vote on motion: Matt Snow-Aye, Les Chatelain-Aye, John Garver-Aye, Spence Bowthorpe-Aye, Jim Carter-Aye, Chair Chris Jensen-Aye. The motion passed unanimously.

The minutes of July 1, 2014, were reviewed and modified.

Chair Jensen moved to approve the minutes of July 1, 2014, with the noted changes. Commissioner Carter seconded the motion. Vote on motion: Matt Snow-Aye, Les Chatelain-Aye, John Garver-Aye, Spence Bowthorpe-Aye, Jim Carter-Aye, Chair Chris Jensen-Aye. The motion passed unanimously.

Commissioner Chatelain moved to resume the agenda and discuss Item 2. Commissioner Bowthorpe seconded the motion. The motion passed with the unanimous consent of the Commission.

(21:04:58) The minutes of July 15, 2014, were reviewed and modified.

Commissioner Bowthorpe moved to approve the minutes of July 15, 2014, with the changes noted. Commissioner Carter seconded the motion. Vote on motion: Matt Snow-Abstain, Les Chatelain-Aye, John Garver-Aye, Spence Bowthorpe-Aye, Jim Carter-Aye, Chair Chris Jensen-Aye. The motion passed unanimously with one abstention.

OTHER BUSINESS

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

Mr. Allred requested that one or more Commission Members attend an upcoming meeting with the City Council to further discuss the Holladay Village Zone text amendment.

It was reported that the Olympus Clinic will be returning to the Planning Commission for review.

The General Plan was next discussed. Mr. Allred emphasized the need for a consultant.

Mr. Allred reported that the annexation is moving forward.

It was reported that the Howard Hughes Corp. has made two announcements regarding Smith's Food Stores and the entertainment component of the Cottonwood Development

A 7th Planning Commission Member has not yet been appointed. The City Council was awaiting a recommendation from Council Member Lynn Pace.

8. Report from Staff on Upcoming Applications.


9. Discussion of Possible Future Amendments to Code.

ADJOURN

(21:22:20) Commissioner Chatelain moved to adjourn. Commissioner Bowthorpe seconded the motion. The motion passed with the unanimous consent of the Commission.

The Planning Commission Meeting adjourned at 9:22 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, August 5, 2014.



Teri Forbes, Minutes Secretary
T Forbes Group

Minutes approved: August 19, 2014