

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

**Wednesday, November 6, 2013
6:30 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
Brad Wright

City Staff:

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

Others:

Boy Scout Troop 2502

PRE-MEETING/WORK SESSION

Chair Khodadad called the meeting to order at 6:32 pm. The agenda items were reviewed and discussed.

With regard to the Village Dental site plan, City Planner, Rick Whiting, stated that the applicant submitted sufficient documentation for preliminary plat approval. The only item lacking was the lighting plan. Buffering of the property was discussed. The Ludlow Dental Office Site Plan was next discussed. Mr. Whiting reported that the applicant developed a design that meets conceptual standards. He did not foresee any significant issues. Community Development Director, Paul Allred, commented that there may be a clear view issue with the project regarding where the building comes to a corner. He remarked that an adjustment may be necessary. Alternative solutions were discussed.

Mr. Allred stated that the Holladay Vista Estates Subdivision Conceptual Plan includes single-family homes and is located in an R-2-10 Zone on a private road. The road is not maintained by the City and is in need of repair. Staff confirmed that ample space is available for a Unified Fire Authority turnaround. The project layout was detailed.

The Commission next discussed the Tobermory Ridge Subdivision. Mr. Allred stated that red line corrections were made and a geotechnical report provided. Egress and ingress was detailed. Questions regarding an easement through an adjacent church property were raised.

(19:01:58) *Commissioner Bowthorpe moved to close the Work Meeting and move to the Council Chambers for the Regular Meeting. Commissioner Chatelain seconded the motion. The motion passed with the unanimous consent of the Commission.*

CONVENE REGULAR MEETING

Chair Khodadad called the Regular Meeting to order at 7:04 pm.

ACTION ITEMS

1. Village Dental – Conceptual & Preliminary Site Plan – 2010 E Murray-Holladay Road – Planner: Rick Whiting.

(19:04:55) City Planner, Rick Whiting, presented the staff report and stated that the applicant obtained a zone change to the Neighborhood Commercial Zone (NC) several years earlier. Due to unforeseen circumstances, the property reverted back to its original residential zone. The property owners approached the City again recently and were granted the same zone change at which time site plan approval was requested. The application was in process prior to the recent creation of the landscaping ordinance.

Dave Pennock was present on behalf of the applicant and gave his address as 6440 South Wasatch Boulevard. He expressed enthusiasm for the proposed project. He stated that they have had difficulty meeting the new landscape ordinance. It was the desire of the applicant to begin construction as soon as weather permits. The footprint of the project was detailed.

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

Commissioner Chatelain considered the proposal to be a great use of the property and expressed his support.

For clarification, Mr. Whiting read language pertaining to perimeter walls. Fencing issues were discussed. It was agreed that a concrete fence was not necessary, but a solid fence would be required.

(19:18:05) *Commissioner Snow moved to approve the Conceptual Site Plan for the two-story Village Dental office building to be located at 2110 E Murray-Holladay Boulevard in the NC Zone, subject to the following:*

Findings:

- A. *This land use is allowed by the provisions of the City's NC Zone for a medical-dental office as a permitted use;*
- B. *The proposed project has been reviewed by the TRC and generally meets City requirements for Conceptual Site Plan approval; and*
- C. *Emergency access and water supply appears to be adequate for emergency service per the UFA.*

Requirements:

1. *Complete compliance with applicable City ordinances will be required for Preliminary Site Plan approval, including:*
2. *Detailed grading, storm drainage provisions, utilities, site lighting and landscaping plans will be required for Preliminary Site Plan approval;*
3. *Plans for deliveries, trash handling and etc, will be required for Preliminary Site Plan approval;*
4. *Comply with the design guidelines of Chapter 13.55.080;*
5. *Emergency access and water supply will need to be verified in detail during Preliminary and/or Final Site Plan approval;*
6. *Any remaining issues identified by the TRC will be required for Preliminary Site Plan approval;*
7. *The requirement for a masonry fence is waived, but a solid fence, eliminating any penetrating light, is required.*

(19:55:04) Commissioner Wright seconded the motion. Vote on motion: Spence Bowthorpe–Aye, Les Chatelain–Aye, Brad Wright–Aye, Chris Jensen–Aye, John Garver–Aye, Matt Snow–Aye, Chair Lori Khodadad–Aye. The motion passed unanimously.

The preliminary site plan was next discussed. Mr. Whiting reported that the Technical Review Committee (TRC) reviewed the preliminary site plan request in detail and recommended approval. Hours of operation regarding dumpsters and waste pick up were detailed.

(19:25:50) Commissioner Chatelain moved to approve the preliminary site plan for the Village Office Dental building to be located at 2110 East Murray Holladay Boulevard in the NC Zone subject to the following:

Findings:

- A. *This land use is allowed by the provisions of the City’s NC Zone for a medical-dental office as a permitted use;*
- B. *The proposed project has been reviewed by the TRC and generally meets City requirements for Preliminary - Site Plan approval; and*
- C. *Emergency access and water supply appears to be adequate for emergency service per the UFA.*

Requirements Prior to Preliminary Site Plan Approval:

1. *Complete compliance with applicable City ordinances will be required for Final Site Plan approval, with the exception of being grandfathered in on the buffer zones, they can measure three feet as opposed to five feet as the new regulations state.*
2. *Comply with the design guidelines of Chapter 13.55.080;*
3. *A detailed Lighting Plan that meets the specifications of the NC zone is required;*
4. *Any remaining issues identified by the TRC will be required; and*

5. *The final site plan will be reviewed by TRC and does not need to return before the Planning Commission.*

Commissioner Bowthorpe seconded the motion. Vote on motion: Spence Bowthorpe–Aye, Les Chatelain–Aye, Brad Wright–Aye, Chris Jensen–Aye, John Garver–Aye, Matt Snow–Aye, Chair Lori Khodadad–Aye. The motion passed unanimously.

2. **Ludlow Dental Office - Conceptual Site Plan – 3900 South 2000 East – Planner: Rick Whiting.**

(19:29:17) Mr. Whiting presented the staff report and stated that the applicant, Val Ludlow, has provided additional stalls above what is required and has met all requirements of the NC Zone. The neighborhood meeting was held with virtually no opposition. Staff recommended the Commission consider conceptual approval.

Fencing issues were discussed. Mr. Whiting confirmed that part of the incentive for the applicant to rezone to NC was to pull the building closer to the street and further away from surrounding residences.

Nathaniel Rather, from Rather Architecture, was present representing the applicant and gave his address as 6331 Shenandoah Park Avenue. Mr. Rather reported that there is currently wood fencing along the south side of the property. The intent is to construct a six-foot masonry fence.

Chair Khodadad opened the public hearing.

Mr. Rather detailed the drainage on the property. He stated that the signage had not yet been designed.

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

(19:41:58) *Commissioner Wright moved to approve the conceptual site plan for the one-story Ludlow Dental Office Building to be located on the southeast corner of 3900 South and 2000 East in the NC Zone subject to the following:*

Findings:

- A. *This land use is allowed by the provisions of the City’s NC zone for a medical-dental office as a permitted use;*
- B. *The proposed project has been reviewed by the TRC and meets City requirements for Conceptual - Site Plan approval; and*
- C. *Emergency access and water supply appears to be adequate for emergency service per the UFA.*

Requirements:

1. *Complete compliance with applicable City ordinances will be required for Preliminary Site Plan approval, including:*

2. *Detailed grading, storm drainage provisions, utilities, site lighting and landscaping plans will be required for Preliminary Site Plan approval;*
3. *Comply with the design guidelines of Chapter 13.55.080;*
4. *Plans for deliveries, trash handling and etc, will be required for Preliminary Site Plan approval;*
5. *Emergency access and water supply will need to be verified in detail during Preliminary and/or Final Site Plan approval;*
6. *Utility “Will Serve” letters and a current Title Report will be required prior to Final Site Plan approval; and*
7. *Any remaining issues identified by the TRC will be required for Preliminary Site Plan approval.*
8. *Review of the clear view situation on corner.*
9. *Review of the right turn only onto 3900 South.*

Commissioner Chatelain seconded the motion. Vote on motion: Spence Bowthorpe–Aye, Les Chatelain–Aye, Brad Wright–Aye, Chris Jensen–Aye, John Garver–Aye, Matt Snow–Aye, Chair Lori Khodadad–Aye. The motion passed unanimously.

(19:44:16) Chair Khodadad moved to amend the agenda and next discuss the Brewer Stream Setback. Commissioner Chatelain seconded the motion. Vote on motion: Spence Bowthorpe–Aye, Les Chatelain–Aye, Brad Wright–Aye, Chris Jensen–Aye, John Garver–Aye, Matt Snow–Aye, Chair Lori Khodadad–Aye. The motion passed unanimously.

The Commission next addressed agenda item number five after which they resumed the agenda as printed.

3. Holladay Vista Estates Subdivision – 5972 South Highland Drive – Conceptual Plan – Planner: Rick Whiting.

(20:32:38) Mr. Whiting presented the Holladay Vista Estates Subdivision Conceptual Plan for property located at 5972 South Highland Drive. He stated that the applicant proposed a six-lot single-family detached subdivision in the R-2-10 zone. Staff recommended approval.

The applicant, John Curtis, gave his address as 5968 South Highland Drive and stated that a neighborhood meeting was held and the proposed homes will be listed in the \$400,000 price range.

Staff discussed lot square footage and road maintenance. Mr. Allred confirmed that two locations off the property will allow ample turnaround space for emergency vehicles. The implementation of CC&Rs was recommended in order to regulate access, road maintenance and snow removal.

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

(20:48:05) *Commissioner Wright moved to approve the conceptual subdivision for a six-lot detached single-family subdivision in the R-2-10 Zone located at 5972 South Highland Drive subject to the following:*

Findings:

1. *The subdivision is allowed in the zone and each lot meets the area and width requirements of the zone.*
2. *The project will improve the overall housing stock in the neighborhood and represents a welcome trend to build new, single-family, detached homes along Highland Drive.*
3. *The development does not conflict with the Holladay General Plan.*

Requirements:

1. *Submit minor corrections and clarifications to the conceptual plat as per TRC and ordinance requirements to address the idea of CC&R's to cover right-of-way access, snow removal and street maintenance.*

Commissioner Chatelain seconded the motion. Vote on motion: Spence Bowthorpe–Aye, Les Chatelain–Aye, Brad Wright–Aye, Chris Jensen–Aye, John Garver–Aye, Matt Snow–Aye, Chair Lori Khodadad–Aye. The motion passed unanimously.

The Commission took a five-minute break.

4. Tobermory Ridge Subdivision – Preliminary Plat – 5105 South 1300 East - Planner: Rick Whiting.

(20:31:36) Mr. Whiting presented the Tobermory Ridge Subdivision Preliminary Plat request as detailed in the staff report. The applicant's request was to develop a 24 dwelling unit subdivision. Staff recommended approval of the proposed project.

The applicant, Michael Brodsky from Hamlet Homes, gave his address as 308 East 4500 South and stated that the maximum height of any unit measures 34 feet from grade. He clarified that they have a negotiated agreement with the adjacent church and have purchased an easement. They plan to build a road through the property. The homeowners' association will be fully responsible for upkeep, maintenance, and snow removal. Additional ingress/egress issues were discussed. Mr. Allred addressed the remaining red line issues. Grading, drainage, and detention issues were discussed. Mr. Brodsky confirmed that all grading requirements will be met.

(21:15:45) Commissioner Jensen moved to approve the preliminary plat for the 24 dwelling unit subdivision for the Tobermory Ridge Subdivision located at 5105 South 1300 East proposed by Hamlet Homes subject to the following:

Findings:

- A. *The proposed project has been reviewed by the TRC and, with a few minor clarifications and items detailed by Staff, meets City requirements for preliminary plat.*

Requirements:

1. *Minor corrections to the construction drawings per the City Engineer must be presented for his approval.*
2. *A copy of the existing Right-of-Way Easement with the Sandpiper Apartments must be provided and, as appropriate, recorded with the Final Plat.*
3. *All utility "Will Serve" letters must be received prior to Final Plat approval.*
4. *Appropriate CC&Rs must be developed and recorded with the Final Plat and presented before the Planning Commission to review all final exterior elevations and final details as yet to be completed.*
5. *Meet City requirements for preliminary plat.*

Commissioner Wright seconded the motion. Vote on motion: Spence Bowthorpe–Aye, Les Chatelain–Aye, Brad Wright–Aye, Chris Jensen–Aye, John Garver–Aye, Matt Snow–Aye, Chair Lori Khodadad–Aye. The motion passed unanimously.

5. Brewer Stream Setback – 5006 South Fairbrook Lane – Planner: Paul Allred.

(19:44:45) Mr. Allred presented the Brewer Stream Setback as detailed in the staff report and stated that there is an ordinance for a 100-foot setback for construction against perennial streams. In this case, there is a new home being constructed and an existing building toward the back of the property that measures approximately 32 to 35 feet from Big Cottonwood Creek. The applicant was proposing to add an in-line addition. Staff felt comfortable with the fact that a building already exists and this is an addition to it. He recommended approval to the exception subject to the findings and requirements set forth in the staff report.

Flood plain details were discussed. Mr. Allred that reported many are of the understanding that buildings cannot be built in a flood plain, however, they are allowed and are dependent on the type of building.

Rob Radcliff was present representing the applicant. He presented the design for the proposed pool house, which is presently a shed structure. Grading and elevation details were also discussed. Commissioner Jensen was of the understanding that this would involve new construction of the proposed pool house rather than an add-on to what already exists. Mr. Radcliff stated that they would prefer to demolish what is presently there and rebuild the structure, if possible.

Chair Khodadad suggested the Commission vote on the setback issue and let the other details work themselves out when the applicant returns for a building permit.

Commissioner Wright expressed concern with plumbing, sewer, and pool chemicals being in such close proximity to the stream.

Commissioner Jensen raised the question of making an exception regarding the required setback and the precedent it will set for other properties in question. Alternate solutions were discussed.

Commissioner Bowthorpe stated that he would approve the addition to the existing structure, but believed it would be preferable to demolish the shed and construct a new building. He also expressed concern with the large amount of chlorinated water and sewage that would be involved.

(20:28:41) *Commissioner Bowthorpe moved to approve the request for an exception to the established 100-foot stream setback regulations for the Brewer Stream Setback located at 5006 South Fairbrook Lane per the positive recommendation given by City Engineer, Clarence Kemp. The positive recommendation grants exception to the regulation and permits the proposed shed addition to be constructed no closer to Big Cottonwood Creek than 35 feet based on the following:*

Findings:

1. *There is no stream alteration, nor disturbances to the bank or removal of Significant Trees.*
2. *The area where the building is to be constructed is not considered wetlands.*
3. *The proposal does not require review of other agencies.*
4. *The proposed building is not located within the FEMA floodway.*
5. *No bank disturbance within the stream protection corridor.*
6. *The property is currently developed with a shed built 35' from Big Cottonwood Creek, which existed prior to incorporation of the City of Holladay.*

Requirements:

1. *The pool equipment room addition must be built in line with the south west wall of the existing shed, no closer than 35 feet from Big Cottonwood Creek as shown on the applicants drawings.*
2. *The finished floor of the new addition must match the existing floor elevation of the shed.*
3. *All future landscaping, flatwork, and grading, within the 50 foot setback area must be approved by the Community Development Director and City Engineer prior to commencing work.*
4. *Best construction management practices are to be followed to prevent pollution of water that may enter the stream system during construction. Specifically, a limit of disturbance fencing and silt erosion control fencing shall be installed prior at the top of the north bank to construction and maintained throughout the duration of project.*
5. *All conditions listed in the City Engineers consent letter must be followed.*
6. *All construction related improvements must follow current applicable Holladay codes.*

Commissioner Garver seconded the motion. Vote on motion: Spence Bowthorpe–Aye, Les Chatelain–Nay, Brad Wright–Nay, Chris Jensen–Nay, John Garver–Aye, Matt Snow–Aye, Chair Lori Khodadad–Aye. The motion passed 4-to-3.

6. Approve Minutes of the October 15 and October 26, of October 15 and October 26, 2013 Meetings.

(21:20:25) The minutes of the October 15, 2013, meeting were reviewed and modified.

Commissioner Wright moved to approve the minutes of October 15, 2013. Commissioner Jensen seconded the motion. Vote on motion: Spence Bowthorpe–Aye, Les Chatelain–Aye, Brad Wright–Aye, Chris Jensen–Aye, John Garver–Aye, Matt Snow–Aye, Chair Lori Khodadad–Aye. The motion passed unanimously.

The minutes of October 25, 2013 were reviewed and modified.

Commissioner Bowthorpe moved to approve the minutes of October 26, 2013. Commissioner Jensen seconded the motion. Vote on motion: Spence Bowthorpe–Aye, Les Chatelain–Aye, Brad Wright–Aye, Chris Jensen–Aye, John Garver–Aye, Matt Snow–Aye, Chair Lori Khodadad–Aye. The motion passed unanimously.

DISCUSSION ITEMS

7. Amendment to Chapter 13.78 Planned Unit Development – Planner: Pat Hanson.

(21:25:09) City Planner, Pat Hanson, presented the amendment to Chapter 13.78 Planned Unit Development, and reported that there is language currently stating that the area of the streets cannot be counted toward square footage. Modifications to the proposed verbiage were detailed.

The process for calculating density was discussed. Ms. Hanson reported that the ordinance specifically states that the definition of lot area excludes any part of a private driveway. The more restrictive part of the ordinance is what should be applied. The Commission needs to determine whether they think roads should be included in the density and square footage calculation. Historically, the road has not always been included in the calculations for subdividing.

Mr. Allred commented that allowance of the use of land in an efficient and common sense matter is necessary to build a better community. Items to be considered were the number of units, the carrying capacity of the land, and allowing thoughtful developers to design better communities.

From a neighboring property owner's standpoint, Commissioner Bowthorpe shared concern regarding the effect of going to a PUD, which gives even one more unit to a development. He is of the opinion that use of PUD tool should not result in an economic benefit to the developer but rather a design benefit to the community.

Next discussed was allowable density between a standard subdivision and a PUD. Mr. Allred confirmed that one of the purposes of a PUD is to aid developments where the shape of the land does not work for standard shaped lots. He raised a question as to why cookie-cutter development should be permitted and why PUDs should be conditional. He feels that creativity and efficiency in development should be rewarded.

(21:59:40) Mr. Brodsky agreed that PUDs are an opportunity for the City to apply creativity in development and land use. He is of the opinion that private roads penalize the neighborhood residents, as they are subjected to double taxation, where public roads are much more beneficial. He detailed how the Tobermory Ridge development will benefit from the proposed PUD amendment. He believed PUDs could include exactions because they are a conditional use and should provide additional benefits to the neighborhood.

The Commission invited Mr. Brodsky and Mr. Mingo to return and actively participate in further discussion.

OTHER BUSINESS

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

ADJOURN

(22:43:00) *Commissioner Wright moved to adjourn. Commissioner Jensen seconded the motion. The motion passed with the unanimous consent of the Commission.*

The Planning Commission Meeting adjourned at 10:20 p.m.

I hereby certify that the foregoing represents a true, accurate and complete record of the City of Holladay Planning Commission Meeting held Wednesday, November 6, 2013.



Teri Forbes
T Forbes Group
Minutes Secretary

Minutes approved: January 7, 2014