

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

**Tuesday, August 19, 2014
6:30 p.m.
Holladay Municipal Center
4580 South 2300 East**

ATTENDANCE:

Planning Commission Members:

Chris Jensen, Chair
Spence Bowthorpe
Les Chatelain
Matt Snow

City Staff:

Paul Allred, Community Development Director
Rick Whiting, City Planner
Pat Hanson, City Planner
Clarence Kemp, City Engineer
Tosh Kano, City Traffic Engineer

FIELD TRIP

Proposed Project Sites Visited: 1) 5246 South Highland Drive; 2) Olympus Clinic Medical Building Site; 3) Kinder Landing Home Occupation Site 4); and Olympus Orchard PUD Site.

A Field Trip of the Holladay Planning Commission was conducted on August 19, 2014. The purpose of the field trip was to visit the various locations and applications to be discussed at the meeting. The field trip was attended by Planning Commission Members Spence Bowthorpe, Les Chatelain, and Chris Jensen. Staff members present were Community Development Director, Paul Allred, and City Planner, Rick Whiting. No residents were present. The first site visited was the Highland Place Rezone located at 5246 South Highland Drive. The applicant, Russ Winegar, spoke briefly to the Commission. Other sites visited were the Olympus Clinic Medical Building Site, the Kinder Landing Home Occupation Site, and the Olympus Orchard PUD Site on 3900 South. The field trip commenced at approximately 5:35 p.m. and ended at approximately 6:35 p.m.

PRE-MEETING/WORK SESSION

Chair Jensen called the meeting to order at 6:40 p.m. The agenda items were reviewed and discussed.

City Planner, Rick Whiting, detailed the Kinder Landing Tutoring request. Two neighbors expressed opposition.

It was reported that the Awaken Schools Preschool item was postponed.

The developers of Highland Place requested a rezone of 1.46 acres to 8,000 square foot lots. Chair Jensen discussed the lack of property required for six lots.

Next detailed was the Olympus Orchards PUD Conditional Use Permit. Tree preservation and height restrictions were discussed. Chair Jensen stated that storm drainage and retention need to be addressed.

(19:03:04) *Commissioner Chatelain moved to close the Work Meeting and move to the Council Chambers for the Regular Meeting. Commissioner Bowthorpe seconded the motion. The motion passed with the unanimous consent of the Commission.*

CONVENE REGULAR MEETING

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

ACTION ITEMS

1. **Kinder Landing Tutoring - 5171 S Saddleback Drive – CUP Home Occupation With Customers – Preschool – R-1-10 Zone – Staff: Pat Hanson, City Planner.**

(19:11:04) City Planner, Pat Hanson, presented the staff report and stated that the applicant intends to have eight children in her home, although the ordinance allows 12. A parking and drop off plan was proposed. City Traffic Engineer, Tosh Kano, recommended that no parking be allowed on the street (Saddleback Dr.,) particularly along the west side. Staff also recommended there be no on-street parking, picking up, or dropping off allowed. She stated that this issue can be mitigated by having staggered pick up and drop off times and by requiring pick ups and drop offs take place in the applicant's driveway. Ms. Hanson clarified that parents will be allowed to drop off children at the curb if they are not parking or exiting their vehicle. Otherwise, parking will be required to take place in the applicant's driveway.

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

Commissioner Snow agreed with the proposed conditions. Commissioner Bowthorpe stated that the standard practice is for the teacher to meet the children at the curb and take them into the school.

(19:17:46) *Commissioner Bowthorpe moved to approve the Kinder Landing Tutoring application with the conditions stated by the applicant and in the Home Daycare/Preschool Compliance Code in addition to the following:*

Findings:

- A. *The use is allowed by the zone in which the property is located.*
- B. *The use is compatible with the character of the neighborhood and provides a much needed service to the wider community.*
- C. *Vehicular access to the site will not materially degrade the existing level of service of the abutting streets and the required off-street parking is provided by the use.*

Requirements:

- 1. *Hours of operation will be Monday through Thursday, 9:00 a.m. to 2:00 p.m.*
- 2. *Children should be dropped off and picked up in the applicant's driveway. No on street drop-off or pick-up will be allowed on the west side of Saddleback Drive.*

3. *An employee is not anticipated at this business, but if this changes, a parking space that does not conflict with the drop-off and pick-up of children shall be provided on the property.*

Commissioner Bowthorpe moved to amend the motion to include the following:

Conditions:

1. *Final paragraphs of the applicant's statement as detailed in the staff report.*
2. *Recommend that parents not drop off or park on the west side of Saddleback.*

The amended motion was seconded by Commissioner Chatelain. Vote on motion: Les Chatelain–Aye, Matt Snow–Aye, Spence Bowthorpe–Aye, Chair Chris Jensen–Aye. The motion passed unanimously.

2. **Awaken Schools Preschool – 5870 South Highland Drive – CUP Home Occupation with Customers – Preschool – R-1-10 Zone – Staff - Pat Hanson, City Planner.**
3. **Millcreek Place 3-Lot Subdivision – Conceptual Plan – R-2-10 Zone.**

The above items were postponed.

(19:22:04) *Commissioner Chatelain moved to amend the agenda to move Item 8, Nunley Villas Four-Twin Home Development to the next item. Commissioner Bowthorpe seconded the motion. The motion passed with the unanimous consent of the Commission.*

4. **Nunley Villas Four-Twin Home Development – 1926 East Nunley Circle – Preliminary Plan – R-2-10 Zone – Staff - Rick Whiting, City Planner.**

(19:23:45) Mr. Whiting presented the staff report for the Nunley Villas Four-Twin Home Development located at 1926 East Nunley Circle. He reported that that the request was reviewed by staff and the Technical Review Committee (TRC) and found to be in compliance with City Code. Staff recommended approval.

The applicant, Matt Lepire, stated that red line adjustments have been made. He asked that final approval go through staff as well. It was reported that the overall height of the proposed rambler measures approximately 22 feet with the two-story measuring 30.5 feet.

The Commission reviewed a survey of the existing property.

(19:31:56) *Chair Jensen moved to approve the Preliminary Plat application for the Nunley Villas Four-Twin Home Development located at 1926 East Nunley Circle in the R-2-10 Zone based on the following:*

Findings:

- A. *The proposed project has been reviewed by the TRC and meets City requirements for Preliminary Plat.*
- B. *The proposal represents a continued positive movement in the overall re-development of this particular street and in the general vicinity.*

- C. 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.*
- D. This project complies with the provisions of the City's General Plan for this area.*
- E. This application is consistent with land use patterns in the general vicinity.*
- F. The UFA has approved emergency access and fire hydrant placement as proposed.*
- G. It is believed by staff that utility providers can reasonably serve the property and have, or are expected to, provide appropriate service availability letters.*

Requirements:

- 1. A Final Plat and any other requirements for the subdivision shall be submitted for review and approval by the TRC or recommendation to the Planning Commission for approval.*
- 2. Any outstanding documentation, drawings or details required by the TRC or Planning Commission must be completed prior to Final Plat approval.*
- 3. The City Engineer will determine appropriate financial requirements for improvements and/or bonding in conjunction with Final Plat approval.*
- 4. Appropriate Covenants, Conditions and Restrictions (CC&Rs) must be prepared and recorded prior to Final Plat approval. These should include a Right-of-Way Easement and Road Maintenance Agreement for the eight proposed lots. They must detail provisions and responsibility for access, maintenance, snow removal, etc.*
- 5. Any outstanding and required utility provider "Will Serve" letters must be provided to Staff.*
- 6. A current Title Report must be provided to Staff prior to Final Plat approval.*
- 7. Delegates Final approval to the Technical Review Committee (TRC.)*

The motion was seconded by Commissioner Bowthorpe.

Commissioner Chatelain emphasized the importance of having CC&Rs in place, the Right-of-Way Easement, and the Road Maintenance Agreement as stated in Requirement 4.

Vote on motion: Les Chatelain–Aye, Matt Snow–Aye, Spence Bowthorpe–Aye, Chair Chris Jensen–Aye. The motion passed unanimously.

(19:35:06) *Commissioner Snow moved to amend the agenda and next discuss approval of the meeting minutes. Commissioner Bowthorpe seconded the motion. The motion passed with the unanimous consent of the Commission.*

5. Approve Minutes of the August 5, 2014, Planning Commission Meeting.

(19:35:46) The minutes of August 5, 2014, were reviewed and modified.

Commissioner Chatelain moved to approve the minutes of August 5, 2014, with the changes noted. Commissioner Snow seconded the motion. Vote on motion: Les Chatelain–Aye, Matt Snow–Aye, Spence Bowthorpe–Aye, Chair Chris Jensen–Aye. The motion passed unanimously.

Commissioner Chatelain moved to resume the agenda and next discuss the Highland Place rezone. Commissioner Bowthorpe seconded the motion. The motion passed with the unanimous consent of the Commission.

6. Highland Place (Winegar Property) Rezone – 5246 S Highland Dr. – Zone Change from R-1-21 to R-1-8 – Staff - Rick Whiting, City Planner.

(19:43:22) Mr. Whiting presented the staff report and stated that the request will go to the City Council for a final determination. The applicant is proposing to develop a six-lot single-family home subdivision. It was noted that the Highland Drive Master Plan allows and recommends R-1-8 zoning. There is an abutting property to the south that went through the same process and is currently developing a six-lot subdivision. The hammerhead is recorded as a no-build easement with no parking. Staff recommended approval.

The applicant, Nick Mason, gave his address as 2237 Ramona Avenue. Architectural styles were presented.

Rod Staten was present representing the applicant. He gave his address as 9196 Wedge Field and indicated that they fully intend to comply with the height requirements.

(19:53:01) Chair Jensen opened the public hearing.

Matthew Harris gave his address as 5307 Baywood Circle and expressed support for the proposed rezone. He was, however, opposed to the density of the proposed project. He suggested that five homes should be the maximum allowed not six. He expressed his frustration with construction and noise.

Emerson Zamora gave his address as 1944 Spring Lane and expressed concerns with proximity of the proposed homes to his property and his potential loss of privacy.

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

Commissioner Chatelain expressed concern with the proximity of the proposed homes to the existing residences but believed in the process and the City regulations that are in place to protect City residents.

Mr. Allred stated that the City Council may take into consideration issues raised during the public hearing. The Commission discussed recommendation options, which included making a recommendation tonight, tabling and continuing the motion to a future meeting, or making no recommendation to the City Council.

Mr. Mason stated that the neighborhood meeting was held previously. There were 72 invitations sent with three in attendance. They proposed setbacks no closer than what currently exists. He stated that it is their intent to move the home as far forward as possible and allow for a larger rear yard. He observed that what was proposed is in compliance with the General Plan.

(20:15:45) Commissioner Chatelain moved to recommend the City Council approve the zone change with similar considerations as were applied to the adjacent property, the Monarch Woods Subdivision. Commissioner Snow seconded the motion. Vote on motion: Les Chatelain–Aye, Matt Snow–Aye, Spence Bowthorpe–Aye, Chair Chris Jensen–Nay. The motion passed 3-to-1.

7. Olympus Orchards PUD – 2448 E 3900 South - Conceptual Plan – Six-Lot PUD – R-M Zone – Staff: Rick Whiting, City Planner.

(20:17:32) Mr. Whiting presented the staff report and stated that the subdivision, as proposed, is a PUD and the demonstrated density meets the underlying RM Zone. The primary incentive of the applicant applying as a PUD was that it allows for a more ideal configuration by reducing driveway entrances to 3900 South. Staff felt that the improved configuration of the subdivision, in and of itself, warrants granting the PUD status.

Commissioner Bowthorpe compared the previous plan to the current one and expressed concern with the setbacks to the south.

Nick Mingo was present representing the Ivory Development and gave his address as 978 East Wood Oak Lane. He stated that they used the PUD to increase the east and west side setbacks. The south side setbacks remained the same. The proposed homes were pushed closer to 3900 South in an effort to stay away from the south property line. Landscape buffering was detailed.

Chair Jensen asked about the intent of the two homes toward the south as the grade drops. Mr. Mingo stated that the site generally slopes to the southwest corner. It was noted that each property will have its own retention basin for the lot itself. They will work with the neighboring property owners to come up with a fencing design.

(20:26:42) Chair Jensen opened the public hearing.

James Faust gave his address as 2441 East Lexington Circle and presented a prepared packet to the Commission. He was opposed to the proposed project in its present form and was concerned with the rights of the adjacent landowners. The placement of Lot 103 was detailed. Mr. Faust commented that the current configuration addresses the traffic problem better than the previous plan. The burden of proof under the ordinance is to provide light, air, and privacy and to buffer adjacent properties. The ordinance also states that the PUD shall be compatible with the character of the site and adjacent properties. Mr. Faust conceded that the current plan addresses traffic, but the applicant has failed to examine factors that impact the adjacent landowners. He stated that it is

the Commission's duty to determine if the applicant has mitigated all of the issues and created buffer zones, the relocation of buildings, more liberal setbacks, landscaping, and reduced the visual impact of the PUD on adjacent property owners.

Commissioner Chatelain clarified that Mr. Faust's concern was with the proposed project blocking his view. He agreed that the ordinance requires the protection of adjacent landowners, not just the site development.

Jerry Nelson gave his address as 2431 East Lexington Circle and expressed concern with the height and maturity of the landscape barriers. He stated that the developer agreed to build a berm and will present a landscaping plan that will include up to 10 trees. If the trees are mature and reasonable in height, his concerns will be satisfied.

City Engineer, Clarence Kemp, clarified that natural grade is measured from the historical grade. He did not recall a Soils Report being conducted on the proposed property previously. Commissioner Chatelain questioned the end result with the entire run off being retained on the property and with the soil being very permeable. Mr. Kemp stated that this property has a long history of storm drainage issues. He was comfortable allowing the run off to be contained and remain on the property. It was his belief that the property has adequate space to retain the run off.

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

Mr. Mingo explained that a Soils Report had been completed previously. They waited one year for the PUD Ordinance to be approved because they felt it was a better plan. If the Commission feels that the PUD and the proposal are not ideal, they could pursue a traditional subdivision as previously designed. He expressed a willingness to work with the adjacent neighbors to mitigate concerns.

Commissioner Chatelain stated that one concept that was discussed was to require single-story homes on the two end lots. Mr. Mingo clarified that it is their intent to build two-story homes to the allowed height. They are willing to work with Mr. Faust and they are planting trees to block the view but would not likely move the house on proposed Lot 103.

Chair Jensen confirmed that the applicant must still demonstrate all preliminary details and those associated with the ordinance as part of the preliminary plat and final plat submittals. Skyler Tolbert, from Ivory Development, confirmed that with regard to the height ordinance, they will not be issued a building permit unless all of the requirements are met. Commissioner Bowthorpe was of the opinion that this item should be continued to a future meeting to allow for additional study.

Mr. Mingo reported that in any event, they must comply with City ordinances and requirements. He urged the Commission to address the remaining concerns with the preliminary plat. Chair Jensen stated that this is the only time they are able to impose conditions. He agreed that further clarification was needed.

Mr. Faust reiterated that if the developer continues with the proposed PUD they must comply with the terms of the ordinance. He emphasized the importance of balancing the interests of the adjacent landowners and the developer.

(21:13:43) *Commissioner Bowthorpe moved to continue the Olympus Orchards PUD to the next meeting with the items to be addressed including grade as it pertains to adjacent properties, the natural grade, the site section with the proposed plans, compliance with the height ordinance, and latitude to shift the home on Lot 103. Commissioner Jensen seconded the motion. Vote on motion: Les Chatelain–Nay, Matt Snow–Aye, Spence Bowthorpe–Aye, Chair Chris Jensen–Aye. The motion passed 3-to-1.*

8. Cottonwood Lane Four-Lot Subdivision - 5156 South Cottonwood Lane – Preliminary Plan – Four-Lot Subdivision – R-1-43 Zone – Staff - Rick Whiting, City Planner.

(21:18:23) Mr. Whiting presented the staff report and stated that the applicants propose to create a subdivision and build as opportunity allows. The proposal was determined to comply with City ordinances. The City Engineer also reviewed the drainage and water retention and approved the plan. Staff recommended approval.

Rob Porier, from McNeil Engineering, gave his address as 1834 Long Branch Drive and stated that the shape of the road is reflective of the effort to maintain the dense foliage to the extent possible. Any additional water created by the homes will be collected in a depressed area.

(21:24:34) *Chair Jensen moved to approve the Cottonwood Lane Four-Lot Subdivision at 5156 South Cottonwood Lane in the R-1-43 Zone subject to the following:*

Findings:

- A. *The proposed project meets the requirements for a residential subdivision in an R-1-43 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 low density, single family land use patterns in the general vicinity.***
- D. *The UFA has approved emergency access as proposed. Fire hydrant capacity and placement will be address in the Preliminary Plat review and approval process.***
- E. *The proposed project has been reviewed by the TRC and meets City requirements for Preliminary Plat.***
- F. *It is believed by Staff that utility providers can reasonably serve the property and have, or are expected to, provide appropriate service availability letters.***
- G. *Topographical, geotechnical, stream setback and FEMA flood plain constraints can reasonably be, or has been, mitigated and/or accommodated through subdivision design, granting of a Stream Setback Exception by the PC, building permit requirements and/or FEMA regulations.***

Requirements:

1. *Any remaining unresolved Preliminary Plat details, or compliance with City codes and ordinances, must be completed prior to, or in conjunction with, Final Subdivision Plat submission.*
2. *A Final Plat and any other requirements for the subdivision shall be submitted for Technical Review Committee (TRC) for approval or review and recommendation to the Planning Commission.*
3. *Any outstanding documentation, drawings required by the Planning Commission must be completed prior to Preliminary Plat approval.*
4. *The City Engineer will determine appropriate financial requirements for improvements and/or bonding in conjunction with Final Plat approval.*
5. *Appropriate Covenants, Conditions and Restrictions (CC&Rs) must be prepared and recorded prior to Final Plat approval. These should include a Right-of-Way Easement and Road Maintenance Agreement for the four proposed lots. They should detail provisions and responsibility for access, maintenance, snow removal, etc.*
6. *The City Engineer may require dedication of the portion of the road that lies in the Public Right-of-Way on Cottonwood Lane. This will be a function of the Final Plat process.*
7. *Required utility provider “Will Serve” letters must be provided to staff.*
8. *A current Title Report must be provided to staff prior to Final Plat approval.*
9. *A storm water drainage and protection plan (SWPP) will be required with Final Plat submission.*
10. *Existing or proposed new home footprints may not be placed or expanded within the 50-foot stream exception study area.*
11. *The TRC is authorized to make Final Plat approval of this project.*
12. *Delegate the final approval to the TRC for the Final Plat.*

The motion was seconded by Commissioner Chatelain. Vote on motion: Les Chatelain–Aye, Matt Snow–Aye, Spence Bowthorpe–Aye, Chair Chris Jensen–Aye. The motion passed unanimously.

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

(21:25:58) Mr. Whiting presented the staff report and stated that the request meets the site plan requirements and the previous requests of the Planning Commission. Staff recommended approval.

The Project Architect, Benjamin Baird, gave his address as 7598 South 3400 East. He stated that minor changes were made to the design. The second level mezzanine was removed with a lowered roof line. The footprint remained the same. They had been in talks with the doctor's office to the north and will be amending the site boundary to encompass 3.5 feet of their property. The overall height will measure 22.6 feet.

(21:31:55) *Commissioner Bowthorpe moved to approve the application for Summit Cyclery Preliminary Site Plan as submitted subject to the following:*

Findings:

1. *The project design has been recommended by the Holladay Design Review Board as compliant with the design standards set forth in Holladay Village Zone.*
2. *The building and proposed use is in harmony with the Holladay Village General Plan.*
3. *The project complies with the preliminary site plan requirements set forth in 13.08 .080.*
4. *Delegates Final approval to the TRC.*
5. *Site boundary in property lines must be resolved prior to a building permit issuance.*

Commissioner Snow seconded the motion. Vote on motion: Les Chatelain–Aye, Matt Snow–Aye, Spence Bowthorpe–Aye, Chair Chris Jensen–Aye. The motion passed unanimously.

10. Olympus Medical Center – 4624 South Holladay Boulevard – Preliminary Site Plan – Holladay Village (HV) Zone – Staff - Paul Allred, Community Development Director & Jonathan Teerlink, City Planner.

(21:33:54) Chair Jensen reported Commissioner Snow would need to recuse himself from this item, which would leave the Commission without a quorum and therefore, unable to make a vote. The Commission and staff discussed details regarding what constitutes a full quorum in order to vote on an issue. Mr. Allred confirmed that a roll call vote of the majority of the members present is what constitutes the action.

(21:50:42) *Commissioner Chatelain moved to continue the above item for one week and convene a Special Session with only this item on the agenda. Chair Jensen seconded the motion. Vote on motion: Les Chatelain–Aye, Matt Snow–Aye, Spence Bowthorpe–Aye, Chair Chris Jensen–Aye. The motion passed unanimously.*

OTHER BUSINESS

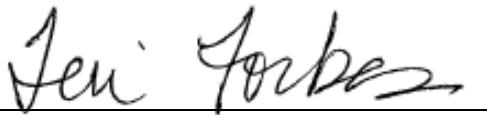
11. Updates for Follow-Up on Items Currently in the Development Review Process.
12. Report from Staff on Upcoming Applications.
13. Discussion of Possible Future Amendments to Code.

ADJOURN

(21:55:15) Commissioner Bowthorpe moved to adjourn. Commissioner Chatelain seconded the motion. The motion passed with the unanimous consent of the Commission.

The Planning Commission Meeting adjourned at 9:55 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 19, 2014.



Teri Forbes
T Forbes Group
Minutes Secretary

Minutes approved: September 16, 2014