

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

**Tuesday, August 7, 2012
6:00 p.m.
Holladay Municipal Center
4580 South 2300 East**

ATTENDANCE

Planning Commission Members:

Lori Khodadad
Spence Bowthorpe
John Garver
Troy Holbrook
Paula Lowry

City Staff:

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

PRE-MEETING/WORK SESSION

The work session commenced at 6:35 pm. The agenda items were reviewed and discussed.

With respect to agenda item number one, Community Development Director, Paul Allred, remarked that the purpose of tonight's meeting is to have the Village developer detail to the Commission the steps needed to get to ground breaking. The corrections are being made to the site plan as discussed in the previous meeting. He conveyed that by Labor Day, the City would like to get through preliminary and final so that commencement can immediately begin on the parking deck. The developer will also at that time be working toward requirements needed for the building review and acquiring the building permit during the month of October.

Mr. Allred indicated that the City Council amended the legal description to add 1,300 square feet and allow the building to fit on the site. If the developer is able to complete the drawings, they should be reviewed and returned for comment within the next week. He proposed that the Planning Commission hold a Special Meeting on August 28, as there has been reluctance expressed by the Commission that they are being asked to condense the proper review of this project too quickly. He suggested preliminary approval be taken care of on August 28th and that the Commission come back on September 5 or hold a Special Meeting on September 11 or 12, to do the final review. At that point the permit for the parking deck would be issued.

(18:17:40) Commissioner Khodadad pointed out that although those who view the process as being rushed know that it has come before several others over the past year, and just recently come before the Planning Commission. It is the Planning Commission's responsibility to know what everyone else knows. Mr. Allred agreed and believes that at least two more meetings are in order.

(18:19:07) The Commission next discussed agenda item number two, the Holladay City Fire Station. Mr. Allred confirmed that the Council granted approval for the Code amendment to go higher than 45 feet for architectural elements alone, but no more than 60 feet. Even building up the site to negate the slope, the roofline of the building is approximately 37 feet tall. The tower will measure approximately 57 feet.

Commissioner Khodadad pointed out that the City may decide to place windows in the tower. Mr. Allred clarified that the space will be used for viewing and will not be used as an office space or for dwelling purposes. Commissioner Holbrook stated that there isn't any negativity anticipated with the height of the tower. Mr. Allred conveyed to the Commission that they have good reason to approve the conditional use for the tower.

(18:22:45) The Cottonwood Country Club Renovation was next discussed. Mr. Allred stated that two representatives will be present at the meeting and willing to answer any questions. He and Mr. Whiting visited the site and have a good understanding of the request. The applicants are proposing a few modifications with the most significant being the demolition of the existing clubhouse and the construction of a new one. The biggest issue pertained to providing ample event parking.

Commissioner Khodadad pointed out that if the remodel is not due to an increase in membership, the existing parking should suffice. A representative from the Country Club confirmed that membership numbers will not increase and the remodel is to update and bring the building up to Code. Overflow parking becomes an issue during swim meets, which occur four to five times per year, and during their Fourth of July party. Mr. Allred reiterated that the concern is not with the architecture or building details but with the parking. Commissioner Khodadad suggested signs be used to notify neighbors of events taking place. Details of the reconfiguration of the Country Club remodel were discussed.

(18:29:26) The Orchard Hollow Subdivision was next discussed. Mr. Whiting remarked that after extensive research, staff concluded, with the support of the City Council and the City Attorney, that three lots are justified because of the Code that is in place that allows for a portion of the dedicated right-of-way to be counted toward the lot area. The developer presented conceptual drawings showing how the site can accommodate three buildable lots.

The details of the drawing were discussed. Mr. Whiting stated that because the applicant currently owns the property, which extends just past the center of the road, the City will require the applicant to dedicate all of the public right-of-way to the City. This includes the asphalt pavement and the area between the asphalt and their property line. The Code states that the paved portion is the property of the City. However, the area between the edge of asphalt and the property line that they will still dedicate, may be allowed to be used in the lot area calculation to qualify for the subdivision. He reminded the Commission that this is conceptual approval and the City needs a general feel that is workable.

With regard to objections from the neighbors, they don't seem to accept that there is enough area to qualify for three lots. There is question as to the driveway area of Lot 1 and if that pertains to the lot footage. Should the neighbors feel that the Planning Commission decision is not appropriate, they have the opportunity to appeal it to the City Council. The Council would hear the matter, hold a public hearing, and make a determination on whether to uphold the decision or repeal it back to the Commission.

(18:35:06) Commissioner Khodadad addressed City Attorney, Craig Hall, with regard to his presence during the Orchard Hollow Subdivision discussion. Mr. Hall stated that it is his intent to give an interpretation of what the ordinances mean from a policy standpoint. It is not his intent to establish or recommend policy. His opinion was that if the second dedication, either by adverse

possession or prescriptive use, is used as a street for more than 10 years it is considered a public street by statute. It was his belief that the second dedication can be used for the sole purpose of calculating the square footage for the proposed subdivision.

DISCUSSION ITEM

1. Holladay Village Square – 4664 South 2300 East – Discussion Only – Site Plan – HV Zone – Planners: Paul Allred, Jonathan Teerlink, and Rick Whiting.

(18:39:59) Tom Henroid from Rockworth Development presented to the Commission the steps taken in order to address the conditions addressed at the previous meeting. The first item contingent upon approval was to obtain additional land requested from the City. The City Council approved the revised legal description, which allowed the additional 1,300 square feet. There was a cut out that was not anticipated when the property was originally conveyed. He presented the new restated development agreement containing the new legal description with the addition of the small area.

Next discussed was the development agreement, which stated that the retail area was to be not less than approximately 21,200 square feet. Based on the new tower design, there will be some additional square footage. Mr. Henroid stated that they are approximately 800 square feet short of what was stated in the development agreement. The City Council agreed to make the needed change in area to be given to the developer.

(18:44:33) The third item involved making the required corrections to the site plan as noted by the Technical Review Committee. The developer was in the process of completing those requirements.

Mr. Henroid discussed updates made to the site plan and detailed the new stairway, relocation of the dumpster, and the addition of trees. He also described the location for the electrical and gas meters, and although they are not aesthetically pleasing, must be placed according to the utility company's request. Commissioner Bowthorpe pointed out that it will be at grade level and shrouded by the staircase enclosure and the second level deck. He expressed support for the proposed location.

Mr. Henroid stated that the reference to the mid-block connection is still needed and will be on the site plan for submittal on August 21, as desired by the TRC.

(18:50:10) The next item discussed was the tower. Mr. Henroid stated that the tower was encouraged to be a focal point for the development plan. The architect creatively solved the issue of installing a large enough clock and eliminating a dormer within the tower, which was thought to detract from the tower design. The larger tower allows slightly more square footage and a grand space that will be attractive to future tenants. The pass through underneath is appealing to a restaurant owner as the extra space may potentially be used as patio seating.

The developer's representative, Mr. Henriod, stated that the clock analysis included contacting a leading clock manufacturer. They inquired as to the rule of thumb with respect to the size of the clock based on height. They were told that for every 10 feet of vertical height, at least 10 to 12 inches in diameter was recommended. The tower is approximately 50 feet, which will result in a clock measuring 50 to 60 inches in diameter.

Commissioner Bowthorpe pointed out that the appearance of the masonry has changed. It was confirmed that the majority of the exterior will be masonry with copper on the dormer and a copper finial. With regard to the southwest corner, Commissioner Garver shared his concern with the wall. He felt the corner was not retail friendly and he hoped to see Murray Holladay Road used as an access point into a retail space on the corner.

It was the opinion of the developer that the advantage of the corner space is that it can be advertised as a very prominent, high visibility corner that is not separated from the remainder of the project. There had been great effort expended on the part of the Civil Engineer and Architect to ensure that only a six-inch curb is between the parking and the corner store. The wall will be grey concrete and the area landscaped with vegetation to complement the plaza. Mr. Allred added that plain, grey concrete is not an accepted material.

Mr. Allred next stated that the Planning Commission requested ample time to review the plans. The scheduling of two more meetings to complete the preliminary and final site plans was discussed.

(19:05:50) Commissioner Bowthorpe 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.

CONVENE REGULAR MEETING

Vice Chair Khodadad called the Regular Meeting to order at 7:05 p.m.

DISCUSSION ITEM

- 2. Holladay Village Square – 4664 South 2300 East – Discussion Only – Site Plan – HV Zone – Planners: Paul Allred, Jonathan Teerlink, and Rick Whiting.**

The above item was discussed during the Work Meeting.

PUBLIC HEARINGS AND DECISION ITEMS

- 3. Holladay City Fire Station – 2210 East Murray-Holladay Road – Conditional Use Permit – Tower Height – P (Public) Zone – Planner: Paul Allred.**

(19:07:27) Community Development Director, Paul Allred, presented the conditional use permit for the tower element above the roofline of the proposed Fire Station. The City Council approved an amendment to the Public Zone (P-Zone) that allows the building to be taller than previously allowed. This amendment is inclusive of schools, churches, or other buildings in the P Zone. The ordinance increased from 35 feet to 45 feet in height. The City recognized that in the Public Zones buildings with institutional uses often exceed 35 feet. The ordinance was amended to allow additional building height, but they can be no taller than three stories and cannot exceed 45 feet. The proposed Fire Station is approximately 37 feet in height. The tower is approximately 57 feet. The ordinance states that any architectural element in the P-Zone such as a steeple or tower that is 45 to 60 feet tall requires a conditional use permit.

(19:10:45) Mr. Allred next presented the staff report, which set forth the history and rationale for findings to support the tower element. Several conditions were also enumerated. He welcomed suggestions from the Commission in addition to what was laid out. He stated that the proposed tower is an important architectural element to the building. It adds a lot of visual interest and there

are reasons that describe why the tower is important. Mr. Allred urged the Commission to approve the request and attach reasonable conditions to mitigate any impacts.

(19:11:22) A Commission Member asked Mr. Allred for the footprint dimensions for the tower portion of the building. He replied that it comprises approximately 5 to 10 percent of the total building footprint, or 16 feet x 16 feet?

(19:11:57) Chris Jensen, a representative from Think Architecture, remarked that the top floor was intended for use as an open viewing area. The Mayor and staff wanted to create an element that was representative of the old host towers from Boston Fire Stations. The intended use was as an open observation tower. The public may access the tower after going through the security of the fire station and being accompanied by a member of the Fire Department staff. He next detailed the layout of the building with the first floor consisting of an office that will be occupied when the staff is not out on a call. The second floor consists of the sleeping quarters for the firemen. The third window is where the stairs are located, and allows access to the observation tower.

Height issues were discussed. Mr. Jensen concurred with Mr. Allred's statements and clarified that 57 feet is to the peak of the roof, which comes down approximately eight feet. The observation tower is approximately 45 feet to floor level.

(19:14:19) Commissioner Garver followed up with a question regarding the allowance of 60 feet to an architectural feature and questioned how that distinctive feature is categorized. Mr. Allred replied that the determination is based on the City's perspective. It is a space that cannot be occupied and is clearly an architectural element.

(19:15:57) With regard to the circle just above the second floor window, Mr. Jensen stated that it is a sandstone element that will contain the Coat of Arms for the department or the Maltese Cross. It will be embossed in a sandstone element and placed into the brick. Mr. Allred pointed out that the roof line of this building is under the allowance for the building height in the zone as recently approved by the Council. The bulk of the building is less than comparable home heights in the City's R-1-43 Zone or one to two-acre areas that allow for greater heights than the Fire Station. As far as any new public buildings or churches, roof elements will not be allowed to go higher, but may, as a conditional use, have architectural elements for towers or steeples.

Mr. Jensen stated that most fire houses, because of the slope and pitch of the roof, average in height from 33 to 34 feet and only a few peaks reach 37 feet in height.

With regard to window placement, Mr. Allred reported that presently it is an open area. At some point if there are water or bird problems it may have to be enclosed with windows. Mr. Jensen added that due to concerns such as those expressed by Mr. Allred, it has been decided that windows will be constructed and allowed to be opened, if needed. He reiterated that only those individuals who are allowed through the secure entrance to the stairwell will be allowed to access the tower and must be in the presence of a fireman at all times.

(19:20:17) Commissioner Khodadad opened the public hearing. There was no public comment. The public hearing was closed.

Commissioner Spence Bowthorpe moved that the Planning Commission approve the tower portion of the new public Fire Station located at 2210 East Murray Holladay Road in the P-Zone based on the following:

Findings:

- 1. The City Council specifically approved a code amendment in June of this year to allow for this type of physical element in this zone.*
- 2. The tower will not exceed the height allowance of 60 feet.*
- 3. This element is traditional looking – fire station towers were historically used a hose drying device. While this tower will not be used for that purpose, it will make a visual statement for this site and building.*
- 4. Nearby buildings such as Olympus Jr. High School directly across the street and the proposed tower at the Holladay Village Square site a few hundred feet away, will be equally tall or taller than this element. In the case of the Jr. High, its height and bulk form a much more dominant physical presence than just the Fire Station tower.*
- 5. Other public/quasi-public uses in the City, such as the new Olympus High, several church buildings and, in particular, church towers or steeples are equally tall or taller.*
- 6. The use of a tower is necessary and desirable to signify the location of an important site/building in the community – especially in the case of a public safety building.*
- 7. In this particular case, the tower element forms a very small portion of the overall bulk of the building – less than 10% of the overall roof area – and therefore presents a small intrusion into the overall skyline of the community and neighborhood.*
- 8. The building itself – at the ridgeline of the roof, is shorter than many homes existing and allowed in the City -40 feet, and as mentioned before, is well below the 45 feet allowed in this zone.*
- 9. The tower at the observation deck level is not enclosed and, therefore, may not be occupied except, weather permitting, for a very short period. This should give residents comfort knowing that privacy should not be compromised by anyone standing in this area of the tower.*
- 10. The tower is desirable in that, in conjunction with proposed corner tower element of the Holladay Village site, will form an attractive vertical iconography in the heart of the community which, eventually may be dramatically enhanced by a strong tower element in the middle of the Cottonwood (mall) development area only a half mile away.*
- 11. The Fire Station and the tower element will fit in with the vertical fabric of this area of the community which is already more than a single story.*
- 12. Lastly, the station and tower, in particular, will be less vertically intrusive than the multi-story building that occupied the site for many years, and should result in vertical presence that is compatible with this area and the City as a whole.*

Requirements:

- 1. The tower may not exceed 60 feet in height.*
- 2. Any lighting on the tower will be directly downward or away from any abutting residential use.*

Commissioner Garver seconded the motion. Vote on motion: Paula Lowry-Aye, John Garver-Aye, Spence Bowthorpe-Aye, Troy Holbrook-Aye, Lori Khodadad-Aye. The motion passed unanimously.

Commissioner Garver moved to amend the agenda to discuss the June 19 minutes next. Commissioner Lowry seconded the motion. The motion passed with the unanimous consent of the Commission.

The Commission next reviewed the minutes after which they continued with the agenda as printed.

4. Cottonwood Country Club Renovation – 1780 East Lakewood Drive – Conceptual Site Plan – P Zone – Planners: Paul Allred and Rick Whiting.

(19:30:57) Mr. Allred, presented the conceptual site plan, which is the first step in the approval process. Public notice was provided to property owners within 500 feet of the site. Within the next 15 to 16 months, the developer's plan is to complete two phase renovations of their project. Completion would be near November 2013.

Mr. Whiting detailed a phone call made by a neighboring property owner who expressed his general support for the project, but also shared concerns about the amount of overflow parking. He stated that the overage of vehicles constricts the flow through the access and he was concerned about emergency vehicles being able to access the project. With the addition to the clubhouse, he questioned whether the heavier traffic flow will exacerbate the problem.

(19:33:55) Mr. Allred presented the staff report and described the proposed changes. Phase 1 would include a new fire access into the back, construction of a cabana, remodel of the pool facilities and removal of one tennis court. Phase 2 would include the demolition and rebuilding of the clubhouse, which was planned to occur in 2013. The Commission reviewed the ordinances and found the request to be in compliance. Staff's primary concern had to do with parking, and there was some question as to whether the parking requirements were being met. Mr. Allred stated that it is the Commission's job to verify the ordinance requirements and ensure that the existing parking facility does not need to be amended.

With regard to a question raised by Commissioner Lowry about how parking is calculated for a country club, Mr. Allred stated that in the parking section of the ordinance there are specific uses that clarify how many spaces are needed. Because it is an assembly, eating, and recreational space, all will be considered when determining what is required. The overflow typically is used on weekends or when there is a swim meet. Mr. Allred explained that the parking requirement is not based on membership numbers.

(19:37:35) Mr. Whiting discussed the requirements for a restaurant or private non-profit club. One use requires 2 ½ seats or three parking spaces for every 100 square feet of floor area, whichever is greater.

Next, Mr. Allred reported that because the business has multiple events going on simultaneously, parking will spill out into the neighborhood. This concern needs to be examined. The neighborhood has a good relationship with the Cottonwood Country Club and many are members. It is in the Country Club's best interest to provide reassurance to the City that they are willing to

comply with the ordinances. He considered parking to be the only significant concern. Staff recommended approval of the conceptual plan subject to additional discussion.

(19:40:28) Commissioner Holbrook stated that since parking is one of the primary issues, and with the change to the P-Zone, he questioned whether the height of the structure could be increased to allow for more space in the parking area. Mr. Allred replied that the new structure will measure 30 feet at the peak which is approximately 2,000 square feet larger than the previous one. He did not believe that a taller building will solve the issue. He further stated that staff hasn't actually determined that there is a deficiency, which was to be part of tonight's discussion.

(19:42:27) The applicant's representative, Scott Later, from EDA Architects in Salt Lake City, agreed with Mr. Allred. He conveyed that the project has been defined as a reconfiguration of the property, based on the fact that the existing facility has basically worn out. The Plan, as stated by Paul Allred, consists of reconfiguring the center of the site involving the removal of a tennis court, reconfiguration of the pools in addition to a new cabana building. Construction is scheduled to begin in the Fall of 2012 with a completion date of May 2013. Phase 2 consists of the completion of the clubhouse facility with an anticipated completion date of November 2013. The major feature is the existing pond element that they would like to leave as-is. The additional 2,000 square feet is accounted for in the increased kitchen capacity as well as a grander lobby space. The height of the building is well under the required Codes. Mr. Later stated that the design allows the building to fit well with the residential character and neighborhood. He agreed that parking is the issue and they had begun some of the analysis to allow for additional parking if determined to be a requirement. Based on the location, they don't want to expand the existing parking lot. It is their opinion that a large empty lot would not blend into the surrounding neighborhood.

(19:47:18) Pete Miller, Cottonwood Country Club General Manager, stated that with regard to club events, there is a policy in place that states that 250 is the maximum number of occupants. This number is due to the amount of parking that currently exists. The only time the overflow parking is utilized is during home swim meets which occur four or five times a year. The Fourth of July fireworks show is another event that creates the need for additional parking. Other than those events, the parking is tightly controlled. Their interest is not to grow their business, but to simply update and bring the existing building up to Code. Their reputation consists of being a family-owned, small, intimate club. They currently have 475 members.

(19:50:18) Commissioner Bowthorpe asked if any space exists on the site where there is the potential for event parking. Mr. Later replied that they are looking at a scheme that would allow an additional 20 to 25 stalls of event parking and could be used by staff for the Fourth of July and swim meets. This would not be a permanent parking solution, but an overflow parking solution. Mr. Miller added that there is an additional piece of black top that could be used as overflow parking as well.

Commissioner Garver asked if those two options put into use would mitigate some of the problems that currently exist. Mr. Later replied that it would. It is not currently used because there is no access. He also stated that road access or a fire access along the western property edge would be a part of the improvements, providing access for those events.

(19:52:11) In response to a question raised, Mr. Later stated that they currently have 137 parking stalls and are looking at ways to increase that number where possible. They are looking at a strategy to convert from 45-degree parking to 90-degree parking and maintain at a minimum, the 137 stalls. He also stated that there will be a new portico area, which would be safer and separate the normal pedestrian and vehicular traffic from the service and fire access. There is a possibility that it could be used as overflow parking as well.

Commissioner Khodadad opened the public hearing.

(19:53:44) Jim Rock gave his address as 5511 Merlin, approximately 200 yards to the east of the Cottonwood Country Club. He noted that he is also a member and it is rare for there to be overflow parking. Mr. Rock added that it is not in his family's interest or the neighbors he has spoken to, to expand the parking. He hoped to see the overflow contained in the areas mentioned or constricted on busy days to one side of the street. It was his opinion that the project is well conceptualized and complements the architectural design.

(19:56:06) There were no further public comments. The public hearing was closed.

Mr. Whiting clarified Commissioner Lowry's question regarding the parking ratio and explained that the restaurant requirement is 2 ½ stalls per seat or three cars per 100 square feet, whichever is greater. With respect to recreation, the requirement is four spaces per tennis court, three spaces per court for racquetball and two spaces for squash. He wasn't aware of any guidelines for swimming.

Mr. Later added that based on City Code with the restaurant sector, 90 stalls are required of the 137 currently on the site. There is a tennis court requirement as they have 11 courts, which require 44 stalls. He noted that those eating at the restaurant may also be playing tennis. Mr. Later was not aware of any requirements with respect to golf.

(19:59:22) *Commissioner Garver moved to approve the Conceptual Site Plan for the Cottonwood Country Club located at 1780 East Lakewood Drive subject to the following:*

Recommendations:

1. *Explore parking capacity with the phasing of the project.*
2. *Establish a recommendation for parking for major events. There should be no reduction in the current parking counts.*

Commissioner Bowthorpe seconded the motion. Vote on motion: Troy Holbrook-Aye, Spence Bowthorpe-Aye, Paula Lowry-Aye, John Garver-Aye, Lori Khodadad-Aye. The motion passed unanimously.

5. Orchard Hollow Subdivision – 4245 East Holladay Boulevard – Conceptual Site Plan – R-1-15 Zone – Planner: Rick Whiting.

(20:02:50) Mr. Whiting presented the staff report and described the conceptual site plan for the Orchard Hollow Subdivision. He stated that the applicant, Simone McInnis, wishes to proceed with the entitlement process for a three-lot subdivision. At the rezone hearing, there was discussion about how many lots would be allowed to be developed on this property. Staff had previously been in discussions with Ms. McInnis and felt that three lots would be appropriate for

this property. With the rezone request, however, this was not anticipated and staff was not prepared to continue discussion. As a result of the meeting, the public may have the impression that this property may only support two lots. Staff determined that after further research of the Code provisions that the property will support three 15,000 square foot lots. Chapter 15.28.020(a) addresses the dedication of the public roadway and states that the portion of the public right-of-way not used by the public may be allowed in determining the appropriate area of the subdivision. In this case, that area is 2,546 square feet, which when added to the property allows for three 15,000 square foot lots.

With regard to topography, the lot rises from the roadway 28 to 30 feet and has varying slopes, none of which exceed 20%. City Code allows up to 30%. The request complies with the City's General Plan and many of the details are determined at the preliminary plat stage rather than conceptual. Staff suggested that the Commission determine if the application meets the provisions of conceptual plan and whether the applicant should proceed with detailed engineering, drainage, landscaping, and slope studies as part of the preliminary plat.

(20:07:19) Mr. Whiting addressed access to the two rear lots. Staff determined that what is proposed complies with Code. Staff recommended the Planning Commission carefully consider the request and conduct a public hearing.

Mr. Hall addressed the Commission and stated that he was tasked with putting together the interpretation of the Holladay City Planning and Zoning Code, and particularly Chapter 15. After reviewing the issues, he concluded that there are two required dedications. The first is the dedication of the road. State statute provides that when a road has been used by the public for more than 10 years, it becomes a public road. That portion is not to be considered as part of the lot acreage for purposes of this subdivision. The second area is the required second dedication. Section 15.28.050 states that in applying all the other provisions of the Zoning Ordinance, such lots shall be considered in an area that existed immediately prior to the dedication. Mr. Hall stated that as when an application is submitted, the entire area to be subdivided shall be used solely for the purpose of calculating the subdivision acreage. He further stated that he could not reconcile the ordinances in this section any other way. It appeared that the one exception seemed to have been brought forward from the County Ordinance.

Mr. Hall stated that the area to the bottom left on the plan cannot be considered part of the area to be subdivided. The other area, for the purpose of calculating the subdivision and lot size, can be utilized in the calculation. With regard to the period after which the subdivision has been approved, will mean that one of the lots will be less than 15,000 square feet. Mr. Hall said that in order to approve the plat, he would require a notation or other indication on the subdivision plat that Lot 1 was approved at 12,000 to 13,000 square feet with the provision that it could be less than 15,000 square feet. He further stated that it would not be wise for the Commission or City Council to approve a subdivision where a lot is already non-conforming, hence the note on the plat.

(20:14:31) Mr. Hall stated that the second area can be used to calculate the subdivision acreage, regardless of whether it meets the 15,000 square foot requirement as proposed by the applicant.

In response to a question raised by Commissioner Holbrook, Mr. Hall clarified that his understanding is that the change in coloration on the drawing represents the change in separation

between the current asphalt and the unused area. The determination of the square footage depends on where the asphalt ends. The location of the dividing line will determine the square footage of the lots.

(20:16:08) Commissioner Khodadad asked for the details of the survey. Mr. Whiting stated that the property was surveyed by Byron Curtis, who was hired by the applicant, and the 2,546 figure is precise and no further calculations were believed to be necessary.

With regard to the driveway issue, Mr. Teerlink stated that in 1999, the City Council unanimously determined the types of parcels that would be allowed as deep lot subdivisions or flag lots. These consist of one lot behind another that fronts a public street. The most recent modification to the ordinance occurred in 2007. There are two classifications of a lot. One exists on a public street and the other exists on a private right-of-way.

Regarding lots on a public street, there is a chart in the ordinance that states that the property's specifications for width and size depend on the zone it is in. A lot on a private drive serves no more than two homes. If a lot is served by a private drive, the area of that drive is non-buildable and not included in the calculation, as in Lots 2 and 3 of the proposed conceptual plan.

(20:20:05) With regard to Lot 1, Mr. Teerlink stated that it has the provision to allow for the dedication area and may be applied to its lot size, which is allowed in the Code. However, the private driveway crossing the lot has no bearing on its lot size. It only has a bearing on Lot 2, which is more than 15,000 square feet in size. He stated that the engineer provided survey evidence that the lot width can be accommodated. Lot 3 has no driveway and Lots 2 and 3 have no frontage requirements because they do not front a public street.

Commissioner Holbrook asked about the minimum lot areas and width required on a private driveway. Mr. Teerlink responded that there is an exception that if a portion of a lot is less than half the minimum lot width, it may not be counted toward the area. He clarified that the Council will allow deep lot subdivisions; however, the developer must show that there is area to reach all of the lots.

(20:25:00) Wade Budge was present representing Highland Hawk Investments. He agreed that the lot is large enough to accommodate three lots under the current R-115 Zone. In 2007, nearly 49,000 square feet were obtained. When the paved surface is deducted, the square footage is reduced to 45,242 feet. The site meets the minimum size requirements for three lots. Mr. Budge's client understands that if a three-lot subdivision is pursued, there must be a dedication to the City. It was made clear that a 66-foot right-of-way through the area is required because Holladay Boulevard is classified as a collector. Highland Hawk Investments was prepared to make the dedication. Mr. Budge agreed to confirm the existing dedication and make the new dedication referred to by Mr. Hall. Lot 1 will have a smaller home on it as compared to the second and third lots. The intent is to seek approval from the Planning Commission and then submit the preliminary plat for approval. With regard to the survey, Mr. Budge confirmed that it was completed in 2007 and just reconfirmed this summer.

(20:28:16) In response to a question raised by Commissioner Holbrook, Mr. Budge stated that the property was purchased and surveyed in 2007. The survey has been stamped and filed with the

County and has remained there since that date. The surveyor was Byron Curtis from Curtis & Associates.

Commissioner Khodadad opened the public hearing.

(20:31:12) Dana Nelson gave his address as 1889 Longview Drive, immediately south of the property. He strongly suggested that the line between the two hatched areas be appropriately located. He had visited the site and found nothing delineating the line. He wanted to make sure that the measurements are accurate. It was his desire to ensure that staff's recommendations are addressed prior to final approval. Last, he requested information on the roadway and what was actually in public use. Mr. Nelson believed the intent of the ordinance was to require curb and gutter.

(20:36:06) Ed Bailey gave his address as 1879 Longview Drive and expressed concern about the additional square footage now granting the applicant the opportunity to develop a third lot. He agreed with Mr. Nelson's challenge of the survey and wanted to view it with a new GPS. Five roads exist within 300 feet and he urged the Commission to limit the site to two lots. Mr. Bailey suggested that as the matter moves forward that there be a forum for public input. He stated that if the project goes forward and includes a third lot, he will legally challenge the extra footage. He also suggested that if the applicant gets the benefit of the extra square footage, they should pay the taxes on the benefit they utilize.

Mr. Whiting stated that presumably the City would get tax revenue that would cease after the dedication. Mr. Hall added that if the property description is to the middle of the road, theoretically the City and other taxing entities are already receiving taxes.

(20:42:26) Tim Barney gave his address as 1909 Longview and had several concerns with the proposal. It was his opinion that staff and the City Attorney had done their best to accommodate the request. He believed they should have the same amount of concern for the citizens of the City that they do for the developer. It was noted that within a three to four square block area, there are 100 children aged 12 and under. They walk to school along Holladay Boulevard and have to cross to reach the elementary school. Regardless of this proposal, curb and gutter needs to be considered. Mr. Barney believes that due to the odd-shaped lot and roadway, the request will harm the neighborhood's integrity. He also expressed concern that the project will negatively impact his property value.

(20:46:15) Carol Zimmerman was of the understanding that there was to be a turnaround for emergency vehicles. She asked for clarification on the proposed location. Mr. Whiting detailed for Ms. Zimmerman the provision that the Unified Fire Authority (UFA) required for the property and clarified that the turnaround is not deducted from the total lot square footage.

(20:49:29) Alexander Jewski, a Grover Lane resident, expressed concern about the conceptual site plan drawings not depicting the grade up to the property. He was also concerned with the entry onto Holladay Boulevard and suggested a realignment of the proposed road.

(20:52:12) Stephen Anderson gave his address as 1804 Grover Lane and expressed concern about traffic. He confirmed that they have curb and gutter and agreed that it should be extended. He addressed Mr. Hall and stated that his interpretation of the original Code was necessary in order to

make up the footage required for zoning. Mr. Hall stated that his intent was to come to a conclusion with respect to the policy adopted by the City Council. It was his opinion that it should count, for purposes of the entire lot acreage, that this is the first time in 13 years this question has been presented to the City. Mr. Hall stated that he has never met the applicant and his intent was never to justify the project. His intent was to come to a conclusion of what the statute meant. Mr. Anderson stated that if it is the purpose of Mr. Budge and the applicant to simply to obtain approval to sell lots, those buying the lots will face other issues.

(20:59:21) There were no further public comments. The public hearing was closed.

Mr. Budge stated that with regard to Mr. Nelson's question concerning the power pole, the ordinance cited by Mr. Hall addresses public use for a highway area. They are in compliance with zoning requirements and entitled to claim the area they will be asked to dedicate back to the City. He invited the neighbors to visit the site and compare the survey with the on the ground conditions. He confirmed that the survey is accurate.

(21:01:00) Mr. Budge next addressed Mr. Anderson's concerns. With respect to the square footage, there is no question that they own the acreage claimed. There is a portion that was dedicated for public use, and they are using none of that property to request approval. There is, however, a strip of property that will require dedication to obtain final plat. Mr. Budge discussed the provision and private property rights. He believes the policy is sound, and it is not unprecedented to follow the ordinances. He further stated that his client understands the obligations to the City, which they are willing to meet. He requested that the conceptual plan be approved to allow them to move forward with preliminary plat approval.

(21:03:16) It was Commissioner Khodadad's understanding that the applicant will actually be building all three homes. Mr. Budge replied that she may develop and get the lots in place and sell them to other builders or choose to build on the property. Those issues were still undecided.

In response to a question raised, Mr. Budge stated that there is no Public Utility Easement (PUE) along the highway, but one is required along the lot line of 10 feet. It will be located on the west, north, and extreme east sides of the parcel. It was Commissioner Khodadad's understanding that the PUE exists on almost any lot and is included on the lot. Mr. Hall stated that the projected 66-foot right-of-way also includes curb, gutter, sidewalk, and a park strip where the PUE would be contained. The 66 feet is not the width of the road and but rather the total width of the right-of-way. The road width is generally 50 feet.

(21:06:05) Commissioner Bowthorpe asked about the process the City goes through to verify the survey. He questioned whether the Commission only considers one survey, or goes through a secondary verification process. Mr. Hall suggested the surveyor mark where the two parcels begin and end.

Commissioner Khodadad asked Mr. Hall if it is appropriate to approve the conceptual site plan or verify the other issues. Mr. Hall deferred to Mr. Allred. Commissioner Khodadad stated that although this is a first, it is important that information be verified. Mr. Allred clarified the accuracy of the documents submitted to the City. He stated that they rely on the professionalism of those employed by the applicants. Those professionals are required to stamp the plans and put their license and professionalism on the line by doing so. He referred to a previous situation

where the validity of a study was in question. The City Engineer stated that staff does not have the ability to resurvey everything that is submitted. When a subdivision gets to the final stage of approval and all involved have certified it is accurate, the City Engineer looks at the legal description and the mathematics of the engineer who submitted the final plat drawing. In an instance like this one, the City Engineer could be asked to review the data submitted. Mr. Allred agreed with the request to have the corners marked by the surveyor.

(21:11:38) Commissioner Garver stressed that it is important to provide clarity since this decision hinges on a few hundred square feet. He also noted that the Surveyor, Bryan Curtis, is well renowned in the industry and has the best equipment and people. He did not doubt the accuracy of the survey, but was concerned with the communication and what the lines actually represent. He agreed also with the benefit of the lines being physically seen.

(21:12:50) Commissioner Holbrook agreed with Commissioner Garver and stated that in this circumstance, clarity is important. He asked for additional time to research the definitions and dedication with regard to the turnaround for emergency vehicles. He asked the applicant if there have been any discussions with property owners to acquire the property from Mr. Gunderson. Mr. Budge replied that there had not been. Commissioner Holbrook said that the question pertained to a previous discussion regarding ingress and egress. Mr. Budge was only looking for access onto the property and was not looking for any type of arrangement with Mr. Gunderson.

(21:15:44) Carol Ann Daves from Realty Brokers responded to Commissioner Lowry's question and inquired as to the salability of the subdivision. Ms. Daves did not consider Lots 2 and 3 having to access their property through the first lot to be a disadvantage.

Commissioner Holbrook next suggested the matter be continued. He asked for clarification with regard to interpretation, precedent, and confirmation of the numbers. With the question of how much time would be needed in order to proceed, Mr. Allred stated that it would be based on the availability of the surveyor and City Engineer. He also suggested this be done earlier rather than later. It was his opinion that the Commission could approve the conceptual plan subject to the information coming back, because there is no vesting at the conceptual stage. He noted that vesting usually occurs at the time of preliminary approval. He suggested that if approved the Commission be very specific with respect to what is required of the applicant.

(21:20:10) Mr. Hall responded to a question raised by Commissioner Khodadad about the appeal process and stated that unless there is a final judgment, there are no appeal rights. He encouraged the Commission to come to a decision of approval, denial, or continuation.

(21:20:48) Commissioner Bowthorpe moved to continue consideration of the application until the next scheduled meeting. In the ensuing two weeks he requested that the surveyor mark out the points that would lay out the two dedicated areas and give the Commission an opportunity to visit the site and see where they will sit. The Commission can reconsider the request once those items are considered. The Commission Members should also have the opportunity to research other questions they might have individually. He asked that Byron Curtis, the surveyor, either stake or mark the two dedicated sites in order to delineate the two dedication zones from the property line to the edge of the pavement as well as the total lot size. An updated conceptual site plan should also be prepared. The motion was seconded by Commissioner Lowry. Vote on

motion: Troy Holbrook-Aye, Spence Bowthorpe-Aye, Paula Lowry-Aye, John Garver-Aye, Lori Khodadad-Aye. The motion passed unanimously.

(21:26:56) In response to Commissioner Holbrook's question, Mr. Allred stated that generally, curb and gutter is required to be installed with new development especially when there is existing improved right of way on either side of it. However, there have been instances where a redeveloped property has not been required to add curb and gutter at the request of the property owner. In that case, the City may grant a request for an extension or payment up front ensuring those improvements can be added later.

The Commission took a short recess.

ACTION ITEMS

6. Approve Minutes of the June 19 and 26, July 10, 2012 Meetings.

(19:24:00) The Commission discussed whether it is necessary for a Member to be physically present at a meeting to participate in the motion to approve. Mr. Hall stated that it is not necessary. If the majority of the Commission has reviewed the minutes and those in attendance are comfortable with them, abstaining from the vote is not necessary.

The minutes were reviewed and modified.

Commissioner Lowry moved to approve the minutes of the Planning Commission Meeting held on June 19, 2012, as modified. Commissioner Holbrook seconded the motion. The motion passed with the unanimous consent of the Commission.

(19:27:17) In response to Commissioner Khodadad's comment on the online copy not being the most up to date, Mr. Allred stated that when the City enacts a new ordinance, the codifiers go through the rest of the Code and check for compatibility. They then return comments indicating where the new Code conflicts with another portion of the ordinance and ask for clarification. Although the ordinance has been enacted, they don't put it online until it has been finalized. The online version is the most current.

The June 26, 2012 minutes were reviewed and discussed.

(21:39:12) Commissioner Holbrook moved to approve the June 26, 2012, minutes, subject to the changes that will be submitted. Commissioner Garver seconded the motion. The motion passed with the unanimous consent of the Commission.

The minutes of July 10, 2012, were reviewed and modified.

(21:47:46) Commissioner Holbrook moved that approval of the July 10, 2012, minutes be continued until the next meeting along with any changes submitted prior to or at the next meeting. Commissioner Bowthorpe seconded the motion. The motion passed with the unanimous consent of the Commission.

OTHER BUSINESS

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

(21:49:06) With regard to the signage at Kokopelli's, Commissioner Lowry asked if it was in compliance. Mr. Teerlink stated that the sign can be 10% of the wall area.

Commissioner Khodadad asked about the Roots Nursery parking lot. After a recent visit, she had a difficult time pulling out. She stated that the vines are overgrown and there are no stop signs in place. Mr. Teerlink stated that he and Building Official, George Williams, recently visited the site. Due to financial issues, the owner is deciding which sign to keep and waiting for funding in order to post the stop sign. Mr. Teerlink stated that the City is responsible for the second stop sign, and it should be posted in the near future.

Mr. Whiting discussed the property located on 5600 South and Highland Drive. He stated there was a bank sale and the Cannons no longer own it. Staff has received multiple calls requesting information on what can and cannot be done on the site.

(21:52:14) Mr. Whiting reported that the Deerwood Farms project is moving forward. City Engineer, Clarence Kemp, and Mr. Allred reviewed the stream setback and the possibility of a road width exemption for the entire subdivision. Mr. Allred added that he reviewed the stream exception issue and walked the property with Mr. Kemp. He expressed Mr. Kemp's concern with the markings on the existing trees and along the property, which would result in the loss of vegetation. He visited the property again prior to tonight's meeting with Jim Raines, the developer's engineer. Mr. Raines clarified to Mr. Allred that the markings were made earlier in the design process and have since been updated. The new road will be very close to the existing road, which resulted in far less vegetation being removed. Mr. Kemp was comfortable with the new design and supported the proposed changes.

Mr. Allred discussed part two and stated that Mr. Raines joined staff as they examined and discussed the entrance of the subdivision where the road narrows. Mr. Raines paced off the entrance and stated that there were several feet of the existing asphalt road that could be used for expansion and not disturb the existing maple trees. Mr. Raines expressed an interest in starting the process of allowing the City Council to hear the exception. At the completion of their meeting, Mr. Allred notified Public Safety officials, as required by the Commission, through email. Via email, Mr. Raines stated that after speaking to Mr. Gunnell, he does not wish to move forward with the exception. Mr. Gunnell would first like to speak to the neighbors. The issue was, therefore, on hold.

Mr. Allred confirmed that 25-foot roads are planned at the entrance to the project at the north end of the narrowed portion granted a width exception by the Council. He reiterated that Mr. Gunnell is not at this time asking for an exception, although the neighbor and the Planning Commission have agreed to it. Although Mr. Gunnell owns the road, he will consult with Mr. Hall regarding the Hardys being able to go directly to the Council with a request for the road width exception. He believed, however, that it may not be possible. Mr. Whiting added that Mr. Gunnell does not want to proceed with the exception, as he does not want to delay the approval process.

The Commission discussed the neighbors' concerns regarding the proposed Orchard Hollow Subdivision. Mr. Allred stated that, in his opinion, it is their feeling that the home on Lot 1 would

be intrusive due to the slope of the lot. They felt the home could be moved back off the road if Lot 1 was larger.

(22:03:31) Mr. Allred agreed to review the minutes and submit any changes to Mr. Whiting.

8. Report from Staff on Upcoming Applications.

(22:04:10) Mr. Allred updated the Commission on the Fire Station and the Village. He noted that the City Manager stressed the need for the preliminary plan for the Fire Station. It was Mr. Allred's feeling that two weeks were needed to adequately review that plan. He suggested that the Village preliminary plat be scheduled for August 28. Staff further discussed the various concrete options as well as the tower design pertaining to the Village project.

Staff detailed upcoming items to be included on the August 21 agenda. Mr. Allred discussed the Cottonwood Country Club and their need for more parking. He requested they return with a parking demand analysis. Staff also discussed their remodel to accommodate fire and emergency access.

Mr. Whiting stated that the Orchard Hollow subdivision matter will be on the August 21 agenda for conceptual approval. There may also be an elderly care center proposed to be located on Highland Drive, three doors south of Café Madrid.

Mr. Allred stated that his biggest concern pertains to two moratoriums. He also stated that the ORD signage is another issue that needs to be addressed in the near future. He complimented Messrs. Teerlink and Whiting on their diligence and expressed appreciation to them for their efforts.

(22:17:28) Commissioner Garver moved to adjourn. Commissioner Lowry seconded the motion. The motion passed with the unanimous consent of the Commission.

9. Discussion of Possible Future Amendments to Code.

ADJOURN

The Planning Commission Meeting adjourned at 10:17 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 7, 2012.



Teri Forbes, Minutes Secretary
T Forbes Group

Minutes approved: 9-18-12