

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

**Tuesday, October 1, 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:

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 p.m.

ACTION ITEMS

**1. Olympian Orchards III – 4073 S Cumberland Dr. - Plat Amendment - Planner:
Rick Whiting.**

(19:04:10) City Planner, Rick Whiting, presented the staff report and stated that the request is for a lot combination. Because the lots are in two separate subdivisions, it is necessary to bring the matter to the Planning Commission. Staff recommended approval.

The applicant's representative, Benjamin Thomas, gave his address as 3 Triad Center and concurred with Mr. Whiting's comments.

Chair Khodadad suggested the Commission first address the lot vacation and the one-lot subdivision followed by the conceptual and preliminary plat. Mr. Whiting recommended the public hearing be held to allow the public to address the vacation and the creation of the single subdivision.

(19:11:33) Chair Khodadad opened the public hearing. There were no comments. The public hearing was closed.

(19:13:26) Commissioner Jensen moved to vacate Lot 16 of Olympian Orchards and Lot 4 of the Cumberland Cove Subdivision to create a new one-lot subdivision titled Olympian Orchards III located at 4073 South Cumberland Drive based on the following:

Findings:

- A. The proposed project meets the requirements for a residential subdivision in an R-1-10 Zone, i.e. area, density, access, slope, public safety.**
- B. This application is consistent with land use patterns in the general vicinity.**
- C. The UFA has approved emergency access as proposed. Fire hydrant capacity and placement may be further addressed in the Building Permit approval processes, as needed.**
- D. The proposed project has been reviewed by the TRC and meets City requirements for Conceptual Plan and Preliminary Plat.**

Requirements:

- 1. Any remaining issues with regard to the Preliminary Plat must be resolved 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.**
- 3. The City Engineer must approve a storm drainage and water retention plan prior to Final Plat submission.**
- 4. The City Engineer will determine appropriate financial requirements for improvements and/or bonding, if any, in conjunction with Final Plat approval.**
- 5. An existing Public Utilities Easement in the middle of the proposed new lot must be vacated and released by the appropriate utility companies.**

Commissioner Bowthorpe 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 reported that the conceptual and preliminary plat will next be discussed. Mr. Thomas presented the proposed plan as stated in the staff report.

(19:16:28) Commissioner Jensen moved to approve the conceptual and preliminary plat for Olympian Orchards III one-lot subdivision located at 4073 South Cumberland Drive subject to the following:

Findings:

- A. The proposed project meets the requirements for a residential subdivision in an R-1-10 Zone, i.e. area, density, access, slope, public safety.**
- B. This application is consistent with land use patterns in the general vicinity.**
- C. The UFA has approved emergency access as proposed. Fire hydrant capacity and placement may be further addressed in the Building Permit approval processes, as needed.**
- D. The proposed project has been reviewed by the TRC and meets City requirements for Conceptual Plan and Preliminary Plat.**

Requirements:

1. *Any remaining issues with regard to the Preliminary Plat must be resolved 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.*
3. *The City Engineer must approve a storm drainage and water retention plan prior to Final Plat submission.*
4. *The City Engineer will determine appropriate financial requirements for improvements and/or bonding, if any, in conjunction with Final Plat approval.*
5. *An existing Public Utilities Easement in the middle of the proposed new lot must be vacated and released by the appropriate utility companies.*

Commissioner Bowthorpe 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.

2. Ivory - Olympus Orchards Subdivision - 2448 E 3900 S - Conceptual Plan- Planner: Rick Whiting

(20:05:00) Mr. Whiting presented the staff report and stated that the subdivision as proposed and configured, complies with City Codes and ordinances. He reported that the Code does not address privacy as a consideration for abutting property owners. There is an alternative design for the subdivision that addresses another staff concern. As the current configuration is presented, there are five curb cuts and driveways entering onto 3900 South, which is not an optimal configuration. He stated that further creative design may be appropriate. Other alternatives were discussed. Staff recommended the Planning Commission approve the conceptual plan if they so desire or continue the item with further deliberation for alternative subdivision design.

(19:24:25) Nick Mingo, the applicant's representative, gave his address as 978 East Wood Oak Lane and addressed concerns regarding privacy, property elevation, and drainage. Alternative plans were discussed as well as the possibility of looking at a PUD ordinance amendment. He requested that the Commission continue forward with the conceptual plan. If amending the PUD ordinance is an option, the new plan will be brought back for approval.

Chair Khodadad opened the public hearing.

Richard Gilbert gave his address as 2470 East 3900 South and expressed concern with the building height and safety along 3900 South.

Alison Heyrend gave her address as 2382 Summer Spring Lane. She stated that the current storm drain is undersized and any addition would potentially create a flood risk on her property. She described concerns about water rights from the irrigation ditch that runs along the proposed property. She wanted to ensure that it will remain open.

Jerry Nelson gave his address as 2431 Lexington Circle and was of the understanding that flooding and water control will be addressed, as stated by staff. He also expressed concerns with privacy and detailed possible solutions.

James Faust gave his address as 2441 East Lexington and concurred with Mr. Nelson's comments regarding privacy. He recommended some type of vegetation be added to create a barrier. Setback and property details were discussed.

(19:42:37) There were no further public comments. Chair Khodadad closed the public hearing.

The Commission discussed setbacks for the proposed property. Mr. Mingo confirmed that their intent is to be a good neighbor. They plan to work with the adjacent property owners to resolve privacy issues. Possible architectural changes were also discussed as resolutions.

Commissioner Bowthorpe is of the opinion that the alternative plan functions better than the proposed plan. He would be willing to further review the text amendment to explore other possibilities. In response, Mr. Mingo confirmed that Ivory Homes has reviewed and reworked the design and the two presented are the final product. He confirmed that each property will consist of a two-car garage with two additional spaces. Additional parking was discussed.

Mr. Whiting stated that requiring buffering is possible but would not hold up from a legal standpoint if challenged.

Commissioner Chatelain suggested the Commission move forward with the proposed plan, make a motion, vote on it, and then entertain a discussion on the PUD.

Chair Khodadad stated that because it was agreed upon by the applicant, it would be appropriate to make the landscape barrier a requirement.

(20:06:37) Commissioner Garver was in favor of the alternative plan and believed it provided a better solution for all involved.

Appropriate language regarding requirements and driveway issues were further discussed.

(20:15:45) *Commissioner Chatelain moved to approve the conceptual plan to create the proposed Olympus Orchards six-lot single-family detached subdivision located at 2448 East 3900 South in a RM Zone based on the following:*

Findings:

- A. *The proposed project meets the requirements for a residential subdivision in an RM Zone, i.e. area, density, access, slope, public safety, etc.*
 - B. *This application is consistent with land use patterns in the general vicinity.*
 - C. *The UFA has approved emergency access as proposed. Fire hydrant capacity*
- and*

placement will be addressed in the Preliminary Plat review and approval process.

- D. The proposed project has been reviewed by the TRC and meets City requirements for Conceptual Plan.*
- E. Utility providers can serve the property and have (or are expected to) provide appropriate service availability letters.*

Requirements:

- 1. A Preliminary Plat and any other requirements for the subdivision shall be submitted to the Technical Review Committee (TRC) for review and recommendation to the Planning Commission.*
- 2. A street dedication will be required on 3900 South.*
- 3. Recommend addressing the number of driveways as currently proposed.*
- 4. Privacy issues are to be addressed in the preliminary plat.*

Commissioner Snow 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.

3. Nunley Twin Homes Subdivision (Postponed at the request of the applicant) – 5968 S Highland Dr. - Conceptual Plan – Planner: Rick Whiting.

(20:19:53) Chair Khodadad reported that at the applicant's request, the above item was postponed.

4. Ivory – Woodley Place Subdivision - 4162 S 2300 E - Conceptual Plan & Preliminary Plat (Continued) - Planner: Rick Whiting.

(22:20:04) Mr. Whiting presented the staff report and stated that the conceptual plan and preliminary plat for an eight-lot subdivision were presented for approval. The conceptual portion was continued from a previous meeting. Staff stated that if the Planning Commission approves the preliminary plat, it will be based on a plat that has been submitted and subject to the Technical Review Committee (TRC) resolving all outstanding issues.

Nick Mingo, the applicant's agent, reported that a second neighborhood meeting was held, the side yard setback on the north property line was increased to 15 feet, and all of neighbors' concerns were addressed.

Chair Khodadad stated that although the public hearing was closed at the previous meeting, brief comments would be permitted tonight.

Rod Pulley gave his address as 4103 South 2300 East and identified himself as the HOA President for the condominiums immediately north of the proposed project. He shared his gratitude with respect to the setback increase and suggested that approval of the conceptual plan include the 15-foot setback as a condition. Having reviewed the plans and the proposal of two manholes, he requested that the road and fence be restored to its original condition.

Chair Khodadad was of the opinion that the preliminary plat should be postponed, allowing more time to work out various details.

(20:35:50) *Commissioner Chatelain moved to continue preliminary plat approval until a later date when more information can be obtained. 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.*

Commissioner Snow moved to approve the conceptual plan for the Woodley Place eight-lot single-family detached subdivision located at 4162 South 2300 East in an R-2-10 Zone based on the following:

Findings:

- A. *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.*
- B. *This project complies with the provisions of the City's General Plan for this area.*
- C. *This application is consistent with land use patterns in the general vicinity.*
- D. *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.*
- E. *The proposed project has been reviewed by the TRC and meets City requirements for Conceptual Plan.*
- F. *Utility providers can serve the property and have (or are expected to) provide appropriate service availability letters.*
- G. *This use represents an attractive alternative to the present use on this site.*

Requirements:

- 1. *Red lines on the plans are addressed prior to returning for Preliminary approval.*
- 2. *There shall be a 15-foot setback on the north property line as agreed to upon by the applicant.*

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.

5. Approve Minutes of the September 4, 2013 Meeting.

(20:41:59) The minutes of September 4, 2013, were reviewed and modified.

Commissioner Jensen moved to approve the minutes of September 4, 2012, with the proposed changes. 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.

6. Stream Setback Discussion (Continued) – Staff: Jonathon Teerlink, City Planner and Clarence Kemp, City Engineer.

(20:42:50) City Planner, Jonathon Teerlink, presented the staff report and stated that language has been modified and may be used in addition to what currently exists. It was reported that the City of Holladay owns and operates the upper canal and will be responsible for any failure, however, the responsibility of the private laterals that run through a homeowner's yard will lie with the homeowner. Mr. Teerlink requested the Planning Commission consider 13.08 and that deferring approval to staff will effectively lose the ability to apply necessary conditions to some stream exception applications. Approval procedures for exceptions were discussed. He was of the belief that the item was ready to move forward to public hearing.

OTHER BUSINESS

7. **Updates for Follow-Up on Items Currently in the Development Review Process.**
8. **Report from Staff on Upcoming Applications.**
9. **Discussion of Possible Future Amendments to Code.**

ADJOURN

(20:56:30) *Commissioner Jensen moved to adjourn. Commissioner Chatelain seconded the motion. The motion passed with the unanimous consent of the Commission.*

The Planning Commission Meeting adjourned at 8:58 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, October 1, 2013.



Teri Forbes
T Forbes Group
Minutes Secretary

Minutes approved: October 15, 2013