

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

**Tuesday, September 3, 2014  
6:30 p.m.  
Holladay Municipal Center  
4580 South 2300 East**

**ATTENDANCE:**

**Planning Commission Members:**

Chris Jensen, Chair  
Jim Carter  
John Garver  
Matt Snow

**City Staff:**

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

**CONVENE REGULAR MEETING**

There was no pre-meeting. Chair Jensen called the Regular Meeting to order at 6:35 p.m.

**ACTION ITEMS**

**1. Olympus Orchards Planned Unit Development- Conceptual Plan – 2448 East 3900 South – Staff: Rick Whiting, City Planner.**

(18:37:38) City Planner, Rick Whiting, presented the staff report and stated that the applicant, Ivory Homes, has opted to apply under the new amended PUD Ordinance for a six-lot subdivision. The issue pertaining to the determination of the natural grade of the property has been resolved. The applicant presented a packet to the Planning Commission setting forth the proposed project. He stated that surveyors were sent to the home of the adjacent property owner, Mr. Faust, to get exact measurements. Height requirements and natural grade issues were discussed.

Chair Jensen asked the applicant if he would consider pushing the homes back off the property line. The applicant stated that they would like the plan to remain as-is and prefer not to push the homes further back. With regard to landscaping, he was happy to do what is reasonable. Mr. Faust requested that pines be placed between his property and the subject property. The applicant stated that the mortality rate of the requested trees is high and their circumference will not work as requested. He confirmed that the Type B tree is a Columnar Norway Maple, which averages 12 to 15 feet in height.

Chair Jensen agreed to allow citizen comments although the matter was not noticed as a public hearing.

Jim Faust, an adjacent property owner, displayed a map and stated that the Planning Commission must require an arrangement of structures and open spaces within the site development, as necessary, to ensure that the adjacent properties will not be adversely affected. He believed that the placement of Lot 103 will adversely visually affect his property. He recommended that it be moved 27 feet to the east. He suggested this be required as a pre-condition to the granting of the PUD along with the landscape barrier.

Jerry Nelson, an adjacent property owner, stated that their concern is with the small caliper trees. He suggested that the largest mature trees be required to ensure privacy.

Commissioner Garver was of the belief that a larger, more mature tree is not as viable as a smaller caliper tree. Trees with a smaller caliper and more established root system tend to do better and live longer. Community Development Director, Paul Allred, concurred.

(19:10:50) Commissioner Carter was in favor of requiring a developer to install appropriate screening to reduce visual effects, but stated that that effort falls short in terms of being able to find that a conforming structure on a conforming lot with appropriate setbacks is causing adverse effects. He was not comfortable including findings as a basis for the Commission to redesign the layout of the project. Layout and screening options were discussed.

Chair Jensen read a statement from Commissioner Chatelain expressing his support for the PUD conceptual plan with the understanding that they meet all established regulations. He found it unfortunate that the neighbors to the rear of the subject property built so close to the property line and are lower than the subject property. The current owner did not contribute to either of those issues and had shown a willingness to reduce the impact.

Commissioner Bowthorpe commented that because this is his own neighborhood, he has studied it carefully and is of the belief that it is good for the City and the surrounding property owners. It is also an improvement over the previous plan without the PUD. He remarked that five driveways coming off of 3900 South would create a hazard. What is being proposed is better in terms of safety. He wanted to see the applicant take all reasonable measures to reduce the perceived impact on other property owners. He believed that the project will have a positive influence on the neighboring property values.

(19:26:23) Jerry Nelson suggested an expert recommend the highest, most mature tree with a high probability of survival that will also provide a privacy barrier.

Commissioner Carter was still uncomfortable with the idea of conditioning the position of the building or reducing size. He recommended pursuing screening and convening arborists to reach an agreement with the developer and surrounding property owners.

Chair Jensen was of the opinion that the proposed PUD provides better life safety preservation for the community and allows for screening to be placed between homes.

Mr. Tolbert addressed the landscape plan and stated that the first portion will have a six-foot privacy fence and then step down to a picket fence. The possibility of an entrance gate was discussed.

(19:42:05) *Commissioner Snow moved that the Conditional Use Permit for the Olympus Orchards Planned Unit Development 6-Lot Single-Family Detached Subdivision located at 2448 East 3900 South in the RM Zone be approved subject to the following:*

**Findings:**

- A. *The proposed project meets the requirements for a Conditional Use Permit.*

- B. The proposed Planned Unit Development protects the health, safety and public welfare of the inhabitants of, or visitors to, the PUD.**
- C. The proposed PUD permits flexibility in land use.**
- D. The proposed PUD creates unique benefits for both the property owner and the city.**

**Requirements:**

- 1. A Right-of-Way Easement and Road Maintenance Agreement for the six proposed lots must be recorded with the final plat. It must detail provisions and responsibility for access, maintenance, snow removal, etc.**
- 2. A letter from the applicant shall be included in the file that details the unique benefits associated with this project that justifies the granting of this Conditional Use Permit.**
- 3. Screening be reviewed and approved by City arborists and tree committee. Objectives that maximum screening is to be done quickly and consistent with long term durability.**
- 4. Lot 103 on the south end of the property has a setback of no point closer than 11.5 feet from the property line.**

**Commissioner Carter seconded the motion. Vote on motion: John Garver-Aye, Jim Carter-Aye, Matt Snow-Aye, Chair Jensen-Aye. The motion passed unanimously.**

**(19:49:20) Commissioner Carter moved that the application for Conceptual Plan for a Planned Unit Development for the proposed Olympus Orchards PUD Six-Lot Single-Family Detached Subdivision located at 2448 East 3900 South in the RM Zone be approved subject to the following:**

**Findings:**

- A. The proposed project meets the requirements for a residential subdivision in an R-M Zone, i.e. area, density, access, slope, public safety, etc.**
- B. This application substantially meets both the letter and spirit of the City's recently amended PUD ordinance, Chapter 13.78 as noted in the applicant's letter and the staff report above.**
- C. This application is consistent with land use patterns in the general vicinity.**
- D. The proposed Planned Unit Development protects the health, safety, and public welfare of the inhabitants of, or visitors to, the PUD.**
- E. The proposed PUD permits flexibility in land use.**

- F. The proposed PUD invokes imaginative site planning and creates a more unique neighborhood with benefits for both the property owner and the City.*
- G. The development represents an attractive alternative to the previous land use on this site, in terms of tax base, aesthetics, improved housing stock, new single family detached housing opportunities, etc.*
- H. The UFA has approved emergency access as proposed. Fire hydrant capacity and placement may be further addressed in the Preliminary Plat and Building Permit approval processes, as needed.*
- I. Utility providers can serve the property and have (or will) provided appropriate service availability letters.*

**Requirements:**

- 1. Remaining issues, if any, with regard to the Conceptual PUD Plan must be resolved per requirements of the Planning Commission and/or TRC.*
- 2. A Preliminary Plat shall be submitted to the TRC for review and then presented to the Planning Commission for its consideration.*
- 3. Storm Drainage and Water Retention – The City Engineer has indicated that an acceptable drainage and water retention plan will be required with the Preliminary Plat approval.*
- 4. A Right-of-Way Easement and Road Maintenance Agreement for the six proposed lots must be recorded with the final plat. It must detail provisions and responsibility for access, maintenance, snow removal, etc.*
- 5. A dedication to the City will be required for the public right-of-way on 3900 South.*

*Commissioner Snow suggested condition number one be amended to state:*

- 1. The Conceptual Plan must comply with the conditions of the conditional use approval.*

*Commissioner Carter accepted the amendment.*

*Commissioner Garver seconded the motion. Vote on the motion: John Garver-Aye, Jim Carter-Aye, Matt Snow-Aye, Chair Jensen-Aye. The motion passed unanimously.*

Mr. Faust requested that the findings be amended to include an addition regarding capability, as required by the ordinance. He also requested that a finding be made that mitigation has been met by Ivory and does not create a visual impact for the adjacent property owner.

(19:52:45) The Planning Commission took a short break.

Chair Jensen stated that the Commission will discuss Mr. Faust's request further with staff and make a determination.

### **OTHER BUSINESS**

#### **2. Updates for Follow-Up on Items Currently in the Development Review Process.**

(20:05:42) City Planner, Pat Hansen, presented the proposed text amendment to Chapter 13 regarding the terms "adjacent" and "abutting". A determination as made to discuss the matter at the next Planning Commission Meeting.

Mr. Allred stated that there was an internal issue where one checklist was being distributed and another was being posted online. Staff wanted to codify the ordinance to reflect the detail that is needed in a project.

The Commission next discussed the land use update. Mr. Allred stated that several times each year he provides the City Council with a list of current projects, which he finds to be a very useful way of communicating.

Mr. Allred reported that the General Plan is behind schedule and there is not yet a Consultant on board. The Wasatch Front Regional Council has given the City \$70,000 to perform the update. Four consulting teams have applied. Mr. Allred confirmed that seven individuals have been asked to look at the proposals. He stated that much of the planning takes a team with the ability to work together and communicate clearly.

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

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

### **ADJOURN**

(20:29:36) *Commissioner Snow moved to adjourn. Commissioner Carter seconded the motion. The motion passed with the unanimous consent of the Commission.*

The Planning Commission Meeting adjourned at 8:29 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, September 3, 2014.*



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Teri Forbes  
T Forbes Group  
Minutes Secretary

Minutes approved: October 7, 2014