

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

**Tuesday, November 5, 2014
6:30 p.m.
Holladay Municipal Center
4580 South 2300 East**

ATTENDANCE:

Planning Commission Members:

Chris Jensen, Chair
Spence Bowthorpe, Vice Chair
Matt Snow
John Garver

City Staff:

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

FIELD TRIP

The Planning Commission left City Hall at approximately 5:40 p.m. and traveled to the location of the item matter on the agenda, the Carlston Guest Pool House Conditional Use Permit site located at 2626 East Eagles Landing Cove. The applicant, Jean Carlston, and a neighbor, Roxanne Probst, traveled with staff and the Planning Commission to the site. The Planning Commission inspected the site generally and walked the area of the proposed buildings. Everyone in attendance was invited to look at maps associated with the request. The group was at the site no more than 15 minutes due to impending darkness. Everyone arrived back at City Hall at approximately 6:15 p.m.

PRE-MEETING/WORK SESSION

Vice Chair Bowthorpe called the meeting to order at 6:35 p.m.

The agenda items were reviewed and discussed.

City Planner, Jonathan Teerlink, provided details of the Carlston Guest/Pool House. He clarified that the verbiage and language for variances and exceptions are dictated in separate parts of the ordinance. There are only a few exceptions allowed including a specific approving procedure for both exceptions variances and a specific procedure for conditional uses. Chair Jensen stated that the applicant is seeking a conditional use permit to build a structure larger than what is allowed. The Commission reviewed the height restriction of the proposed accessory building and design details.

The Commission next discussed the Highland Place Six-Lot Subdivision. City Planner, Rick Whiting, reviewed the staff report and stated that the rezone was approved through the City Council.

Mr. Whiting stated that the Oakcrest Way Two-Lot Subdivision was back before the Commission for Conceptual Plan and Preliminary Plat approval. The matter was continued from a previous meeting until the applicant had held the required neighborhood meeting.

The Yourdon Five-Lot Subdivision was next discussed. Mr. Whiting reported that it was approved for Conceptual Plan at an earlier meeting. Preliminary Plat drawings were submitted and reviewed by the City Engineer and Technical Review Committee (TRC). Staff felt it was ready for approval.

Chair Jensen believed there was an issue with the proposed access cutting across the corner of the adjacent property.

Vice Chair Bowthorpe reviewed the Titan Development item. Mr. Teerlink stated that only minimal checklist items remain.

(19:00:19) Commissioner Jensen 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

Vice Chair Bowthorpe called the Regular Meeting to order at 7:03 p.m.

ACTION ITEMS

1. **Carlston Guest/Pool House – 2626 East Eagles Landing Cove – Conditional Use Permit – R-1-43 Zone – Staff, Jonathan Teerlink, City Planner – Applicant, Vaughn Carlston, requests approval to exceed the size allowances for a proposed guest house (accessory building), including an indoor pool.**

(19:04:31) Mr. Teerlink presented the staff report and stated that the property in question consists of 1.208 acres and, that the proposed guest house is planned to exceed the maximum 2,000 square footage requirement by 1,600 square feet. The guesthouse will measure 1,906 square feet with the addition of the pool and enclosure of 1,557 square feet. The proposal meets the building envelope requirement allowing for additional height. Staff recommended approval subject to the findings set forth in the staff report.

Tim Furner, from Highland Group Building Design, stated that the applicant's interest is to build a guesthouse with a pool for their special needs child who requires water therapy. The pool will be used for recreational purposes as well. Height and grading issues were discussed. Commissioner Jensen clarified that the total allowable lot coverage is 22% of total lot area. The proposal is for 14.68%. Mr. Furner stated that the adjacent property to the east is eight to 10 feet higher than the proposed pad. They will be building a containment retaining wall on the downhill side that will come off of the foundation.

(19:15:09) Vice Chair Bowthorpe opened the public hearing.

Commissioner Bowthorpe read a comment from Roxanne Probst, who resides at 6389 Oles Lane. She indicated that she was not opposed to the proposal.

Kay Howells gave her address as 5337 Baywood Circle and asked if the property is parallel to the property that has already had a home built on it.

There were no further public comments. The public hearing was closed.

Chair Jensen expressed concern with the potential height. He was of the opinion that although the setbacks allow for a 40-foot height, a condition should be imposed limiting the height to 26 feet.

Mr. Teerlink reviewed Section 13.8 regarding the conditional use permit and the approval process. He reported that conditions can be placed on an application that should not be detrimental to the zone that it is in, the General Plan, or the vicinity. They are essentially uses of land or space where a zoning ordinance or text language cannot be applied.

(19:23:43) Commissioner Snow moved to approve the Carlston Accessory Building located at 2626 East Eagles Landing Cove Conditional Use Permit in R-1- 43 Zone subject to the following:

Findings:

- 1. The building is located on a property exceeding one acre in size.*
- 2. The request meets the required setbacks for those of the main home.*
- 3. The request does not exceed the height of the existing home.*
- 4. The request proposes uses that are permitted uses in the R-1-43 Zone.*
- 5. The request complies with overall height and graduated height regulations.*
- 6. Including the main home, the request will not exceed the total maximum structure coverage as required in Chart 13.14.080B.*
- 7. The request has low neighborhood impact as it is accessed from a private lane and abuts the UDOT freeway right-of-way.*
- 8. As per 13.08.040E, the proposed sizes are not detrimental to the health, safety, or welfare of Holladay residents or to persons working or residing in the vicinity or injurious to property or improvements in the vicinity. Detached buildings for single-family uses are necessary and desirable for this particular location and will contribute to the well-being of the neighborhood.*
- 9. The uses as proposed do not conflict with the intent of the General Plan.*

Conditions:

- 1. The project shall comply with remaining zoning regulations as per 13.14.*
- 2. City Engineer approved structural design of the pool which crosses an approximate 25% slope.*
- 3. Building elevations shall have exterior light fixtures which are compatible with “dark-sky” lighting practices.*
- 4. Execution of the “Second Kitchen Affidavit” form shall be signed and recorded against the property.*

5. *Architectural treatments shall be similar or compatible with those of the main home.*
6. *The structure height shall not exceed 27 feet.*

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

2. Highland Place Six-Lot Subdivision – 5246 South Highland Dr. – Conceptual Plan - R-1-8 Zone – Staff: Rick Whiting, City Planner.

(19:26:39) Mr. Whiting presented the staff report and stated that the subject property was recently rezoned from R-1-21 to R-1-8. Staff and the TRC reviewed the application and found that it complies with the ordinance. One citizen voiced concern with the opinion that the proposed subdivision should include five lots rather than six. Staff recommended the Commission consider the merits of the application and recommend approval.

Nick Mason, agent for the property owner, gave his address as 2237 Ramona Avenue and stated that as drawn, the application meets all the required criteria.

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

Mr. Mason stated that the various home designs are approximately 50% complete. A 20-foot private drive is proposed. A minimum rear yard setback of 17 feet was required for Lot 5.

Community Development Director, Paul Allred, remarked that staff had previously encouraged the two abutting neighboring property owners, Phillips and Winegar, in the past, to work together to create one subdivision between the two properties, which would have resulted in the creation of a small neighborhood, not just two stand alone subdivisions. A private road development was the current choice.

The extension of the sidewalk was detailed. Mr. Whiting stated that it could be a requirement of approval, if necessary.

(19:43:18) *Commissioner Jensen moved to approve the proposed Conceptual Plan to create the Highland Place Six-Lot Subdivision located at 5246 South Highland Drive on 1.46 acres in the R-1-8 Zone subject to the following:*

Findings:

- A. *The proposed project meets the requirements for a residential subdivision in an R-1-8 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 drainage and water retention plan shall be submitted to the City Engineer for review and approval with the Preliminary Plat.*
- 3. *Show and install curb, gutter, and sidewalk along Highland Drive across the frontage of property.*

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

3. Oakcrest Way Two-Lot Subdivision – 2424 East Oakcrest Way – Conceptual Plan & Preliminary Plat – R-1-21 Zone - Staff: Rick Whiting, City Planner.

(19:45:07) Mr. Whiting presented the staff report and stated that the item was heard at a previous meeting for conceptual plan only. At that point, the applicant had yet to hold their neighborhood meeting. Otherwise it met all conceptual plan requirements. The Planning Commission continued the item to the current meeting along with the public hearing. The applicants were now requesting approval of both conceptual plan and preliminary plat. Staff recommended approval of both.

Jessica Taylor gave her address as 1931 East Nations Way and confirmed that the neighborhood meeting took place. One resident was present who wished the applicant's luck.

Vice Chair Bowthorpe opened the public hearing, which was continued from a previous meeting. There were no public comments. The public hearing was closed.

(19:48:43) *Commissioner Jensen moved to approve the application for Conceptual Plan approval to create the proposed Oakcrest Way Amended Subdivision at 2424 East Oakcrest Lane in an R-1-21 Zone, subject to the following:*

Findings:

- A. *The proposed project meets the requirements for a residential subdivision in an R-1-21 Zone, i.e. area, density, access, slope, public safety, etc.*
- B. *The project complies with the provisions of the City's General Plan for this area.*
- C. *The application is consistent with low density, single-family land use patterns in the general vicinity.*

- D. The UFA has approved emergency access as proposed. Fire hydrant capacity and placement will be addressed in the Preliminary Plat review and approval process.*
- E. The proposed project has been reviewed by the TRC and meets City requirements for Conceptual Plan.*
- F. It is believed by staff that all utility providers can reasonably serve the property and are expected to provide appropriate service availability letters.*

Requirements:

- 1. Any remaining unresolved Conceptual Plan details, or compliance with City codes and ordinances, must be completed prior to, or in conjunction with, Preliminary Subdivision Plat submission.*
- 2. 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.*
- 3. Any outstanding documentation, drawings, or details required by the Planning Commission must be completed prior to Preliminary Plat approval.*
- 4. An appropriate amendment to any Home Owners Association (HOA) for the Oakcrest Way Subdivision must be completed and recorded prior to Final Plat approval.*
- 5. Required utility provider "Will Serve" letters must be provided to staff prior to Final Plat approval.*
- 6. A current Title Report must be provided to staff prior to Final Plat approval.*

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

(19:49:58) Commissioner Garver moved to approve the application for Preliminary Plat to create the proposed Oakcrest Way Amended Subdivision at 2424 East Oakcrest Lane in an R-1-21 Zone, subject to the following:

Findings:

- A. The proposed project meets the requirements for a residential subdivision in an R-1-21 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 low density, single-family land use patterns in the general vicinity.*

- D. The UFA has approved emergency access as proposed. Fire hydrant capacity and placement will be address in the Building Permit review and approval process.*
- E. The proposed project has been reviewed by the TRC and meets City requirements for Preliminary Plat.*
- F. It is believed by staff that utility providers can reasonably serve the property and have, or are expected to, provide appropriate service availability letters.*

Requirements:

- 1. Any remaining unresolved Preliminary Plat details, or compliance with City codes and ordinances, must be completed prior to, or in conjunction with, Final Subdivision Plat submission.*
- 2. A Final Plat and any other requirements for the subdivision shall be submitted to the Technical Review Committee (TRC) for approval or review and recommendation to the Planning Commission subject to item Number 10 below.*
- 3. Any outstanding documentation or drawings required by the Planning Commission or TRC must be completed prior to Final Plat approval.*
- 4. The City Engineer will determine appropriate financial requirements for improvements and/or bonding in conjunction with Final Plat approval.*
- 5. An appropriate amendment to any Home Owners Association (HOA) for Oakcrest Way Subdivision must be completed and recorded prior to Final Plat approval.*
- 6. A Right-of-Way Easement and Road Maintenance Agreement for the two proposed lots must be prepared and recorded with this plat. It should detail provisions and responsibility for access, maintenance, snow removal, etc.*
- 7. The City Engineer may require dedication of the portion of the road that may lie in the Public Right-of-Way on Oakcrest Lane. This will be a function of the Final Plat process.*
- 8. Required utility provider "Will Serve" letters must be provided to Staff.*
- 9. A current Title Report must be provided to Staff prior to Final Plat approval.*
- 10. The TRC is authorized to make Final Plat approval of this project.*

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

4. Yourdon Five-Lot Subdivision – 5619 South Pheasant Way – Preliminary Plat - R-1-21 Zone – Staff: Rick Whiting, City Planner.

(19:51:20) Mr. Whiting presented the staff report and stated that the applicant has held two neighborhood meetings. The applicant publicly agreed to accommodate concerns, specifically road cuts into the private lane, which had recently been resurfaced. The TRC reviewed the Preliminary Plat and found it to be in compliance with the ordinance. Staff recommended approval.

Commissioner Snow expressed concern with the access drive. It was noted that the proposed driveway is located where it cuts the corner of the adjacent property.

The applicant, Duane Rasmussen, gave his address as 6740 South 1300 East. He stated that there needs to be discussion with the neighbors concerning access to the property. The neighbors to the west are concerned and requested that an eight-foot masonry wall be constructed along the west property line to which the applicants have agreed to.

Alan Wilson, who resides at 2080 Wildwood Drive, stated that he did not agree to an eight-foot fence and expressed concern with the lane being placed five feet from his property line. An issue was raised regarding the culvert located on his property and the need to have it relocated.

Mr. Rasmussen agreed that the issue will need to be reviewed in greater detail by his engineer and the City Engineer. Mr. Whiting concurred.

(20:05:26) Commissioner Snow moved to approve this application for Preliminary Plat approval to create the proposed Yourdon Estates Five-Lot Subdivision located at 5619 South Pheasant Lane in an R-1-21 zone, subject to the following:

Findings:

- A. The proposed project meets the requirements for a residential subdivision in an R-1-21 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 low density, single-family land use patterns in the general vicinity.*
- D. The UFA has approved emergency access as proposed. Fire hydrant capacity and placement will be address in the Building Permit review and approval process.*
- E. The proposed project has been reviewed by the TRC and meets City requirements for Preliminary Plat.*
- F. It is believed by staff that utility providers can reasonably serve the property and have, or are expected to, provide appropriate service availability letters.*

Requirements:

- 1. Any remaining unresolved Preliminary Plat details, or compliance with City codes and ordinances, must be completed prior to, or in conjunction with, Final Subdivision Plat submission.*

2. *A Final Plat and any other requirements for the subdivision shall be submitted for Technical Review Committee (TRC) for approval or review and recommendation to the Planning Commission subject to item Number 9 below.*
3. *Any outstanding documentation, drawings required by the Planning Commission or TRC must be completed prior to Final Plat approval.*
4. *The City Engineer will determine appropriate financial requirements for improvements and/or bonding in conjunction with Final Plat approval.*
5. *Appropriate Covenants, Conditions, and Restrictions (CC&Rs) must be prepared and recorded prior to Final Plat approval. These should include a Right-of-Way Easement and Road Maintenance Agreement for the five proposed lots. They should detail provisions and responsibility for access, maintenance, snow removal, etc.*
6. *The City Engineer may require dedication of the portion of the road that may lie in the Public Right-of-Way on Pheasant Lane and/or 2100 East. This will be a function of the Final Plat process.*
7. *Required utility provider "Will Serve" letters must be provided to staff.*
8. *A current Title Report must be provided to staff prior to Final Plat approval.*
9. *The TRC is authorized to make Final Plat approval of this project.*
10. *The applicant's engineer, the City Engineer, and Mr. Wilson shall resolve the issues of the culvert.*
11. *Resolution of the access point crossing over the Widmer property is subject to approval of the City Engineer.*

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

5. Titan Development – 2265 East Murray-Holladay Road – Final Site Plan – HV Zone Staff: Jonathan Teerlink, City Planner.

(20:09:00) Mr. Teerlink presented the staff report and stated that the final site plan approval checklist is minimal and relates to CC&Rs and title reports. Staff recommended approval.

The Project Architect, Merry Warner, gave her address as 1099 South Windsor Street and stated that they have met all of the requirements of the HV Zone for both exterior design and site plan and will be a welcomed upgrade to the area.

(20:11:53) *Commissioner Jensen moved to recommend Final Site Plan approval of the Titan Development Office Building remodel and site redevelopment located at 2265 East Murray-Holladay subject to the following:*

Findings:

1. *Includes all modifications or additions as required by the TRC for final site plan approval.*
2. *Does not require any CCYRs regulating documentation.*
3. *Does not require a Title Report.*
4. *All required site engineering data and plans.*

Requirements:

1. *The final site plan shall be approved pending full construction drawings and the requirement of the final site plan checklist and approval.*

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

6. Approve Minutes of the September 16, 2014.

(20:13:42) The minutes of September 16, 2014, were reviewed.

Commissioner Jensen moved to approve the minutes of September 16, 2014, as printed. Commissioner Garver seconded the motion. Vote on the motion: Matt Snow-Aye, John Garver-Aye, Chair Chris Jensen-Aye, Vice Chair Spence Bowthorpe-Aye. The motion passed unanimously.

OTHER BUSINESS

7. Text Amendment to Chapter 13 regarding the terms "adjacent" and "abutting" – Staff, Pat Hanson, City Planner.

(20:17:28) *Commissioner Garver moved to continue the above item to the next meeting. Commissioner Jensen seconded the motion. Vote on the motion: Matt Snow-Aye, John Garver-Aye, Chair Chris Jensen-Aye, Vice Chair Spence Bowthorpe-Aye. The motion passed unanimously.*

8. Report from Staff on Upcoming Applications.

(20:18:10) Mr. Whiting reported that the Tran project was unanimously denied.

Commissioner Bowthorpe recommended the Commission Members come prepared at the next meeting to discuss the Text Amendment to Chapter 13 regarding the terms “adjacent” and “abutting”.

It was reported that the first RO rezone request will be a future agenda item. The request pertains to a two-story home on Highland Drive just north of the Oakwood School.

9. Discussion of Possible Future Amendments to Code.

ADJOURN

(20:24:34) *Commissioner Jensen moved to adjourn. Commissioner Garver 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, November 5, 2014.



Teri Forbes
T Forbes Group
Minutes Secretary

Minutes approved: January 6, 2015