

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

**Tuesday, October 16, 2012
6:30 p.m.
Holladay Municipal Center
4580 South 2300 East**

ATTENDANCE

Planning Commission Members:

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

City Staff:

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

PRE-MEETING/WORK SESSION

Chairman Les Chatelain called the work session to order at 6:34 p.m. The agenda items were reviewed and discussed.

(18:35:30) The minutes were reviewed and modified. The possibility of pursuing verbatim minutes was discussed.

(The audio skipped from 6:53 to 7:08 p.m.)

CONVENE REGULAR MEETING

Chairman Les Chatelain called the meeting to order at 7:00 p.m.

ACTION ITEMS

1. Approve Minutes of the August 21, 28, and September 5, 2012, Meetings.

(19:58:09) Commissioner Khodadad moved to approve the minutes of August 21, 2012, with the changes discussed during the Pre-Meeting Work Session, including the verbatim minutes. Commissioner Lowry seconded the motion. The motion passed with the unanimous consent of the Commission.

The minutes of August 28, 2012, were reviewed and modified.

(20:23:21) Commissioner Bowthorpe moved to approve the minutes of Tuesday, August 28, 2012, as amended by Community Development Director, Paul Allred.

(The audio skipped from 8:23:27 to 8:43:42 and therefore the person who seconded the motion is not clear. The recording skipped again to 8:47:40.)

The minutes of September 5, 2012 were reviewed and modified.

(20:47:41) *Commissioner Wright moved to approve the minutes of Wednesday, September 5, 2012, as amended. Commissioner Bowthorpe seconded the motion. The motion passed with the unanimous consent of the Commission.*

(20:49:50) *Commissioner Khodadad moved that as soon as the minutes are available, the Commission shall approve them at the following meeting so that there is not a backlog and while the meeting is fresh in the minds of the Commission Members. Commissioner Bowthorpe seconded the motion.*

Mr. Whiting clarified that the intent was for the minutes to be forwarded to the Commission Members as soon as they are received even if they are not included in the packet.

The motion passed with the unanimous consent of the Commission.

(20:52:29) Commissioner Khodadad stressed the importance of the minutes since they are a permanent record of meetings. Commissioner Wright remarked that one solution would be to produce verbatim minutes. The cost was expected to be much higher due to the additional time required. Mr. Allred remarked that minutes are not supposed to be a transcript of the discussion and should instead be an overview of what took place. He stated that some communities have an in-house or contract employee who attends meetings and prepares minutes. There was concern expressed that presently the Commission is spending a lot of time reviewing and amending the minutes. Possible alternatives were discussed and would be explored by staff.

Backlogs and staff's heavy workload were discussed as a result of staff changes and increased demand on departmental employee's time.. Mr. Allred stated that City Planner, Pat Hanson, who retired in July of 2011 was hired her back on part-time basis to help handle the heavy workload.

DISCUSSION ITEMS

2. Chapter 13.50 – Residential Office Zone (RO) Standards – Planner Pat Hanson.

(19:08:45) Chair Chatelain reviewed the Draft Residential Office Zone standards. City Planner, Rick Whiting, introduced Burt Carson, a Highland Drive property owner, who has a direct interest in the matter.

Commissioner Khodadad identified a contradiction within the document and suggested the Commission watch for others during their review.

Mr. Allred suggested a wording change to the third line of the second paragraph dealing with Office Conversions. He suggested "residential-to-office" be added for clarity.

The concept of "housing stock" was discussed. Commissioner Wright suggested that by controlling what can go in, some of the housing stock can be maintained as residential. He considered the important issue to be the ability to preserve existing housing stock for those living next to the offices. Mr. Allred explained that primarily the RO standards are designed to preserve the residential appearance of areas where residential to office conversions are occurring. It is an aesthetic tool being meant to ensure that the housing converted to office uses do not look out of place.

(19:16:20) Chair Chatelain suggested the wording be modified to allow conversions of properties to non-residential uses such as small professional. The table would also have to be referred to. Compatibility issues were discussed. Chair Chatelain indicated that there was previous discussion about conducting an aesthetic review using the Design Review Board, to determine compatibility.

It seemed to Commissioner Wright that there are portions of streets that are still well entrenched residentially such as 4500 South and Highland Drive. He asked how those types of areas can be protected and what the process and criteria would be. Mr. Whiting stated that an applicant wishing to change the nature of a residential property would have to go through the rezone process and staff could advise them early on. Mr. Allred urged the Commission to proceed slowly and recommended they call out areas or specific portions of streets where it may be appropriate to list streets unless there is confidence that it should be applied there. Another option was to set forth criteria for review. The specifics of various streets were discussed as well as the appropriateness of applying the RO Zone.

(19:28:17) Chair Chatelain remarked that there is a lot of misinformation being disseminated in the community and he considered what is proposed to be a good thing that ought to be put in place. Commissioner Bowthorpe suggested that parameters be set early on. His understanding was that property owners are concerned about urban creep with potential consequences being properties becoming economically unfeasible or undesirable. Chair Chatelain was concerned that there could also be a tendency for a property owner with a large home to divide it into apartments and rent them out. Specific streets and properties were discussed in depth.

Mr. Allred considered that the goal of the RO Zone is to give property owners a chance to preserve their property and convert it to a different use for a variety of reasons including; 1) the preservation of structures that may have some value without tearing them down, and 2) to relieve the City of forced low density or large lot residential zoning on properties that are no longer attractive for residential occupancy. The details of Mr. Carson's properties were discussed as well as Highland Drive. He noted that there is a tipping point where it no longer makes sense to remodel older buildings because it is not cost effective.

(19:42:30) Mr. Allred reiterated that the purpose of the zone is to come up with an alternative zoning option for exclusive single-family uses on Highland Drive, other than the commercial nodes which have been specifically called out in the plan. With regard to intersections at Walker Lane, 5600 South, and Spring Lane, he suggested that small scale commercial is acceptable there as called out in the new Plan and with the preference for blocks in between to be the zones called out for in the document. The General Plan states that there are four zoning options if not on a corner. A preference continued to be expressed for single-family zoning, specifically R-1-8, between commercial nodes on the mid-block.

Commissioner Garver recommended details be very general rather than specific in nature. Commissioner Wright suggested Ms. Hanson be present during review as she knows the details of each phase.

(19:46:11) Mr. Allred expressed the Council's enthusiasm for the Commission's anticipated recommendation on the RO zone. He remarked that Councilman Palmer mentions this issue routinely at city council meetings.

Burt Carson raised a concern and asked if after the RO Zone is granted and construction of a new residential office has been completed, whether there will be an assurance that a smaller, much less attractive building will not be approved next door. His main concern was with regulation. Commissioner Khodadad confirmed that the Design Review Board (DRB) will be involved and follow specific standards and guidelines.

Chair Chatelain recommended Ms. Hanson be asked to lead the discussion and identify specifics. It was noted that Ms. Hanson is familiar with the dynamics of the DRB and the role they play. He suggested postponing the issue until she can be present.

(7:57:04) Commissioner Khodadad moved to continue the item until the next meeting when Pat Hanson is available to review the information. Commissioner Bowthorpe seconded the motion. The motion passed with the unanimous consent of the Commission.

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

(21:02:56) Mr. Whiting reported that with regard to the Orchard Hollow matter, attorneys on both sides are hard at work. Mr. Allred stated that he and City Engineer, Clarence Kemp, visited the site and took basic measurements. After the appeal hearing before the Council, the attorney for Orchard Hollow asked that the matter not be put back on the Planning Commission agenda for the time being. They wanted more time to explore their options. Mr. Allred stated that when the matter was appealed to the Council about one month ago, there were four attorneys present. Since nothing had happened since the appeal hearing, Mr. Allred planned to contact the City Attorney and ask him for direction on how staff should proceed. He felt there should be a reasonable timeframe within which all can expect that the Council's direction will be followed. He did not think it was in the interest of the community to let the matter go on for months and months. His opinion was that the matter should come back to the Planning Commission within 90 days.

Commissioner Khodadad's impression was that the City Council's desire was for the matter to come back to the Planning Commission with a full Commission and acquire more facts. Mr. Allred's impression was that council direction given was not overly specific. He suggested the City Attorney or City Manager provide additional direction to staff and the Planning Commission.

(21:08:44) Mr. Whiting stated that in terms of projects, staff is in discussions with a group who wants to build an assisted living facility on the corner of 5600 South and Highland Drive. Mr. Allred stated that a smaller one is also proposed nearby near Café Madrid.. Mr. Whiting stated that the owners of the Highland Home for the Elderly have put the property on the market and are abandoning the current assisted living use. A local developer was proposing a PUD on the three-acre site with 24 dwelling units.

Mr. Allred stated that the developer of the Purk property south of Café Madrid has already held neighborhood meetings and had a very good turnout. Mr. Whiting's understanding was that the overall feelings expressed were negative. After the meeting, several neighbors stayed behind and informed the developer that they generally accept the proposal. It was noted that the property is zoned R-1-21. Mr. Allred stated that the RM Zone does not allow Assisted Living Level 2 (AL2), which entails more care than an entry level assisted living facility. It was noted that the RM Zone seemed like a natural zone for the use. The developers approached staff recently and indicated

that the zoning ordinance does not allow for AL2, which is the designation given to nearly all assisted living centers. Issues related to assisted living facilities and variations were described. Ways of counting density in assisted living facilities was also discussed.

(21:16:42) Mr. Allred stated that the General Plan will likely be addressed soon. He noted that Council Member Pace asked recently that the Commission look at slope issues. Some residents complained that at times properties are allowed to be dug down from the natural grade during construction. Grading issues and methods of measuring height were discussed.

4. Report from Staff on Upcoming Applications.

A question was raised about when Primo's Italian restaurant would open in the City. Mr. Allred stated that the applicants have one more year to fulfill on their current lease in Cottonwood Heights before making the move. They plan to remodel and convert an existing building on Highland Drive..

(21:22:19) Mr. Whiting stated that several businesses have been proposed in the City but have not come to fruition. One example was a dental building proposed on 3900 South and 2000 East. Another was proposed on Murray-Holladay Road. The applicant's representative, David Pennock, informed Mr. Allred that the intent was to ask the Council to reinstate their zoning which had reverted from NC to R-2-8.. City Attorney Hall stated that the request will have to be reviewed by the Planning Commission prior to presenting the rezone request to the City Council.

With regard to the (Black Diamond) Coffee Shop, Mr. Allred stated that staff had not heard from the applicant in about 60 days. If action is not taken soon, the request will expire since there is a sunset clause on the C-1 zoning granted by the council/. Among other things, a lease agreement needed to be obtained from Black Diamond.

(19:24:35) Mr. Whiting reported that a few home occupations were also forthcoming.

Mr. Whiting reported that an applicant who recently received approval for a gun sales business was continuing to wait for ATF clearance.

Mr. Allred reported on a recent home occupation with employees that was mistakenly approved with the allowance of a single employee who does not live at the home. He suggested there be no follow up revocation or enforcement action since the use will have no impact. He noted that the ordinance does not allow a home occupation with employees. In the past the City has allowed home occupations that allow clients to come to the home but they do not allow home occupations that have employees. Inconsistencies were identified. Commissioner Khodadad remarked that there are many business owners throughout the City who have employees come to their home yet someone who wants to do something similar legitimately is penalized. Mr. Allred stated that five or six years ago he and Pat Hansen suggested the Council allow home occupations to have one outside employee since the impact would be negligible. The Council denied the recommendation by staff to allow for home occupations to have a single employee. Commissioner Khodadad agreed and saw no difference between that and someone who has a cleaning person or landscaper come to the home. Additionally, someone who teaches piano from their home would have a far greater impact.

It was announced that the next Planning Commission Meeting is scheduled for Wednesday, November 7, 2012.

Mr. Whiting stated that because the audio system failed to record a previous meeting, staff agreed to piece together minutes for potential approval at the next meeting.

5. Discussion of Possible Future Amendments to Code.

ADJOURN

(21:36:27) Commissioner Lowry moved to adjourn. Commissioner Wright seconded the motion. The motion passed with the unanimous consent of the Commission.

The Planning Commission Meeting adjourned at 9:37 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 16, 2012.



Teri Forbes
T Forbes Group
Minutes Secretary

Minutes approved: November 7, 2012