

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

Wednesday, September 4, 2013

7:00 p.m.

**Holladay Municipal Center
4580 South 2300 East**

ATTENDANCE

Planning Commission Members:

Lori Khodadad, Chair
Les Chatelain
Spence Bowthorpe
Chris Jensen
John Garver
Matt Snow

City Staff:

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

CONVENE REGULAR MEETING

Chair Khodadad called the Regular Meeting to order at 7:03 pm.

ACTION ITEMS

1. Ivory – Woodley Place Subdivision – Conceptual Plan – Planner: Rick Whiting.

(19:04:10) City Planner, Rick Whiting, presented the staff report and stated that the proposal is in harmony with the General Plan. The Technical Review Committee (TRC) reviewed the request and found it to be in compliance with City Code. Staff recommended the Planning Commission favorably consider the merits of the application.

Nick Mingo was present on behalf of Ivory Development and stated that with regard to density, their intention is to build eight single-family homes. Parking issues were discussed. The applicants indicated that they are open to further exploration of additional stalls. The proposed 2,400 to 3,200 square-foot homes will have two-stories and two-car garages. They will be priced in the \$400,000s.

Chair Khodadad opened the public hearing.

(19:12:10) Ann Larsen gave her address as 4140 South 2300 East and stated that her home faces south and will face the back of the proposed subdivision. Mr. Mingo clarified that in actuality the side of the development will face Ms. Larsen's property rather than the back.

Rod Pulley gave his address as 4130 South 2300 East and identified himself as the President of the Condominium Association for the six units immediately north of the property. Mr. Pulley expressed concern about the proposed building heights. A balloon study of the home heights was suggested to show the impact on the solar access and ice and snow created by shade patterns from the development.

City of Holladay Planning Commission Meeting – 09/04/2013

Tom Kamlowsky gave his address 4137 Clover Lane and asked for more information regarding the placement of public easements, how they will be used for public utilities, and whether the lines will be buried or not.

Scott Ingham was present representing the owners of property at 4160 South 2300 East. He shared the history of the property leading up to the present time.

(19:27:20) Chair Khodadad raised a question regarding the possibility of adjusting lines to push the property further back from the property line. Mr. Mingo confirmed that alternatives can be explored. He agreed to comply with all ordinances as they apply to height, density, and setbacks.

Lynn Pace gave his address as 2386 Olympus Drive and voiced his support for the project. He believed the proposal will be a substantial improvement over what exists there currently. He remarked that new construction brings with it new families and will be a positive addition to the City of Holladay.

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

The Commission further discussed the layout of the project. Commissioner Bowthorpe clarified the details of the approval process and emphasized that this is only the conceptual plan.

Community Development Director, Paul Allred, confirmed that the setback on 2300 East measures 20 feet. He stated that the neighborhood meeting notice fell short of the seven-day requirement. Mr. Mingo agreed to hold another neighborhood meeting and provide appropriate notice. Commissioner Chatelain was of the understanding that should the Commission proceed without the required seven-day notice of the neighborhood meeting, an appeal of any decision made, could result.

Mr. Allred stated that conceptual and preliminary approvals have been combined into the same meeting on more than one occasion. He did not foresee a problem moving forward and combining the two at a later date. Mr. Mingo reported that he would be ready to present both if called upon to do so.

(19:55:04) *Commissioner Jensen moved that the Ivory Homes Woodley Place Subdivision at 4162 South 2300 South be continued to the next meeting, allowing the applicant to hold an additional neighborhood meeting prior to returning for conceptual and preliminary approval. Staff will send a courtesy notice and receive reports of both neighborhood meetings prior to the next meeting. Commissioner Chatelain seconded the motion. Vote on motion: John Garver-Aye, Les Chatelain-Aye, Matt Snow-Aye, Chris Jensen-Aye, Spence Bowthorpe-Aye, Chair Lori Khodadad-Aye. The motion passed unanimously.*

The Commission took a five-minute recess.

2. **Pheasant Grove – Rezone – 5559 S Highland Drive – Zone Change from R-1-43 to R-1-10 – Planner: Rick Whiting.**

City of Holladay Planning Commission Meeting – 09/04/2013

(20:05:00) City Planner, Rick Whiting, presented the staff report and stated that the applicant, Norm Dahle, confirmed that he is willing to enter into a legal agreement with the City if approval is granted whereby he would limit the development to 12 lots, regardless of what the R-1-10 zoning might otherwise allow. Staff felt that the proposed reconfiguration of density on Highland Drive is appropriate and in harmony with the Highland Drive Corridor Master Plan. Staff recommended the Commission favorably consider the merits of the applicant's request for a rezone from R-1-43 to R-1-10.

Mr. Dahle gave his address as 2675 Melanie Drive and detailed his rezone request. He explained that the proposed area identifies and fits within the purview of the General Plan with regard to land situated along the Highland Drive Corridor. Mr. Dahle was of the belief that the adoption of the Master Plan was an effort to take parcels such as his and provide an option for landowners to utilize and develop their property. Two neighborhood meetings were conducted in an effort to understand and listen to concerns. Adjacent properties and density were detailed.

Mr. Dahle discussed the value of the proposed property and reported that the homes will range in cost from \$325,000 to \$450,000. Following a property evaluation, the appraiser stated that it appears that the proposed 12-lot subdivision on 4.2 acres is the best use of the parcel relative to its location on Highland Drive. The private subdivision will create a reasonable buffer between Highland Drive and mixed uses and the surrounding neighborhood. Mr. Dahle was of the opinion that the proposed subdivision will not be a detriment to any of the properties contiguous to or extending into the Pheasant Lane area.

Chair Khodadad raised a question with regard to tree removal on the property. Mr. Dahle responded that specific details have not yet been determined, but their intent is to take something that is unsightly and create something that is well planned and gated and utilizes or preserves as many trees as possible.

(20:35:41) Chair Khodadad opened the public hearing.

Sue Razor gave her address as 2037 East Pheasant Circle. It was Ms. Razor's opinion that the proposed 12-lot subdivision is not in keeping with the existing setting. Concerns with density and traffic were also discussed. It was her hope that the Planning Commission will consider her objections and deny Mr. Dahle's request.

Frank Moyle gave his address as 2008 Pheasant Way and shared his opposition to the proposed subdivision. It was his opinion that 12 homes are unacceptable and nothing less than .50 acre lots should be considered.

Steve Tachiki gave his address as 2018 Pheasant Circle and stated that a zone change allowing higher density will set a precedent in the City. He expressed his opposition to the project.

Tom Nelson gave his address as 2155 Pheasant Way and agreed with the previous comments regarding high density development. Should the project be approved, he urged the Commission to ensure that there is attractive fencing and a landscaping setback in order to preserve the green look

City of Holladay Planning Commission Meeting – 09/04/2013

along Highland Drive. Mr. Nelson was also opposed to the developer using “pheasant” in the project name as he believed it would depreciate the land value of those living in the surrounding areas.

Dave Erickson gave his address as 2017 Pheasant Circle, directly adjacent to the proposed property. Although he and his wife are pro-development, after living next to the dilapidated property for a length of time, they were not in favor of the proposed rezone.

(20:50:05) Arthur Ralph gave his address as 2207 Walker Lane and concurred with the previous citizen comments. He remarked that higher density detracts from the enjoyment and value of the current one-acre properties. Mr. Ralph respectfully requested the Commission consider denying Mr. Dahle’s request.

David Razor was of the opinion that the project density is too high for the quality of life that exists in Holladay.

LeAnn Stillman gave her address as 2149 and 2131 Pheasant Way. Ms. Stillman reported that she was pleased with the residential development and believed it required the cooperation of three entities; (1) a community that is willing to compromise; (2) a developer who will reduce his ambitions and profits; and (3), a City that is willing to facilitate and negotiate compromises. Ms. Stillman stated that the R-1-43 Zone is the premium zone and those involved have paid a high price to reside here. It was her opinion that the developer is someone who is willing to negotiate. She appreciated that he wished to keep it residential.

Corey Chamberlain gave his address as 2064 Walker Lane and stated that the proposed development will be located along his west fenceline. He concurred with the comments and stated that he is pro-development, however, he did not support the proposed high density.

(20:57:32) Gayle Volkman gave her address as 2066 Walker Lane and urged the Commission to walk the proposed project property prior to making a decision. She strongly disagreed with the proposed development, and as an architectural draftsman that previously held an appraisal license, she was confident that the approval would be detrimental to her property value. She reminded the Planning Commission of their mandate and stated that their job is to look at the best use and practices. She was of the opinion that the development of the contiguous pieces of property is not the place to put a minimum of 12 homes. She stated that approval of the proposed project will alter the way she and her neighbors live. She expressed her strong opposition.

Richard Smith gave his address as 2174 Pheasant Way and shared his concern with the preservation and replacement of the trees on property. He suggested Mr. Dahle have more consideration for his neighbors than for profit.

(21:08:00) Laurel Smith gave her address as 2174 Pheasant Way and believed the proposed development will separate Pheasant Lane from Walker Lane by eliminating the wooded area that joins the two. She also expressed concern that the proposed fencing will become an eyesore rather than blend in with the surroundings.

City of Holladay Planning Commission Meeting – 09/04/2013

Marilyn Whitehead gave her address as 4160 Hugo Avenue and stated that she owns property on Highland Drive. Having walked the project property, she believed it poses a fire hazard and that Mr. Dahle's proposal was a gift to the City. She recommended the Commission consider the matter carefully and grant the zone change.

(21:13:30) There were no further public comments. Chair Khodadad closed the public hearing.

Mr. Dahle stated they are open to discussion and believed what is created will be acceptable to the citizens who have spoken. He was willing to work with all involved. Details of the R-1-10 Zone were discussed. Mr. Dahle confirmed that the proposed custom homes will be as high quality as the adjacent residences.

Commissioner Jensen felt that what was proposed could be considered spot zoning. He remarked that the density is not in harmony with the homes on Walker Lane and Pheasant Lane. The Commission discussed layout details as well as access from Highland Drive. Mr. Dahle commented that his intent is come up with a plan that will satisfy all involved. Flexibility regarding a less dense project was discussed.

(21:45:46) *Commissioner Chatelain moved to recommend the City Council approve the proposed Pheasant Grove 4.2-acre rezone located at 5559 South Highland Drive from R-1-43 to R-1-10 subject to the following:*

Findings:

- 1. Uses along this street are typically higher density single family residential. The proposed use will fit the established development patterns on the street; and*
- 2. The requested zone change is within the parameters of the General Plan – Appendix K - Highland Drive Corridor Master Plan.*

Suggested Limitations on Density:

- 1. If the zone change is adopted and despite otherwise permitted density under the R-1-10 Zone - the developer may only build 12 lots in any subsequently proposed*

The motion died for lack of a second.

Chair Khodadad asked the applicant to return in two weeks.

(19:47:10) *Commissioner Jensen moved to continue the Pheasant Grove 4.2 acre rezone located at 5559 South Highland Drive to the September 24, 2013, meeting. Commissioner Garver seconded the motion. Vote on motion: John Garver-Aye, Les Chatelain-Aye, Matt Snow-Aye, Chris Jensen-Aye, Spence Bowthorpe-Aye, Chair Lori Khodadad-Aye. The motion passed unanimously.*

Chair Khodadad confirmed that a public notice will not be sent prior to the next Planning Commission Meeting scheduled for Tuesday, September 24, 2013.

City of Holladay Planning Commission Meeting – 09/04/2013

(21:48:50) The Commission took a five-minute break.

3. Kathy's Cove – One-Lot Subdivision/Plat Amendment – Planner: Paul Allred

(21:58:15) Mr. Allred presented the staff report and stated that Lots 7, 8, 9, and 10 were changed to make three lots. One of the homes was then located on the middle portion of Lots 8 and 9. Lots 7 and 10 then acquired portions of Lots 8 and 9 making them larger than they were previously. Mr. Allred clarified that the proposed amendment is a clean up of existing properties and recognizing ownership. Two reasons to amend the Arborwood Park Plat would be to recognize and correct the division of the two lots and the addition of a small portion of outside property. Staff recommended approval of the amendment.

The applicant's representative, Daniel Nelson, gave his address as 9183 Selena Way and stated that they are simply correcting something that occurred years ago. The original plat was filed in 1947 and in 1956, the property went from four lots to three lots.

(22:09:22) Chair Khodadad opened the public hearing.

Keith Stowe gave his address as 5000 Fairbrook Lane and expressed concern about why the request was being called a subdivision rather than a plat adjustment. He asked if creating a subdivision opens opportunities that a plat adjustment does not. Mr. Allred responded that whenever ground is taken from metes and bounds and is not in a plat, the process is less complicated.

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

(20:17:38) Commissioner Bowthorpe moved to approve the plat as proposed for the Kathy's Cove single-lot subdivision with changes required by the Technical Review Committee (TRC) as necessary to make it fully compliant with the City regulations and recordable. Commissioner Chatelain seconded the motion. Vote on motion: John Garver-Aye, Les Chatelain-Aye, Matt Snow-Aye, Chris Jensen-Aye, Spence Bowthorpe-Aye, Chair Lori Khodadad-Aye. The motion passed unanimously.

5. Stream Setback Discussion - Staff: Jonathon Teerlink, City Planner and Clarence Kemp, City Engineer.

(22:20:04) City Planner, Jonathon Teerlink, presented the stream setback and recommended that any development within 100 feet be reviewed by the Planning Commission. If, however, the development is from 100 feet to 50 feet, it can be done at staff level. It was recommended that any proposals closer than 50 feet would require Planning Commission review.

Commissioner Garver suggested the guidelines be considered a staff recommendation for any distance off the creek as long as it meets the City Engineer's requirements. Mr. Teerlink stated that everyone in the County understands the sensitivity of Big Cottonwood Creek and the perennial water bodies. He stated that there should be an open public process to discuss what goes on in the area and ensure that it remains as natural as possible. Commissioner Bowthorpe believed

that ultimately having a public process will be beneficial. It was the consensus of the Commission that proposals of 50 feet be reviewed by the Planning Commission.

Mr. Teerlink reported that certain portions of irrigation laterals, canals, or perennial streams run through properties and those property owners requested the water be piped. When the systems fail, the owners return to the County or City asking for help. City Engineer, Clarence Kemp, drafted language pertaining to designating ownership of new pipes and culverts that convey water under their land. It becomes the owner's responsibility to repair or replace it should it fail. It was clarified that regardless of whether the property owner installed the pipe or purchased the property with it already in place, it would be the property owner's sole responsible to maintain and repair it.

(22:48:37) Commissioner Garver moved to reschedule the September 17, 2013, Planning Commission Meeting to September 24, 2013, with the Work Session to begin at 6:00 p.m. Commissioner Jensen seconded the motion. Vote on motion: John Garver-Aye, Les Chatelain-Aye, Matt Snow-Aye, Chris Jensen-Aye, Spence Bowthorpe-Aye, Chair Lori Khodadad-Aye. The motion passed unanimously.

OTHER BUSINESS

- 6. Updates for follow-up on items currently in the development review process**
- 7. Report from Staff on Upcoming Applications.**
- 8. Discussion of Possible Future Amendments to Code.**

ADJOURN

(22:43:00) Commissioner Snow moved to adjourn. Commissioner Chatelain seconded the motion. The motion passed with the unanimous consent of the Commission.

The Planning Commission Meeting adjourned at 10:43 p.m.

I hereby certify that the foregoing represents a true, accurate and complete record of the City of Holladay Planning Commission Meeting held Wednesday, September 4, 2013.



Teri Forbes
T Forbes Group
Minutes Secretary

Minutes approved: October 1, 2013

City of Holladay Planning Commission Meeting – 09/04/2013