

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

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

**ATTENDANCE**

**Planning Commission Members:**

Lori Khodadad, Chair  
Spence Bowthorpe  
Chris Jensen  
Matt Snow  
Brad Wright

**City Staff:**

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

**PRE-MEETING/WORK SESSION**

Chair Khodadad called the meeting to order at 5:48 p.m.

The agenda items were reviewed and discussed.

With regard to Millrock, Community Development Director, Paul Allred, recommended the Commission not approve the conceptual site plan. He noted that height issues, slope stability, and fire safety need to be addressed.

The Tobermory Ridge project was next discussed. It was reported that the developer has gained access onto Spring Lane.

Mr. Allred commended Steve Gunn on the rewrite and reorganization of the Holladay City Annexation Policy Declaration.

Mr. Allred stated that later in the meeting City Planner, Jonathan Teerlink, would discuss slope cuts and fills.

The Highland Drive General Plan was discussed. The Land Use Element contained in Segment B was detailed as well as higher density, detached single-family dwellings.

*Commissioner Jensen moved to close the Work Meeting and move to the Council Chambers for the Regular Meeting. Commissioner Wright seconded the motion. The motion passed with the unanimous consent of the Commission.*

**CONVENE REGULAR MEETING**

Planning Commission Co-Chair, Brad Wright, called the meeting to order at 6:05 p.m.

## **ACTION ITEMS**

### **1. Amendment to Chapters 13.76.300 & 13.76.700, Slope Cuts and Fills - Planners: Paul Allred & Jonathan Teerlink.**

City Planner, Jonathan Teerlink, presented the Slope Cuts and Fills Amendment as stated in the staff report. The proposed amendment was intended to clarify grading standards to enhance the management of relatively steep slopes on building lots throughout the City. Staff recommended the Commission hear public comments relative to the text amendment and moderate a discussion that may lead to a vote to recommend the proposed language on to the City Council for consideration and approval. Staff also recommended the Commission table the text amendment portion regarding exposed walls to a later date and allow this portion of Temporary Regulation 13-07 to lapse due to a recommendation of no-action.

Chair Khodadad opened the public hearing. There were no comments. The public hearing was closed.

*(18:09:32) Commissioner Jensen moved that Chapter 13.76.700, Fill Work and Land Excavation Special Requirements be recommended for approval to the City Council with staff's proposed text as stated in the staff report. Commissioner Snow seconded the motion. Vote on motion: Chris Jensen-Aye, Brad Wright-Aye, Matt Snow-Aye, Chair Lori Khodadad-Aye. The motion passed unanimously. Spence Bowthorpe was not present for the vote.*

*Commissioner Jensen moved that the text amendment portion regarding the exposed walls be postponed to a later date and allow this portion of Temporary Regulation 13-07 to lapse due to a recommendation of no action. Commissioner Snow seconded the motion. Vote on motion: Chris Jensen-Aye, Brad Wright-Aye, Matt Snow-Aye, Chair Lori Khodadad-Aye. The motion passed unanimously. Spence Bowthorpe was not present for the vote.*

*Commissioner Wright moved to amend the agenda and discuss approval of the minutes. Commissioner Jensen seconded the motion. Vote on motion: Chris Jensen-Aye, Brad Wright-Aye, Matt Snow-Aye, Chair Lori Khodadad-Aye. The motion passed unanimously. Spence Bowthorpe was not present for the vote.*

### **2. Approve Minutes of the July 16, 2013 Meeting.**

(18:12:25) The minutes of July 16, 2013, were reviewed and discussed.

*Commissioner Khodadad moved that the minutes of July 16, 2013, be approved. Commissioner Jensen seconded the motion. Vote on motion: Chris Jensen-Aye, Brad Wright-Aye, Matt Snow-Aye, Chair Lori Khodadad-Aye. The motion passed unanimously. Spence Bowthorpe was not present for the vote.*

*Commissioner Wright moved to amend the agenda and next discuss agenda item number 6, the Bamberger Stream Exception. Commissioner Jensen seconded the motion. Vote on motion: Chris Jensen-Aye, Brad Wright-Aye, Matt Snow-Aye, Chair Lori Khodadad-Aye. The motion passed unanimously. Spence Bowthorpe was not present for the vote.*

### **3. Bamberger Stream Exception – Staff: Clarence Kemp, City Engineer & Jonathan Teerlink, City Planner.**

Mr. Teerlink presented the staff report and stated that the applicant, Robert Pett, acts as the agent to Mr. Bamberger, and is requesting an exception to the 100-foot stream setback ordinance in order to construct an addition to an existing single-family home located at 2720 South Walker Lane in the R-1-87 Zone. Staff recommended approval of the stream exception per the recommendations presented by City Engineer, Clarence Kemp, and based on the findings and requirements as set forth in the staff report.

Robert Pett from NGS Architects located at 357 West Pierpont Avenue was present representing the applicant. Mr. Pett stated that they are willing to comply with all requirements and are pleased with the proposed recommendations.

Mr. Teerlink stated that the limit of disturbance fence is generally located at the 50-foot stream setback line, which prohibits heavy machinery.

(18:22:25) *Commissioner Snow moved to approve the Bamberger Stream Exception located at 2720 East Walker Lane subject to the following:*

**Findings:**

- 1. There is no stream alteration, nor disturbances to the bank or removal of significant trees.*
- 2. The area where the building is to be constructed is not considered a wetland.*
- 3. The proposal does not require review of other agencies.*
- 4. The proposed building is not located within the FEMA floodplain (floodplain is contained within the creek's channel).*
- 5. The property is currently developed with a single-family home at the same distance from the creek as the proposed new home would be. There will be no increase of bank disturbance within the stream protection corridor.*

**Requirements:**

- 1. The addition must be located no closer than 50 feet as shown on the applicant's drawings from Big Cottonwood Creek.*
- 2. The finished floor of the new addition must match the existing floor elevation of the home.*
- 3. No structures, pools, spas, etc. are allowed within the new setback distance.*
- 4. All future landscaping, flatwork, and grading, within the 50-foot setback area must be approved by the Community Development Director and City Engineer prior to commencing work.*
- 5. Best construction management practices are to be followed to prevent pollution of water that may enter the stream system during construction. Specifically, limit of disturbance fencing and silt erosion control fencing shall be installed at the top of the north bank prior to construction and maintained throughout the duration of project.*
- 6. All conditions listed in the City Engineer's consent letter must be followed.*
- 7. All construction-related improvements must follow current applicable Holladay codes.*
- 8. A limit of disturbance fence shall be established 40 feet from the stream.*

*Commissioner Wright seconded the motion. Vote on motion: Chris Jensen-Aye, Brad Wright-Aye, Matt Snow-Aye, Chair Lori Khodadad-Aye. The motion passed unanimously. Spence Bowthorpe was not present for the vote.*

**4. Highland Drive General Plan - Appendix K Amendment – Planners: Paul Allred, Pat Hanson & Rick Whiting.**

(18:32:01) City Planner, Pat Hanson, presented the proposed amendments to the Highland Drive General Plan. She explained that it is a proposed amendment to the adopted Master Plan for the Highland Drive area. The suggestion of the Highland Drive Committee was that the City consider the request in three segments. It was noted that the text addresses each segment.

Chair Khodadad commented that the input came from the Planning Commission and the Highland Drive Committee and was then assembled by staff.

Ms. Hanson stated that the only thing that is slightly different from the original document and the Committee's recommendation were the implementation strategies under the land use zoning.

Chair Khodadad opened the public hearing.

(18:35:00) Commissioner Bowthorpe joined the meeting.

Tom Nelson, a Highland Drive Committee Member, expressed gratitude to the Planning Commission for their time commitment. He presented a document that specifically outlined the recommended language changes and detailed what led to the Highland Drive Committee's decision to create their original document. Concerns with egress and ingress were also discussed.

Mary Ann Ricks gave her address as 5309 Bay Wood Circle. She raised concerns regarding revisions on page three, number two, segment B, paragraph B. She remarked that it is far different from the original language submitted by the Committee. She supported the maximum zoning with R-1-8, but stated that the community is adamantly opposed any R-2 zoning and more RM zone of any kind.

Chair Khodadad remarked that the section on the west side between 5600 South and Spring Lane, Segment B, had to be reviewed as a whole. Ms. Ricks replied that the Committee proposed to allow higher density single-family including R-1-8 to allow for growth and higher density. They discouraged R-2 and no more RM than what already exists. She felt the Committee had not been heard.

Barry Topham gave his address as 2520 Haven Lane and stated that he was involved in pushing the City Council to have input into the Highland Drive issue. The City Council and Mayor suggested former Council representatives not be a part of the Committee, therefore, he and another former member were eliminated from participation. The development of Holladay was detailed and the Commission was urged to hear the citizens and consider their feelings.

(19:00:20) Gene Carr reported that he served on the Highland Drive Committee and stated that the RO Zone was an excellent piece of legislation. The safeguards built into the RO Zone were discussed. Mr. Carr next detailed the commerce section and remarked that it was worded in a manner that will stimulate further commerce, which was an idea the Committee strongly discouraged.

There were no further public comments. Chair Khodadad closed the public hearing.

Commissioner Snow discussed positive aspects of the restrictions of the proposed RO Zone and recommended the language for the commerce section be more precisely defined. Chair Khodadad recommended the wording be reviewed and clarified to avoid future misinterpretations.

(19:10:18) *Commissioner Bowthorpe moved that the item be continued to allow for further discussion before forwarding on a recommendation. Commissioner Wright seconded the motion. Vote on motion: Chris Jensen-Aye, Spence Bowthorpe-Aye, Brad Wright-Aye, Matt Snow-Aye, Chair Lori Khodadad-Aye. The motion passed unanimously.*

**5. Holladay City Annexation Policy Declaration Amendment - Planners: Paul Allred & Pat Hanson.**

Mr. Allred presented the Holladay City Annexation Policy Declaration Amendment. Staff recommended the Commission review the minor changes to the document as well as a draft of the annexation policy provided by Councilman Steve Gunn, make necessary changes, and forward it on to the City Council. The public hearing before the City Council was set for September 5, 2013.

Chair Khodadad opened the public hearing.

Barry Topham stated that those proposing to come into the City are not receiving an accurate picture of the full financial impact. The service tax was discussed as well as details surrounding the annexation process.

Mr. Allred clarified that the language in the Annexation Policy Declaration was mandated by state law. The legislation is very specific in terms of natural connections in a proposed annex area and the City it is annexing into. Two proposed maps were attached.

There were no further public comments. Chair Khodadad closed the public hearing.

The Commission discussed the differences between maps. Mr. Allred reported that during the development of the two maps, Alternative A showed a limited area and Alternative B showed hatched areas with potential annexation areas. The due process remains the same, but Map B gives the City more flexibility.

Commissioner Jensen was agreeable to Councilman Gunn's layout and recommended the text be incorporated into the annexation policy. He was in favor of the Alternative B Map.

(19:32:15) *Commissioner Jensen moved that the Commission make formatting changes and clarifications to Councilman Gunn's text, use the Alternate B Map, and forward the issue on*

*to the City Council. Commissioner Wright seconded the motion. Vote on motion: Chris Jensen-Aye, Brad Wright-Aye, Spence Bowthorpe-Aye, Matt Snow-Aye, Chair Lori Khodadad-Aye. The motion passed unanimously.*

**6. Millrock Building 5 - Conceptual Site Plan - Planners: Paul Allred & Rick Whiting.**

Mr. Allred presented the Millrock Conceptual Site Plan as stated in the staff report. The applicant, MTC, Ltd., proposes to build an office building at 6510 S Millrock Drive on approximately 2.1 acres of ground in the ORD Zone. Staff recommended continuing the item until further discussion as there are several issues to address. Unified Fire Authority has given feedback and has strong concerns. The City's geologist also expressed concerns with geology in the area.

Jory Walker, Principal Design Architect with Beecher-Walker Architects, gave his address as 13459 South 1400 East and stated that the site has been difficult from the start. Recommendations from UFA were received. Parking and height issues were addressed and Mr. Walker stated that all issues can be resolved. Height from the average grade measures 72 feet. Mr. Teerlink detailed the City ordinance regarding building height.

Mr. Walker detailed the specifics of the building placement and parking. Property retention was also discussed.

(19:58:22) Chair Khodadad opened the public hearing. There were no public comments. The public hearing was closed.

Commissioner Jensen suggested the applicant return and present the Commission with a proposal with more detail and solutions to the issues discussed.

*(20:00:45) Commissioner Wright moved that the Millrock Building 5 Conceptual Site Plan be continued until the issues can be addressed, specifically retention, overall building height, parking, Fire Department concerns, geology, and the average grade. Commissioner Jensen seconded the motion. Vote on motion: Chris Jensen-Aye, Brad Wright-Aye, Spence Bowthorpe-Aye, Matt Snow-Aye, Chair Lori Khodadad-Aye. The motion passed unanimously.*

The Commission took a five-minute recess.

**7. Tobermory Ridge- Conceptual Subdivision - Planner: Rick Whiting.**

(20:12:36) City Planner, Rick Whiting, detailed the Tobermory Ridge Conceptual Subdivision as stated in the staff report. The applicant, Hamlet Homes, proposes to build a 24-dwelling unit single-family attached subdivision at 5105 South 1300 East on approximately 1.98 acres of ground in the RM Zone. Staff recommended approval of the conceptual subdivision plan subject to the findings and requirements contained in the staff report.

Michael Brodsky, owner of Hamlet Homes, gave his address as 308 East 4500 South and stated that the proposed homes are similar to a development located at 4500 South and 400 East. Negotiations had been underway with adjacent property owners for approximately four months and they were just given permission to obtain an ingress/egress access through the property on Spring Lane.

Commissioner Wright raised a question about the building elevation. Mr. Brodsky reported that some of the proposed homes have walk-out basements with a maximum height of 33 feet. Front elevations will measure 26 feet and those without a walk-out measure 26 feet to a maximum of 33 feet.

(20:21:14) Chair Khodadad opened the public hearing. There were no public comments. The public hearing was closed.

Mr. Brodsky confirmed that a right-of-way has been agreed on with the adjacent school, allowing for a 20-foot road. The easement will be recorded against the school's property and the homeowners' association. Tobermory will be required to maintain a capital reserve in its accounts for maintenance. This is inclusive of landscaping on both sides of the road. He commented that the name Tobermory is of Scottish origin.

(20:28:50) *Commissioner Snow moved that the proposed Tobermory conceptual 24-unit single-family attached dwelling unit subdivision located at 5105 South 1300 East in the RM Zone be approved subject to the following:*

**Findings:**

- A. The proposed project has been reviewed by the TRC and meets City requirements for Subdivision Conceptual Plan.*
- B. The proposed project meets the requirements for a residential subdivision in an R-M Zone.*
- 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. It will not be detrimental in any reasonable way to neighboring properties.*
- F. The UFA has conceptually approved emergency access as proposed subject to suitable placement of fire hydrants, acceptable road grades and turn radii.*
- G. Primary Ingress and egress for the proposed subdivision can be made safely from Spring Lane or, if needed, from 1300 East.*
- H. Emergency egress can be made via secondary access through the Sand Piper Apartments.*
- I. Snow storage can be accommodated.*
- J. Utility providers can serve the property and have or will provide appropriate service availability letters.*

**Requirements:**

- 1. A Preliminary Plat and 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. A storm drainage plan that is acceptable to the City Engineer must be presented with Preliminary Plat application.*
- 3. A copy of the existing Right-of-Way Easement with the Sandpiper Apartments must be provided and, as appropriate, recorded with the Final Plat.*
- 4. All utility "Will Serve" letters must be received prior to Final Plat approval.*

5. *Appropriate CC&Rs must be developed and recorded with the Final Plat.*
6. *Documentation with the property owner to the north be provided.*

*Commissioner Bowthorpe seconded the motion. Vote on motion: Chris Jensen-Aye, Brad Wright-Aye, Spence Bowthorpe-Aye, Matt Snow-Aye, Chair Lori Khodadad-Aye. The motion passed unanimously.*

**8. Holladay Village Square Development - Site Plan Amendment – Planners: Paul Allred & Jonathan Teerlink.**

(20:31:37) Due to a conflict of interest, Matt Snow recused himself from the above item and was excused from the remainder of the meeting.

Mr. Allred detailed the Holladay Village Square Development Amended Site Plan request as contained in the staff report. Holladay Village Square, LLC requested approval of a ramp, stairs, benches, and decorative planters on the east side of the building to accommodate pedestrians using the walk on along 2300 East.

Mr. Allred detailed a graphic that explained how the proposed ramps and stairs would extend into the City's right-of-way several feet, which would result in an unacceptable narrowing of the sidewalk. The Holladay Village Master Plan calls for at least 12 feet of sidewalk at this location. The proposal for the ramp, stairs, and accompanying benches and decorative planters would leave a portion of the sidewalk at less than 12 feet. Mr. Allred described a proposed solution set forth in detail in the staff report. Staff recommended approval of the amended site plan.

Tom Henriod with Rockworth Companies explained that the development had to match the elevation of an existing plat.

Michael Nilson, from Richardson Design Partnership located at 510 South 600 East, clarified that what is being called a ramp is in actuality a split sidewalk. One portion of the walk follows the slope as it heads downward toward Murray Holladay Road, and the other portion of the sidewalk will follow the existing set floor elevation of the building.

The topographical solution was discussed.

Chair Khodadad expressed concern about the issue being a mistake versus a conscious decision. Mr. Henriod apologized for the oversight.

(21:02:08) *Commissioner Wright moved that the Holladay Village Square Development site plan amendment be approved subject to the following:*

**Findings:**

1. *The ramp, steps, benches, and planters represent an aesthetically attractive addition to the front of the building.*
2. *Handicap accessibility into the building is maintained for this frontage, even though not originally envisioned with the first site plan approval, and, is not technically required.*

3. *The request results in an amenity specifically desired by the property owner to facilitate favorable lease situation, enhancing the economic vitality of the project.*
4. *The proposal is consistent to a great extent with the plan for the Murray Holladay Road frontage with its raised planter boxes and steps.*
5. *The new benches will provide for additional places for people to sit in the plaza area.*
6. *The Council appears to be fully supportive of the plan and willing to work with the developer to make the changes occur.*
7. *The request, if approved, does not diminish the overall pedestrian ambience of the Holladay Village plaza area.*

**Requirements:**

1. *The site plan amendment is dependent upon City Council approval of an encroachment agreement for any portion of the steps, ramps, benches and planter into the city right-of-way.*
2. *The applicant will build the improvement as shown on the plan, or as otherwise allowed by the Planning Commission in the following manner:*
  - a. *The ramp, where possible, will be paved with white granite pavers, if available, to be identical in quality and appearance with the existing sidewalk and plaza.*
  - b. *The benches are to be durable and compatible with benches planned on the Murray Holladay Road side of the project or as called out in the street furniture program for the Holladay Village Plaza area.*
  - c. *The brick veneer for the ramp support walls will be of brick that is already planned for this project. (Etowah/Old Mississippi)*
  - d. *The ramp walking path width must be sufficiently wide, no less than 5.5 feet wide, to appropriately accommodate pedestrians and handicapped persons who use it simultaneously.*
  - e. *The sidewalk, apart from the ramp section, may at no point be less than 9 feet wide from the base of the wall to the top back of curb.*
  - f. *That the applicant receives approval from the City Council for an encroachment into the right-of-way prior to commencing construction.*
  - g. *All built drawings be submitted to the City for the file upon completion of the improvements.*

*Commissioner Bowthorpe seconded the motion. Vote on motion: Chris Jensen-Aye, Brad Wright-Aye, Spence Bowthorpe-Aye, Chair Lori Khodadad-Aye. The motion passed unanimously. Matt Snow was not present and did not participate in the vote.*

## **OTHER BUSINESS**

### **9. Updates or Follow-Up on Items Currently in the Development Review Process.**

(18:25:50) Mr. Allred reported that four or five items will be forthcoming. One is a home occupation, two are subdivisions, and one is a rezone.

It was reported that a code issue will be addressed with regard to the food court issue.

Mr. Allred reported that the Holladay Village buildings are moving forward.

Mr. Whiting announced that Orchard Hollow will be before the Commission again at an upcoming meeting.

The assisted-living center was discussed.

It was reported that Bandits Restaurant has received approval to move forward.

### **10. Report from Staff on Upcoming Applications.**

It was reported that several text amendments are in the works.

The Holladay Village signage was discussed.

It was noted that a rezone at Olympus High will be addressed at a future meeting.

### **11. Discussion of Possible Future Amendments to Code.**

## **ADJOURN**

(21:03:10) *Commissioner Wright moved to adjourn. Commissioner Khodadad seconded the motion. The motion passed with the unanimous consent of the Commission.*

The Planning Commission Meeting adjourned at 9:03 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, August 6, 2013.*



Teri Forbes  
T Forbes Group  
Minutes Secretary

Minutes approved: August 20, 2013