

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

**Tuesday, October 2, 2012
6:30 p.m.
Holladay Municipal Center
4580 South 2300 East**

ATTENDANCE

Planning Commission Members:

Les Chatelain, Chair
Lori Khodadad, Vice Chair
John Garver
Spence Bowthorpe
Brad Wright
Paula Lowry

City Staff:

Paul Allred, Community Development Director
Jason Bond, City Planning Intern

PRE-MEETING/WORK SESSION

Chairman Les Chatelain called the work session to order at 6:32 p.m. The agenda items were reviewed and discussed.

1. Discussion with Tom Nelson et al – continued from a previous presentation regarding the Highland Drive Corridor.

City of Holladay property owner, Tom Nelson, led a discussion regarding the Highland Drive Corridor. He discussed specifics of the master plan and presented the Commission with a map detailing roads within the City of Holladay. Mr. Nelson presented a timeline pertaining to the development of Highland Drive. He emphasized the community's opposition to higher density housing, increased zoning permitting commercial, and the business entry slowing down traffic. He stated that everything included in the land use zoning section is contrary to the core values. He reported that over 500 people signed the petition and want the study reopened.

Chair Chatelain stated that in the original study, a variety of different road types were discussed. Mr. Nelson believed that two things were missed with the first being the importance of sidewalks. He stated that Highland Drive is not an evolving road, but is instead a country lane. He suggested that the primary concern focus on core values and safety. His second major concern had to do with bringing business in. He emphasized that Highland Drive is a residential street and the residents feel strongly that preservation of the community is of utmost importance. An email detailing Mr. Nelson's recommendations for the RO Zone was to be provided to Community Development Director, Paul Allred.

(18:58:27) Hugo Diederich stated that he, as well as the community, are concerned with how little they have been heard and remarked that they were not given an opportunity to comment.

(19:02:28) Commissioner Khodadad asked for clarification regarding the notice of public hearing on a conditional use permit for home occupations. Chair Chatelain replied that public notice is sent, but a community meeting is not required. Mr. Allred remarked that if people are coming to

the home for a home occupation, they are required to provide notice of the hearing to the neighbors that clients are coming to ensure that the impact is not too great.

Commissioner Lowry reported that the opposition to action item number two was due to the applicant having remodeled his home, which provided a separate business entrance. When he was confronted by Code Enforcement Officer, Doug Brewer, he denied his intentions. After there were complaints of ongoing construction and vehicles parked in front of the property, the applicant denied he was running a business out of his home a second time. Commissioner Lowry stated that the neighbors are concerned about the property owner's ability to comply with the conditional use since he was not previously forthcoming,

(19:02:30) Commissioner Khodadad moved to end the pre-meeting work session and convene the regular meeting. Commissioner Bowthorpe seconded the motion. The motion passed with the unanimous consent of the Commission.

CONVENE REGULAR MEETING

Chair Chatelain called the meeting to order at 7:10 p.m.

ACTION ITEMS

2. **Lynn Jones – Conditional Use Permit – Home Occupation with Customers – 4179 South Holloway Drive – R-1-15 Zone – Planner: Paul Allred.**

(19:10:35) In the absence of City Planner, Rick Whiting, Community Development Director, Paul Allred, presented the staff report and stated that the proposal was for accounting and tax preparation services to be provided out of a home. The applicant voluntarily limited the intensity of the business to approximately 90 days during the year when clients would come to the home. In the remaining nine months there would be three to four clients per month. Staff reviewed the application, and considered the use to be a light home-based business. Parking would be accommodated in the driveway, the hours of operation would be limited and not include late nights or weekends, there would be no noise, smoke, fumes, dust, or odor. It was noted that the business should not have a detrimental impact on the neighborhood. Mr. Allred recommended approval with reasonable conditions.

(19:17:31) The applicant, Lynn Jones, gave his address 4179 South Holloway Drive and reported that he applied for a home-based business to provide accounting and tax services. The majority of his work is done between January and April and over the internet. For his business clients, he goes to their location to gather information, but does have an occasional client deliver materials to his home. Mr. Jones did not feel the use would have a significant impact and he did not wish to grow his business. He assured staff that his business will not be a nuisance to his neighbors.

It was confirmed by Chair Chatelain that the numbers Mr. Jones provided to the Commission in a letter were still accurate.

Commissioner Khodadad read Mr. Jones' letter which stated that for the remaining nine months following his busy season, there will be no employees at his home office. Mr. Jones clarified that he has no *full*-time employees. There is only one employee who works part-time during tax season and one or two days a week the rest of the year.

(19:25:20) Commissioner Bowthorpe next discussed parking. Mr. Jones stated that he will advise his clients that visit his home office of the proper procedure for parking.

Chair Chatelain opened the meeting for public comment.

(19:31:20) Tom Florence gave his address as 4160 Holloway Drive and commended Mr. Jones for being a good and welcoming neighbor. He had observed no problems with parking and offered his support to Mr. and Mrs. Jones.

Howard Low gave his address as 4174 Holloway Drive and stated that from his vantage point, there are no concerns. He expressed his support to the Joneses.

Mike Malmquist gave his address as 1957 Longview Drive and expressed concern about the potential precedence this may have on the neighborhood. Mr. Allred offered reassurance and stated that signs are not allowed, the conditional use permit runs with the applicant and not with the land, approval is based on the potential impact, and the Zoning Compliance Officer is very diligent with regard to enforcement.

(19:39:59) Mr. Jones clarified that the remodel of his home office also allows the space to be utilized as a mother-in-law apartment. He was mindful of resell potential and wanted to make sure that the office space does not detract future buyers.

At the request of Chair Chatelain, Mr. Jones agreed to a maximum of four scheduled clients per day during tax season, between one and three scheduled appointments per month during his off months, one part-time employee, and designated parking in the driveway.

(19:43:48) Linda Jones discussed the details of the proposed remodel and remarked that the new office will not be overly large. She stated that by eliminating a business rental space, they are saving a significant amount of money. They would do all in their power to ensure that the proposed use does not interfere with the neighborhood.

(19:47:50) There were no further comments. Chair Chatelain closed public comment.

(19:49:10) ***Commissioner Lowry moved to approve the home occupation application for Lynn Jones for income tax preparation located at 4179 South Holloway Drive based upon the following:***

Findings:

1. ***The proposed use at this location provides a service to citizens which contributes to the general economic well-being of the community.***
2. ***The use under the circumstances of this particular case will not be detrimental to the health, safety or general welfare of the people living in the neighborhood.***
3. ***The proposed use will comply with the regulations specified by City of Holladay Ordinances for Conditional Use and Home Occupation.***

Requirements:

1. *Mr. Jones may only accept clients during regular business hours Monday through Friday - no weekends or evenings.*
2. *Mr. Jones may not allow more than 16 scheduled clients to visit his home per week during the three-month tax season and four scheduled clients per month from May to January.*
3. *No on-street parking will be allowed. Parking must be in the driveway.*
4. *Mr. Jones may not post any sign or advertising in the front of his home.*
5. *The Conditional Use Permit is subject to review by the Planning Commission upon any allegations of non-compliance.*
6. *That there may be no more than one outside employee at the business.*

(19:52:28) Commissioner Wright seconded the motion. Vote on motion: Paula Lowry-Aye, Lori Khodadad-Aye, Brad Wright-Aye, John Garver-Aye, Spence Bowthorpe-Aye, Chair Les Chatelain-Aye. The motion passed unanimously.

Commissioner Lowry was excused from the remainder of the meeting.

6. **Approve Minutes of the August 21, 28, and September 5, 2012**

(19:54:45) The minutes were reviewed and discussed. It was decided by both staff and the Commission that the Orchard Hollow item in both the pre-meeting and regular meeting minutes of August 21 be done verbatim.

(20:18:04) Commissioner Khodadad moved that a request be made to have the minutes of the August 21, 2012, Planning Commission Meeting and the September 18, 2012 City Council Meeting transcribed into a verbatim transcript and defer approval of the above referenced minutes until the transcript can be reviewed. Commissioner Bowthorpe seconded the motion. Vote on motion: Lori Khodadad-Aye, Brad Wright-Aye, John Garver-Aye, Spence Bowthorpe-Aye, Chair Les Chatelain-Aye. The motion passed unanimously. Commissioner Lowry was not present for the vote.

(20:23:32) Commissioner Bowthorpe moved that approval of the minutes of August 28, 2012, and September 5, 2012, be deferred to the next meeting. Commissioner Wright seconded the motion. Vote on motion: Lori Khodadad-Aye, Brad Wright-Aye, John Garver-Aye, Spence Bowthorpe-Aye, Chair Les Chatelain-Aye. The motion passed unanimously. Commissioner Lowry was not present for the vote.

DISCUSSION ITEMS

7. **Residential Office Zone – RO Zone – (continued) – Planners: Community Development Director, Paul Allred and Intern, Jason Bond.**

(20:26:00) City Planning Intern, Jason Bond, led a discussion on the Residential Zone. He addressed key questions regarding appropriate land uses, the status of the current residential properties, how the existing structure could best be used, preservation of existing structures, whether the new RO Zone should allow teardowns or only be used to convert or upgrade existing housing stock, allowing or encouraging parking, economic impacts to the City from the proposed RO Zone, and economic and aesthetic considerations for individual property owners.

(20:39:25) Commissioner Bowthorpe commented on Mr. Nelson's discussion as to whether there are segments of the Highland Corridor that should be treated different than other segments. Chair Chatelain pointed out that during the study, consideration was given to reducing Highland Drive to two lanes, one in each direction, which would route traffic to Van Winkle and 1300 East.

Mr. Bowthorpe stated that a conscious consideration was made with respect to the Cottonwood Project as coming about in some form, and re-impacting Highland Drive. He believed that Mr. Nelson's group was adamantly opposed to the project and will do all in their power to stop it. He stated that there will be a major impact from that piece of property, even if it is zoned residential.

(20:42:06) Mr. Allred clarified that the Cottonwood Project property comprises 57 acres. He had received several calls asking why big box retail isn't being built on the property. He explained that there is a master plan and a zone in place along with a great deal of time and effort spent by both the developer and City. Until there is a proposed change by the property owner, Mr. Allred did not expect the City to propose a change to the master plan on the site or to the zoning.

It was Chair Chatelain's opinion that teardowns should be allowed where appropriate, that the same setbacks still apply, that mass should be based on the zoning, and that the applicants should be allowed to be somewhat creative.

Mr. Allred reported that when the Highland Drive Corridor Plan originated, one of the basic foundational ideas was that single-family appeared to not be viable on Highland Drive. After conversations with multiple realtors regarding the Perk property and it being zoned R-121, no one was interested in building a large, expensive home on Highland Drive. He was puzzled as to why there is an insistence to construct single-family homes and face them on Highland Drive when there is ample opportunity to do so but the market simply isn't finding it attractive.

Chair Chatelain remarked that the community liked the proposed project, input was given, and an intern had gone door-to-door interacting with the public. Commissioner Khodadad stated that the Council discussed it, open houses were conducted, and notices published in the newspaper.

(20:50:55) It was Mr. Allred's perspective that the number of supporters had dwindled over time because nothing revolutionary was being proposed. Staff made a good faith effort to involve individuals with an abundance of opportunities and found the complaints to be surprising. It was Mr. Allred's opinion that converting Highland Drive back to one lane in each direction and not allow any kind of change would further erode the quality of the properties that run parallel.

It was Commissioner Bowthorpe's belief that if the Highland Drive Corridor is transformed into a walkable community, it will be more heavily used.

(20:56:56) Mr. Bond stated that the final question had to do with alternatives to creating the RO Zone that would facilitate an orderly transition from single-family residential to commercial land uses. As he viewed the residences along Highland Drive, they were not the historical homes he had expected. Staff discussed residences, whether historical or not, along Highland Drive.

City Planner, Pat Hansen, reported that the County used to allow conversions of single-family residences to office under the conditional use.

(21:04:26) It was Mr. Allred's opinion that if there is to be development, it would seem that tasteful conversions of single-family homes to small offices are a reasonable transition from deteriorating single-family to institutional uses, which may or may not be allowed.

Chair Chatelain commented that it appeared that the Commission was in agreement and regardless of what it is called, the idea of light retail office looking like residential is something they want to strive for. Commissioner Bowthorpe commented that it provides an option to take abandoned houses and improve them. Otherwise, there will be blight on Highland Drive as real estate professionals become unable to find people to buy the properties for residential purposes.

Chair Chatelain asked staff if the residential regulation gives enough control that consent can be given to rebuild if it is not worth remodeling. Mr. Bond reported that the City of Holladay does not proposed design review for this new zone and was unsure how the rebuild aesthetics would be regulated. Mr. Allred pointed out that an additional layer of review could be allowed for those types of uses, possibly giving motivation or incentive to pursue a residential look as well as comfort to the area residents. The common concern seemed to be that there will be a domino effect since what is done with one property will be done to another.

(21:11:28) Commissioner Bowthorpe pointed out that there is a plan in place that still allows for opposition. Any time an application is made a public hearing will be held and citizens can express their opinions and potentially influence developers.

Chair Chatelain was open to the idea of a Design Review Board (DRB), given they do not have final say. Commissioner Bowthorpe's biggest concern, through experience, was with amateur sketches being presented for approval. He believed those interested in developing a property need to be willing to make an investment in a legitimate drawing.

Commissioner Garver agreed that the RO Zone is needed and believed there is a void where land is zoned residential and may not be appropriate for residential.

(21:19:27) With regard to the Residential Office Zone, Ms. Hansen reported that the Council asked for it, it gives cause to generate another zone, and gives residents another option. Mr. Allred suggested that guidance be given on where the RO Zone should be allowed to three groups consisting of those who would be interested in requesting the zone, the Planning Commission, and the City Council. He recommended staff think about where the RO is appropriate and what General Plan designation it would fit under. Under permitted uses, Mr. Allred raised a question as to why residential office would not be a permitted use in the zone instead of conditional. He noted that conditional uses are permitted with reasonable conditions.

(21:33:18) Chair Chatelain suggested outdoor storage and trash disposal be enclosed outside the principal building.

Signage options and preferences were next discussed. Mr. Allred suggested small monument signage measuring three feet by three feet be allowed. Ms. Hansen recommended wall signage of five percent or less of the square footage of the wall.

(21:43:20) Placement of parking was detailed. Ms. Hansen recommended it be placed where it is most convenient. Mr. Allred remarked that the two main issues are appearance and safety.

With regard to tear downs, Chair Chatelain stated that the rebuild should comply with the same regulations as residential.

Mr. Allred read the purpose section which states that the RO Zone is specifically used for the conversion of existing residences to offices. If the ground is vacant, the zone is not appropriate. The General Plan states that in the mid-block area the preference is for residential in the following order; R-1-8, R-2-10, R-2-8, and RM.

The conversion of adjoining properties was discussed. Chair Chatelain explained that the goal was to keep the residential look, but allow for something that will actually be occupied.

(21:53:35) The Commission discussed the Purk property and the zoning most beneficial to the community. It was Mr. Allred's opinion that most would likely be in favor of an assisted living center and RM zoning to accommodate it rather than a strip center containing offices. The advantage of allowing the NC zone on small properties was to bring the building closer to the street, thereby creating the ability to screen parking. A building closer to the street makes the community more walkable, defines the road, and ultimately slows traffic.

A maximum square footage of 3,000 square-feet above ground for the RO zone was suggested as a starting point by Chair Chatelain.

Staff detailed the different zoning options for single family. Mr. Allred stated that there is not a coherent plan in place addressing how to handle properties like the Purk property. Recommended wording was discussed. The PC discussed the following ideas regarding the proposed RO zone:

1. Should there be a Design Review Board or not for the RO zone?
2. Is there a way to streamline the RO zone proposal?
3. Where should the RO zone be allowed.
4. Why shouldn't residential offices be permitted instead of conditional?
5. We should borrow rules and standards from the NC zone for the RO zone, if possible.
6. Small wall signs should be allowed with an goal of using a percentage or square foot maximum being allowed. Perhaps small monument signs should be allowed also.
7. As much as possible, the PC should look at holistic scenarios; modeling before recommending.

OTHER BUSINESS

8. Updates or Follow-Up on Items Currently in the Development Review Process.

(22:03:19) Mr. Allred reported that the ground breaking for the fire station was a success. The Council has yet to make a decision regarding the interior décor and on a couple of exterior issues.

The Village ground breaking was to take place at 6:00 pm on October 9th.

It was reported that staff received two assisted living proposals. The first was located just south of Café Madrid and the second location was on 5600 South. Mr. Allred reported that most assisted living centers are Level 2. Level 1 is fairly independent where a resident may need assistance with medications and bathing. Level 2 involves additional issues associated with aging and memory. There have been complaints with regard to the RM zone because the only thing that can be built in that (assisted living) is AL-1. Mr. Allred recommended the builders address and educate the Council and Commission on why what they want works.

Mr. Allred reported that the City Council remanded the Orchard Hollow item back to the Planning Commission. It was clarified by Craig Hall that in his opinion, the drainage way to the side of the road is not part of the definition of a highway. Commissioner Khodadad stated that the developer claimed that the Commission was blinded because they were told it should have included that in the area. It was added once the determination was made that it should have been. The City Council indicated that the Commission needs distinct proof that it was not built intentionally and is not part of the highway. Mr. Allred remarked that City Attorney, Craig Hall, and Steve Gunn both indicated that it is a highway and clarified that the definition of a highway does not include drainage on the side and only includes the traffic lanes. Lynn Pace and Brian Rosander stated that it includes all such areas.

(22:21:00) In response to Commissioner Garver's comment that there needs to be an authority to turn to, Commissioner Khodadad stated that the City hires an attorney to interpret the law and offer legal advice. That was not her impression after attending the City Council Meeting. The Council believed the Commission should have made a decision independent of the City Attorney. The Council made it clear that they felt a 2-to-2 vote was not a denial, but died because it was a tie vote having only four members present. Commissioner Khodadad added that two voted for it based on the facts and the other two voted against it based on emotion.

Mr. Allred stated that a staff report would be prepared containing the new facts. The Council could not make a decision and, therefore, sent it back for the Commission to decide. Mr. Allred stated that staff will thoroughly measure the property to determine a square footage measurement.

9. Report from Staff on Upcoming Applications.

It was reported that building permit activity remains high.

Mr. Allred reported on the mall project and stated that he believes the developer may make some kind of an announcement in about the next six months. If development of the mall is delayed, the next big item to be addressed will be the update/overhaul of the City's General Plan.

10. Discussion of Possible Future Amendments to Code.

ADJOURN

Commissioner Khodadad moved to adjourn. Commissioner Garver seconded the motion. The motion passed with the unanimous consent of the Commission.

The Planning Commission Meeting adjourned at 10:32 p.m.

I hereby certify that the foregoing represents a true, accurate and complete record of the City of Holladay Special Planning Commission Meeting held Tuesday, October 2, 2012.

A handwritten signature in cursive script that reads "Teri Forbes". The signature is written in black ink and is positioned above a horizontal line.

Teri Forbes
T Forbes Group
Minutes Secretary

Minutes approved: November 7, 2012