

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

**Tuesday, September 16, 2014
6:30 p.m.
Holladay Municipal Center
4580 South 2300 East**

ATTENDANCE:

Planning Commission Members:

Chris Jensen, Chair
Spence Bowthorpe, Vice Chair
Les Chatelain
Matt Snow
John Garver
Jim Carter

City Staff:

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

PRE-MEETING/WORK SESSION

Chair Jensen called the meeting to order at 6:35 p.m. The agenda items were reviewed and discussed.

Chapters 13.03 and 13.10, Submission Checklists, were detailed.

The Commission next discussed the amended plat for the Olympus Medical Subdivision. City Planner, Rick Whiting, stated that not all of the signatures are in. Property details were specified. It was reported that the owner of the bicycle shop has indicated they are planning to tear down the existing building and rebuild.

The Olympus Orchards PUD Preliminary Plat findings were described. Chair Jensen stated that an extensive finding will be added stating why the Planning Commission feels the proposed project is better for the community than could have been built originally under the R-M Zone.

The applicant, Skyler Tolbert, confirmed that he has consulted with his landscaper with regard to trees and is working with the neighbors to reach a reasonable solution.

(19:00:04) Commissioner Chatelain moved to close the Work Meeting and move to the Council Chambers for the Regular Meeting. Commissioner Garver 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. **Chapter 13.03 and Chapter 13.10, Submission Checklists – Staff - Pat Hanson, City Planner.**

(19:04:40) City Planner, Pat Hanson, presented the staff report and stated that the proposed amendment will reconcile the submission requirements of the ordinance and site plans and subdivisions with the over-the-counter submissions checklists currently in use by the Technical Review Committee. There had been a discrepancy between the physical checklist and what is online. Ms. Hanson stated that the changes are minimal.

(19:08:05) Chair Jensen opened the public hearing. There were no public comments. The public hearing was closed.

Commissioner Garver was of the opinion that the matter requires more work than a few line items. He remarked that more organization would be beneficial.

Commissioner Carter stated that the City is about to embark on an update of the General Plan. Typically what follows is an overhaul of the existing City Code.

Ms. Hansen stated that the matter will go forward with a recommendation to the City Council. She was willing to take suggestions and rework the draft and forward it at a later date.

(19:17:38) *Commissioner Carter moved to continue the item to the next meeting in order for Ms. Hansen and Commissioner Garver to organize and revise language. Commissioner Garver seconded the motion. Vote on the motion: Matt Snow-Aye, John Garver-Aye, Jim Carter-Aye, Les Chatelain-Aye, Spence Bowthorpe-Aye, Chair Chris Jensen-Aye. The motion passed unanimously.*

2. Olympus Medical Subdivision – 4626 S Holladay Blvd. – Plat Amendment – HV Zone – Staff: Paul Allred, Community Development Director.

(19:18:36) Community Development Director, Paul Allred, presented the staff report and stated that this issue pertains to the vacating and amending of a portion of the Peony Gardens Subdivision and create in its place a proposed new Olympus Medical Subdivision. The property details were discussed. Mr. Allred stated that the real issue is in determining if the request will cause material harm to other property owners in the area. It was reported that staff received no phone calls or inquiries from the public and believes the matter is non-controversial. It was noted that there are technical issues that will be resolved prior to the next meeting.

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

(19:26:21) *Chair Jensen moved to continue the Olympus Medical Subdivision located at 4626 South Holladay Boulevard Amended Plat in the HV Zone until the technical issues have been resolved. Commissioner Chatelain seconded the motion. Vote on the motion: Matt Snow-Aye, John Garver-Aye, Jim Carter-Aye, Les Chatelain-Aye, Spence Bowthorpe-Aye, Chair Chris Jensen-Aye. The motion passed unanimously.*

Mr. Allred stated that perhaps Summit Cyclery will not be able to make the proposed building work. In terms of the amended plat, the issues pertain to the line that runs through the building and a technical issue with one of the owners and the affidavit. If the issues are resolved, construction should begin in October.

3. Olympus Orchards PUD – 2448 E 3900 South – Preliminary Plat – Six-Lot PUD – R-M Zone – Staff: Rick Whiting, City Planner.

(19:32:08) Mr. Whiting presented the staff report and stated that the Planning Commission previously approved the Conditional Use Permit for a PUD. The previous plan called for five driveways on 3900 South. The new proposed subdivision under the PUD allows only one driveway off of 3900 South. Staff feels this is a substantial benefit to the community and a significant improvement to the subdivision design. Staff recommended approval.

Commissioner Chatelain asked if the property is zoned RM and how many units can be developed on the property. Mr. Whiting confirmed that 15 living units with a potential height of 35 feet could be developed on the property.

As part of the motion, Chair Jensen desired to read a document into the record that does not amend the findings to the conditional use, but instead reaffirms the Commission's opinion of the project as it relates to the highest and best use of the property.

(19:37:02) *Chair Jensen moved that the application for the Preliminary Plat for the 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 project complies with the provisions of the City's PUD ordinance.*
- C. This project complies with the provisions of current R-M zoning.*
- D. This application is consistent with land use patterns in the general vicinity.*
- E. The proposed development protects the health, safety and public welfare of the inhabitants of, or visitors to, the PUD by, among other things, minimizing traffic conflicts with 3900 South.*
- F. The proposed PUD permits flexibility in land use.*
- G. The proposed PUD invokes imaginative subdivision design and creates a more unique neighborhood with benefits for both the property owner and the city.*
- H. The development represents an improvement to the previous land use on this site, in terms of tax base, aesthetics, and improved housing stock, etc.*
- I. A Conditional Use Permit for this PUD has been previously granted by the Planning Commission.*

- J. The UFA has approved emergency access as proposed. Fire hydrant capacity and placement may be further addressed in the Final Plat review and Building Permit approval processes, as needed.*
- K. Utility providers can serve the property and have (or are expected to) provide appropriate service availability letters.*
- L. The “highest and best” use of the property is a much higher density, up to 15 units, and with little effort to potentially obtain more land, could be 16 units.*
- M. The property is zoned RM, which is a zone that allows greater housing density outside the Mall and Village zones, and is for multi-family housing.*
- N. The developer has voluntarily chosen to build less density than permitted on the site and has waited for more than one year for the PUD Ordinance to be put in place. This is a benefit to the surrounding property land use that is permitted, not conditional, in the zone. Apartments, condos, and townhomes could be built at more than twice the density requested.*
- O. Most neighborhoods would gladly accept a less dense development.*
- P. The proposed development is superior to a 15 to 16 apartment unit development in the following ways:*
- a. The bulk and mass of a large single structure or several larger buildings presents more of a visual impact on surrounding properties and single-family homes.*
 - b. The number of persons on the site will be reduced significantly by the reduction of dwellings. There should be less noise coming from the site to bothering surrounding property.*
 - c. Traffic noise and congestion both within and outside the site to the overall Holladay roadway system is reduced by this proposal.*
 - d. Property values, real and perceived, of the surrounding neighborhood will likely be enhanced or maintained by this proposal instead of a multi-family development that could be built with minimal oversight by the Planning Commission, which is a permitted use.*
 - e. Only one driveway will be used for the entire development rather than at least four, if the development were approved as previously proposed, totaling five. This means no backing onto 3900 South, which is a high speed, congested arterial street and adjacent to Olympus High School.*
 - f. The homes will face inward to each other, creating a true neighborhood atmosphere, which the previous layout did not have. It is hard to put a value on this aspect of the PUD, but a sense of community will be enhanced by this design,*

and crime prevention will be enhanced as well as because neighbors in this project will know each other and front doors and porches will face the roadway.

- g. 3900 South will not have a series of garbage cans placed on the street for weekly pick up with the PUD. No possibility of cans being blown over onto 3900 South, no garbage trucks stopping to pick up the cans on the street slowing/impacting traffic patterns or pedestrians.*
- h. The building heights will be reduced from a maximum of 35 feet, and potentially 40 feet (with an additional land acquisition) to no more than 32 feet maximum from the existing grade.*
- i. Large, unbroken roof lines, which the Planning Commission could not regulate as a permitted use with an apartment/condo project, of 35 feet, are much more obtrusive than a series of single-family homes with a ridge of 32 feet. A single-family home proposal is much more visually friendly to the surrounding neighborhoods.*
- j. The City has less flexibility to regulate the permitted use than the conditional use. The Planning Commission has imposed reasonable conditions on the PUD to minimize impact on neighbors.*
- k. Imposing greater restrictions than have already been imposed, will negatively impact the right of the developer to build a thoughtful, pleasant development as proposed when there would appear to be no quantifiable to drastically alter the layout of the development over the concerns of view protection of one resident.*
- l. Views can be protected best by purchasing abutting land, not arbitrarily and subjectively reducing building height. All development in any location affects the view of anyone there before.*
- m. The City should be careful to not over regulate this development through conditional use process and risk the developer choosing to reverse course and propose development that would prove to be much more impactful on the neighborhood.*
- n. The purpose of the PUD regulations is to not strangle development to allow for reasonable flexibility while looking to protect neighbors from undue impact.*
- o. It is very reasonable to believe that the development proposed residents any greater impact on surrounding property than typical development in similar areas of the community.*
- p. Side by side development in a typical R-1-8 area would have as little as 15 to 20 feet between the homes. The combined setback of the side yard of the homes in the back of the site to the rear to the closest home would be approximately 25 feet.*

- q. *Nothing in the proposal would indicate that any of the homes would have an undue measureable negative impact on the neighbors.*
 - r. *This is more than a matter of grade difference. The developer will not be allowed to have any additional height and all building height will be measured from natural grade.*
 - s. *Routinely, in Holladay development, whether side-by-side or back-to-side occurs, that represents no greater impact of the existing development than that was there before, even if the land was vacant, as is the case here.*
 - t. *Vacant land is a drag on the local economy, presents an attractive nuisance opportunity, tends to collect weeds, trash, and sometimes hazardous materials. This development puts land back to work, enhances the local and regional economy, and fuses new blood into church, schools, parks, and stores.*
 - u. *The PUD provides a more stable demographic aspect to this area. Apartments, while not a bad land use, in and of itself, tend to have a greater mobility to the tenants than homeowner.*
- Q.** *The applicant must meet the graduated height requirements for each residence from the natural grade and demonstrate that as a part of the building permit process.*

Requirements:

1. *Any residual issues with regard to the Preliminary Plat per requirements of the TRC.*
2. *A Final Plat and any other requirements for the subdivision shall be submitted to the Technical Review Committee (TRC) for review and approval or recommendation to the Planning Commission – subject to requirement number 8 below.*
3. *The City Engineer will determine appropriate financial requirements for improvements and/or bonding in conjunction with Final Plat approval.*
4. *Conditions, Covenants and Restrictions (CC&Rs) including an Access and 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 and etc.*
5. *A dedication to the City is required for the public right-of-way on 3900 South.*
6. *Maximum visual screening reasonably possible will be required for abutting properties along the south border of the project. Trees adjacent to south property line will be required. Specific types of tree(s) and placement will be subject to Holladay Tree Board recommendation(s).*

7. *The applicant will be required to demonstrate that all proposed homes in the project can meet graduated height requirements under R-M zoning prior to Final Plat approval.*
8. *The Planning Commission may elect to delegate Final Plat approval to the TRC.*

Commissioner Snow seconded the motion. Vote on the motion: Matt Snow-Aye, John Garver-Aye, Jim Carter-Aye, Les Chatelain-Aye, Spence Bowthorpe-Aye, Chair Chris Jensen-Aye. The motion passed unanimously.

4. Approve Minutes of the August 19, 2014, Planning Commission Meeting.

(19:46:22) The minutes of August 5, 2014, were reviewed and modified.

Commissioner Bowthorpe moved to approve the minutes of August 19, 2014, with changes noted. Commissioner Carter seconded the motion. Vote on the motion: Matt Snow-Aye, John Garver-Aye, Jim Carter-Aye, Les Chatelain-Aye, Spence Bowthorpe-Aye, Chair Chris Jensen-Aye. The motion passed unanimously.

OTHER BUSINESS

5. Updates for Follow-Up on Items Currently in the Development Review Process.

(19:55:42) Ms. Hanson presented the proposed text amendment to Chapter 13 regarding the terms “adjacent” and “abutting”. She stated that staff has reviewed the language and clarified its usage throughout. Regulatory language was reviewed.

6. Report from Staff on Upcoming Applications.

Mr. Allred stated that interviews have been conducted with potential consultant teams. Interview details were discussed. Staff was impressed by the teams and is excited by the prospects.

7. Discussion of Possible Future Amendments to Code.

ADJOURN

(20:24:12) *Commissioner Bowthorpe moved to adjourn. Commissioner Snow seconded the motion. The motion passed with the unanimous consent of the Commission.*

The Planning Commission Meeting adjourned at 8:25 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 16, 2014.



Teri Forbes, Minutes Secretary
T Forbes Group

Minutes approved: 11/5/2014