

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

**Wednesday, November 7, 2012
6:30 p.m.
Holladay Municipal Center
4580 South 2300 East**

ATTENDANCE

Planning Commission Members:

Les Chatelain, Chair
Spence Bowthorpe
John Garver
Chris Jensen
Lori Khodadad
Matt Snow
Brad Wright (joined the meeting at 8:20 p.m.)

City Staff:

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

PRE-MEETING/WORK SESSION

Chairman Les Chatelain called the work session to order at 6:34 p.m. New Planning Commission Member, Chris Jensen introduced himself and stated that he helped with the architecture of the new Fire Station. He indicated that he was involved with the Board of Adjustment prior to being asked to serve on the Planning Commission. It was noted that Commissioner Jensen would replace Troy Holbrook, who resigned.

(18:35:57) City Planner, Rick Whiting, stated that the meeting scheduled for the following day was initiated by two Members of the City Council, Jim Palmer and Pat Pignanelli. The intent of the meeting was to disseminate accurate information to residents about the Highland Drive Corridor Master Plan, the RO Zone, and correct misinformation. The meeting was intended to be an informal Town Hall Meeting to involve both the City Council and the Planning Commission. The meeting was properly noticed and would be facilitated and managed by the City Council. The meeting was to commence at 7:00 p.m.

The agenda items were reviewed and discussed. It was reported that agenda item number one, described as the Hands from Heaven Therapeutic Massage proposal, was delayed to a future meeting.

The Radetich Day Care home occupation was described as a small-scale business operation with the applicant seeking to care for no more than four children four days per week. It was noted that a license is not required for a day care provider looking after fewer than four children. All property owners within a 500-foot radius were notified of tonight's meeting.

With respect to the Rasch Dental Office Rezone, the request was approved previously but the Certificate of Occupancy was not issued prior to the deadline. The minutes were reviewed and modified.

(18:57:01) *Commissioner Khodadad moved to adjourn the work session and move to the Council Meeting. The motion was seconded by Commissioner Jensen and passed with the unanimous consent of the Commission.*

CONVENE REGULAR MEETING

Chairman Les Chatelain called the meeting to order at 7:03 p.m.

ACTION ITEMS

1. **Hands From Heaven Therapeutic Massage – 4638 S. Stratton Drive – Conditional Use Permit – Home Occupation with Customers – R-2-10 Zone – Planner: Rick Whiting.**

At the request of the applicant, the above matter was postponed to a future meeting.

2. **Radetich Day Care – 2405 Briarcreek Drive – Conditional Use Permit – Home Occupation with Customers – R-1-10 Zone – Planner: Rick Whiting.**

(19:04:15) City Planner, Rick Whiting, presented the staff report and stated that the applicant, Samna Radetich, proposes to operate a very small-scale child care center in her home. She does not intend to have more than four children, from two different families, at any given time. Her intent is to operate four days per week. The traffic generated would be two car trips to drop off children and two to pick up children four days per week. Because of the small number of children, the applicant is not required to procure a state license; however, it is necessary for her to obtain a conditional use permit. Staff felt that the impact on the neighborhood would be minimal and recommended approval subject to the findings and requirements set forth in the staff report.

Ms. Radetich stated that she has approached her neighbors, who expressed support for the proposal. She indicated that she cannot accommodate more than four children. Her home is located on a corner lot and there is a safe place in her driveway to pick up and drop off children. There is also space in her double-wide driveway for parking. Mrs. Radetich stated that she will have no employees and will be the sole individual looking after the children.

(19:12:14) Chair Chatelain opened the public hearing.

Debbie Marshall, a neighbor, expressed concern about the proposal and stated that her home was remodeled to care for her husband who was ill. She has a disabled child who lives in the home and Mrs. Marshall also is battling cancer. She has been unable to sell her home because of the depressed housing market. Mrs. Marshall was worried about having additional traffic in the neighborhood. She estimated that there are approximately 50 homes in the neighborhood that are valued at around \$700,000 each. She stated that she needs to sell her home for its maximum value in order to support herself, pay for her cancer treatments, and raise her child.

City Planner, Pat Hanson, stated that business licensing in the City has remained steady for the past several years. Of the total of about 1,200 businesses in the City, approximately 350 to 400 are home occupations. There are few day care providers in the City and she estimated that there are less than 20 such businesses. Approximately five are commercial in nature and about six providers care for six to 12 children. Approximately six providers are licensed and care for three to six children. Throughout her years working for the City, Ms. Hanson did not recall receiving a specific complaint about day care providers. Most residents are happy to have day care close to their home and particularly in the neighborhood where they live.

A question was raised with regard to the proximity of other home businesses in the area. Mr. Whiting stated that that information is not known and there is no restriction on the number or proximity between home-based businesses. The importance of Mrs. Marshall's comments was acknowledged, however, there was some doubt as to whether two cars twice per day in the neighborhood would create an adverse impact. The use was considered limited and low impact. Chair Chatelain supported limiting the use to four children but was not comfortable restricting it to two families. He did not consider the impact to be significantly greater with three or four families rather than two.

Community Development Director, Paul Allred, reported that the average residence generates 10 to 12 car trips per day. He reminded the Commission that the proposed use is permitted by right with conditions to mitigate potential impacts.

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

Ms. Radetich understood Mrs. Marshall's concern, but recognized the need for the care she provides. She explained that she does not have the capacity to handle large numbers of children. The impact of the use on the neighborhood was expected to be minimal since the access is near 4500 South and the traffic coming to her home will not pass Mrs. Marshall's home. Ms. Radetich considered the service she provides to be of value.

(19:35:40) Commissioner Khodadad moved to approve the Radetich Day Care at 2405 Briarcreek Drive subject to the following:

Findings:

- 1. The proposed use at this location provides a service to a citizen 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. Mrs. Radetich may not care for more than four children at any given time.*
- 2. No more than two families may drop-off or pick-up children on any given day.*
- 3. No on-street parking will be allowed.*
- 4. The Conditional Use Permit is subject to review by the Planning Commission upon any allegations of non-compliance.*
- 5. Should the number of children cared for increase in the future – further review and approval/licensing shall be required by the State of Utah and/or the City of Holladay as required by law.*
- 6. No outside employees shall be allowed.*
- 7. Patrons shall park in the driveway.*

Commissioner Bowthorpe seconded the motion. Vote on motion: Matt Snow-Aye, John Garver-Aye, Chris Jensen-Aye, Lori Khodadad-Aye, Spence Bowthorpe-Aye, Chair Chatelain-Aye. The motion passed unanimously. Brad Wright was not present for the vote.

3. Rasch Dental Office –Rezone – 2110 East Murray-Holladay Rd. – Rezone from R-2-8 to NC Zone – Planner: Rick Whiting.

(19:39:10) Mr. Whiting presented the staff report and stated that the request was processed previously through the entitlement process. Approval was recommended by the Planning Commission, and the request was adopted by the City Council with a time limit requiring the building be completed by July 1, 2012. The applicant was unable to complete the project within the specified timeframe and is now prepared to move forward. The applicant has requested that the Planning Commission once again recommend approval for rezoning the property from R-2-8 to Neighborhood Commercial (NC) to the City Council. No change was proposed to the original land use accompanying the rezone. Mr. Allred stated that City Attorney, Craig Hall, suggested the matter go back through the rezone process. For that reason, the applicant was required to pay the fees again and submit a new application. Mr. Whiting noted that the proposal falls within the pattern of development in the corridor and that there was little opposition from the neighborhood at the time the original request was made.

Dave Pennock from Cowboy Partners/Prowswood, indicated that as part of the original request the City Council recommended there be a setback so that it would more appropriately align with the residential home to the west. Across the street is an orthodontic office. The design of the building was intended to blend in with the neighborhood. Mr. Pennock stated that Dr. Rasch has been in practice in Holladay for about 13 years and wants to remain in the area, but would like to own his own facility. The delay was due to financing, engineering, and the design of the building. Mr. Pennock reported that Dr. Rasch would be the only dentist in the facility and have about four employees. Parking will be behind the building.

(19:49:44) Chair Chatelain opened public hearing. There were no public comments. The public hearing was closed.

Timing issues were discussed. Mr. Pennock stated that timing will depend on various issues such as the bidding process. The intent would be to begin work in early spring. He did not object to being given the same 18-month time limit as was approved with the previous request.

(19:58:05) *Commissioner Khodadad moved to forward a positive recommendation on the rezone to the City Council for the Rasch Dental Office at 2110 East Murray Holladay Road to be rezoned from R-2-8 to NC subject to the following:*

Findings:

- 1. Uses along this street are typically multi-family and professional offices. The proposed use will fit the established development patterns on the street.*
- 2. The property is within walking distance of both the Holladay Village and Cottonwood Mall areas with anticipated similar densities, uses, and architectural controls.*
- 3. Due to stringent NC zone regulations, the site design and architectural controls would produce higher quality development than current zoning for this transitional area of the City.*

Commissioner Snow seconded the motion. Vote on motion: Matt Snow-Aye, John Garver-Aye, Chris Jensen-Aye, Lori Khodadad-Aye, Spence Bowthorpe-Aye, Chair Chatelain-Aye. The motion passed unanimously. Brad Wright was not present for the vote.

4. Approve Minutes – September 18, October 2, 16, 2012.

(20:01:04) The minutes were reviewed and modified.

(20:01:31) *Commissioner Bowthorpe moved to approve the September 18, 2012, minutes subject to the changes made during the pre-meeting. Commissioner Garver seconded the motion. Vote on motion: Matt Snow-Abstained, John Garver-Aye, Chris Jensen-Abstained, Lori Khodadad-Aye, Spence Bowthorpe-Aye, Chair Chatelain-Aye. The motion passed unanimously with two abstentions. Brad Wright was not present for the vote.*

The October 2, 2012, minutes were reviewed and modified.

(20:11:30) *Commissioner Garver moved to approve the minutes of October 2, 2012, with the changes noted. Commissioner Bowthorpe seconded the motion. Vote on motion: Matt Snow-Aye, John Garver-Aye, Chris Jensen-Abstained, Lori Khodadad-Aye, Spence Bowthorpe-Aye, Chair Chatelain-Aye. The motion passed unanimously with one abstention. Brad Wright was not present for the vote.*

The October 16, 2012, minutes were reviewed and modified.

(20:20:59) *Commissioner Khodadad moved to approve the minutes of October 16, 2012, with the changes noted. Commissioner Garver seconded the motion. Vote on motion: Matt Snow-Aye, John Garver-Aye, Chris Jensen-Abstained, Lori Khodadad-Aye, Spence Bowthorpe-Aye, Brad Wright-Aye, Chair Chatelain-Aye. The motion passed unanimously with one abstention.*

DISCUSSION ITEMS

5. Residential Office (RO) Zone – Planners: Community Development Director, Paul Allred and Pat Hanson.

(20:22:40) City Planner, Pat Hanson, reported that there are suggested changes as well as issues that still require discussion. The document was reviewed page-by-page with the revisions identified.

(20:29:43) Mr. Allred stated that it should be very clear that the purpose of the RO Zone is for office uses and would specify non-retail. The City Council is looking to get a draft and will ask staff and the Planning Commission to explain that the RO Zone is a proposal along Highland Drive.

Mr. Allred suggested strict signage regulations for residential offices.

(20:36:30) Ms. Hansen suggested the General Plan Map be more flexible and responsive so that it is not necessary to make changes on a property-by-property basis.

Mr. Allred remarked that when the coffee shop for Black Diamond was proposed, it was acknowledged that the General Plan was outdated for the area. The Commission did not object due to the General Plan being an advisory document. The Council approved the request. However, Councilman Pace voted against it and stated that if a rezone is requested that doesn't fall in line with the General Plan, there should be a General Plan amendment that accompanies the rezone. Mr. Allred replied that the General Plan is an advisory document rather than a binding document. He recommended it be looked at it in the context of the area it is in, a yes or no

determination made, and proceed to update it. Councilman Pace's opinion was that there should not be a zone change unless it follows the General Plan, Mr. Allred agreed with Ms. Hansen's point that the RO Zone should be allowed in designated areas. He suggested staff use caution with respect to where it is applied.

(20:41:43) Ms. Hansen was of the understanding that Council has directed the Commission to create a Residential Office Zone with the Highland Drive Master Plan in mind. Mr. Allred confirmed that the Council specifically directed staff and the Commission to develop an instrument for professional office on Highland Drive and determine if it is desirable elsewhere.

(20:48:30) Commissioner Jensen discussed the details of permissible landscaping. Mr. Allred stated that staff is proposing a minimum of 20 feet of landscaping in front yards and a minimum of 20 feet in depth before there is any asphalt or driveways.

(21:03:05) Mr. Allred remarked that it is difficult to find the necessary tools to deal with different problems. He explained that the Highland Drive Corridor Plan proposes very limited commercial. At intersections and at the mid-block, it specifically lists zones by priority as R-1-8, R-2-10, R-2-8, and RM. The Council is trying to address controversy regarding perceived commercialization of Highland Drive by some residents. The RO Zone could potentially be ideal for older homes on Highland Drive where none of the other uses fit on the mid-block.

(21:06:45) Mr. Whiting brought up the issue of square footage limitations only applying to new construction. Chair Chatelain stated that when converting an existing building, square footage cannot be deducted.

Commissioner Bowthorpe suggested that a property with an existing structure can be converted, regardless of the square footage, to an office use. If new construction or an addition is requested, there should be a limitation with regard to the relationship to the size of the lot. Commissioner Wright recommended there be a maximum square footage to prevent a large building from being built on a large lot.

(21:23:15) Staff discussed the details of demolition of existing properties. Chair Chatelain stated that if this is not allowed, dilapidated properties will remain.

Ms. Hanson confirmed the language, which does not specify a limit on conversions and allows 3,500 square feet for the main building for new construction.

(21:34:37) The Commission made the decision to eliminate restrictions on hours of operation for office uses.

(21:44:39) It was agreed that a five-foot wide landscape buffer strip shall abut and be parallel to the perimeter wall.

Ms. Hanson recommended the 60-foot driveway requirement be reduced to 40 feet and be measured from the intersection of the asphalt lines.

(21:46:05) Staff recommended an additional item to specify the maximum driveway width at 35 feet at the property line to allow for a wider driveway.

Trash enclosures were next detailed. Ms. Hanson stated that a commercial type trash enclosure or dumpster should be prohibited to preserve the residential feel.

(21:50:56) Mechanical equipment will also be reduced and all noise emitting equipment shall be placed so as to minimize noise or visual impacts on nearby properties.

Mr. Allred stated that the lighting section should read that it is the intent of the subsection to encourage lighting practices and systems that minimize light pollution, glare and light trespass, conserve energy and resources, maintain nighttime safety and utility while ensuring the enjoyment of a starry night for all members of the community. All site lighting shall be shielded and/or directed in such a manner to illuminate only the user's premises and not spill over into neighboring residential areas. The additional remaining items to be stricken were discussed.

Commissioner Jensen suggested that the lighting requirements are not lessened so that it will not eliminate lighting required by standards of the building codes or accessibility standards.

(22:02:10) Ms. Hanson next clarified that there is a difference between the setback and the yard area. The setback is the minimum distance from the property line where a building or wall can be constructed. The yard is the area between the property line and where the building is actually built. Staff recommended allowing a business to have parking in the front yard area, if it works best for the existing structure. They would, however, still want to require landscaping against the street. Ms. Hanson suggested there be more flexibility with regard to where and how much landscaping should be in front.

(22:10:11) The Commission discussed the issue of parking in the front or back of a structure. Mr. Allred reiterated that the unintended consequence of pushing parking to the rear is to create noise, fumes, and odor closer to the surrounding neighbors. The front may look nicer with required parking in back of the building but it eliminates what would typically be a residential back yard. He suggested that the owner make the decision about where to place parking. He expressed concern with inappropriately parked cars backing into the traffic lane.

(22:15:26) Commissioner Wright confirmed that there should be no parking within the first 20 feet.

Perimeter wall issues were next detailed. Mr. Allred suggested in item A that screening or opaque materials replace decorative tinted concrete or masonry. Chair Chatelain suggested the verbiage reference adequate screening as determined by the Planning Commission.

Mr. Allred recommended the document state that the project may be required to have a screening fence or wall. He also stated that City ordinances allow fences taller than six feet between abutting neighbors if both are in agreement. The verbiage would apply to a residential use on a commercially zoned property. Mr. Allred recommended the height requirement remain at six feet and allow the property owners to determine whether it should be raised. Commissioner Garver agreed with the recommendation and remarked that it will create a residential feel.

(22:28:45) Signage issues were next discussed. Mr. Allred stated that he and Ms. Hanson agreed that residential offices should not be allowed more than a 12 to 16 square-foot monument sign in

the front. He also felt the business should be allowed to have a monument or a wall sign, but stated that to allow both was questionable.

With regard to the City's Design Review Board (DRB), Ms. Hanson stated that as proposed that they will review all new building construction, any increase in the floor area of an existing building, and any substantial exterior remodeling. Mr. Allred clarified that the DRB does not review the site plan but rather reviews building architecture that involves the expansion of a footprint, construction of a new building, or substantial exterior remodeling. Chair Chatelain's preference was for the DRB to review changes if there is any change to the exterior appearance.

OTHER BUSINESS

- 6. Updates or 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.**

(22:34:25) Commissioner *Snow moved to adjourn. Commissioner Jensen seconded the motion. The motion passed with the unanimous consent of the Commission.*

ADJOURN

The Planning Commission Meeting adjourned at 10:35 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 7, 2012.



Teri Forbes, Minutes Secretary
T Forbes Group

Minutes approved: 12/4/12