

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

**Tuesday, November 19, 2013  
6:30 p.m.  
Holladay Municipal Center  
4580 South 2300 East**

**ATTENDANCE**

**Planning Commission Members:**

Lori Khodadad, Chair  
Brad Wright, Vice Chair  
Spence Bowthorpe  
Les Chatelain  
John Garver  
Matt Snow

**City Staff:**

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

**PRE-MEETING/WORK SESSION**

Chair Khodadad called the meeting to order at 6:30 p.m.

The agenda items were reviewed and discussed.

With regard to the Redrock Subdivision, Community Development Director, Paul Allred, detailed specifics contained in the staff report. He stated that the public notice contained a substantial amount of information and would likely limit those appearing at the public hearing. What is proposed is a one-lot plat. The applicant went through nearly the entire subdivision process in 1995 and is returning for the conceptual and preliminary approval. Prior to final approval, discrepancies between the 1995 plat and the present plat need to be resolved as well as easement and encumbrances on the title report. He stated that staff was comfortable recommending approval of both the conceptual and preliminary.

Next discussed was the Boseman Dental Office. City Planner, Rick Whiting, provided details of the project as detailed in the staff report and stated that parking is adequate. Staff's only concern was with a dumpster located in the parking lot.

The Jakob property rezone was discussed. The owner requested a rezone and intends to open a beauty salon on the site. Allowable zones for beauty salons were discussed and it was suggested that a C-1 zone be used and converted to the RO zone when available.

The Commission next discussed the Shining Stars Academy request. Mr. Whiting reported that the request is for a conditional use permit. His main concern was with parking. A question was raised regarding the number of allowable employees.

Chair Khodadad reported that the Commission will also be discussing Planned Unit Developments.

(19:01:58) *Commissioner Chatelain moved to close the Work Meeting and move to the Council Chambers for the Regular Meeting. Commissioner Wright 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 7:05 p.m.

Chair Khodadad recused herself from the Redrock Subdivision Conceptual Plan and Preliminary Plat discussion due to a conflict of interest.

Vice Chair Brad Wright assumed the Chair.

## **ACTION ITEMS**

### **1. Redrock Subdivision - 3597 Canyon Winds Lane - Conceptual Plan & Preliminary Plat – Staff: Paul Allred, Community Development Director.**

(19:04:55) Community Development Director, Paul Allred, presented the Redrock Subdivision Conceptual and Preliminary Plan as detailed in the staff report and stated that the applicants, Mark and Sue Allen, originally planned to include their property in the adjacent subdivision, however, there were disagreements with respect to the CCRs and other issues. In the end, the Allen's withdrew their petition to amend the plat, and it was never recorded. The property consists of nearly 20 acres and is on the far eastern boundary of the City. It borders 15 acres owned by the City of Holladay. The land has steep slopes and only one home may be built on the parcel per a variance approved by Salt Lake County in 1995. Mr. Allred expressed concern regarding the area proposed on the conceptual and preliminary plat, which varies significantly from what was approved previously. The proposed one-lot subdivision creates no new building lots that were not approved previously. Additionally, it does not change the zoning or density and does not allow for additional building lots on the lane. There was a plan to bring the Bonneville Shoreline Trail several hundred feet above where the home would sit. Staff recommended approval subject to several items specified in the staff report.

The easement details were next discussed. Mr. Allred reported that the new plat states that there is a 30-foot, non-exclusive easement for public ingress/egress to publicly owned property. Three concerns raised by staff pertained to utility issues, encumbrances on the title report, and the location of the building footprint. Staff recommended conceptual and preliminary approval.

(19:19:55) The applicants representative, Lori Khodadad, gave her address as 6575 Canyon Crest Drive and stated that they have requested flexibility regarding the location due to the home to the west having been built toward the front of the building pad. The variance granted specified that it was an approximate building pad located on the flattest portion of the lot. Staff detailed the layout and square footage of the property.

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

(19:28:05) *Commissioner Chatelain moved to approve the conceptual plat for the Redrock Subdivision located at 3597 Canyon Winds Lane. Commissioner Bowthorpe seconded the motion. Vote on motion: Spence Bowthorpe-Aye, Les Chatelain-Aye, Brad Wright-Aye, John*

*Garver-Aye, Matt Snow-Aye. The motion passed unanimously. Chair Lori Khodadad did not participate in the vote.*

*(19:29:24) Commissioner Bowthorpe moved to approve the preliminary plat for the Redrock Subdivision located at 3597 Canyon Winds Lane subject to the following:*

**Conditions:**

- 1. The trail easement shall be clarified in the preliminary plat to the satisfaction of the Technical Review Committee (TRC).*
- 2. The buildable area shall be clearly defined on the preliminary plat subject to the approval of the TRC.*
- 3. The title encumbrances shall be clarified and cleared to the satisfaction of the TRC.*
- 4. The size of the buildable area is not enlarged and the new location needs to touch, or slightly overlap, the 1995 box.*
- 5. The TRC shall make approvals on the final plat subject to these conditions and other conditions they may place.*

*Commissioner Garver seconded the motion. Vote on motion: Spence Bowthorpe-Aye, Les Chatelain-Aye, Brad Wright-Aye, John Garver-Aye, Matt Snow-Aye. The motion passed unanimously. Chair Lori Khodadad did not participate in the vote.*

**2. Boseman Dental Office - 4675 S Highland Dr. - Conditional Use Permit – Staff: Rick Whiting, City Planner.**

Chair Khodadad rejoined the meeting and resumed the Chair.

(19:34:26) Mr. Whiting presented the Boseman Dental Office conditional use permit as detailed in the staff report and stated that the practice will include two dentists and appropriate staff. He noted that the use is allowed in the zone as a conditional use. It was expected to have little, if any, impact on the neighborhood. Staff recommended the request be approved.

The applicant, Jerald Boseman, gave his address as 4190 South Highland Drive and stated that a dumpster with appropriate fencing will be placed on the proposed property. Relocating the business would allow additional room to treat patients and offer extended hours a few days per week. Mr. Boseman expected to see 30 to 40 patients each day.

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

It was Commissioner Chatelain's opinion that the proposed use is a great use of the property.

*(19:40:55) Commissioner Bowthorpe moved to approve the conditional use permit for the Boseman Dental Office located at 4675 South Highland Drive in the RM zone subject to the following:*

**Findings:**

- A. This land use is allowed by the provisions of the City's R-M zone for a medical-dental office as a conditional use;*

- B. The proposed project has been reviewed by the TRC and meets City requirements for Conditional Use Permit approval;*
- C. Emergency services can be provided per the UFA; and*
- D. This use poses no additional impact on surrounding properties than the previous use.*

**Requirements:**

- 1. Any remaining issues identified by the TRC may be required prior to issuance of the Conditional Use Permit;*
- 2. On street parking should be discouraged on both Highland Dr and 4675 South;*
- 3. A sight obscuring trash enclosure will be required;*
- 4. The applicant must obtain and comply with appropriate City business licensing rules and regulations; and*
- 5. This Conditional Use Permit may be reviewed by the Planning Commission upon any noncompliance with City ordinances or complaint.*

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

Chris Meadows gave his address as 1948 East Charleston Lane and asked if he would be receiving documentation for the approval of the use. Mr. Whiting clarified that they will receive a document, which is actually a conditional use permit.

**3. Jakob Properties – 4235 S Highland Dr. - Rezone from R-M to C-1 – Staff: Rick Whiting, City Planner.**

(19:42:47) Mr. Whiting presented the staff report and stated that the applicant would like to open a beauty salon, which is currently not allowed in the zone. Surrounding zones were detailed. Staff felt this was an appropriate change for the property and would extend the zone by one property. Buffering concerns were discussed.

The applicant, Carl Jakob, stated that the adjacent building is zoned C-1 and abuts his property with no fencing or barrier. He gave a brief history of the property. It was reported that a neighborhood meeting was held with no opposition.

The public hearing was opened.

London Kendall, the owner of Zada of London Hair Salon, was excited to have a space they can work in and plans to stay in the location for a long time. She described her staff as high quality, well qualified women.

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

Parking requirements were discussed. It was noted that the removal of on-site storage sheds would allow for the necessary space.

(20:02:40) *Commissioner Snow moved to recommend the City Council approve the rezone request for the .17-acre Jacob Properties parcel located at 4235 South Highland Drive from R-M to C-1 based on the following:*

**Findings:**

1. *Uses along this portion of Highland Dr. are typically commercial and higher density residential. The proposed use will fit and compliment the established development patterns on the street;*
2. *The requested zone change is within the parameters of the General Plan.*

**Recommendations:**

1. *Staff, before moving this on to City Council, research parking requirements and provide details.*
2. *Provide landscaping requirements for the C-1 zone.*
3. *Provide setback requirements.*

*Commissioner Chatelain seconded the motion. Vote on motion: Spence Bowthorpe-Aye, Les Chatelain-Aye, Brad Wright-Nay, John Garver-Aye, Matt Snow-Aye, Chair Lori Khodadad-Aye. The motion passed 5-to-1.*

4. **Shining Stars Academy – 2133 E Howey Dr. – Conditional Use Permit - Home Occupation with Customers - Staff: Rick Whiting, City Planner.**

(20:05:59) Mr. Whiting presented the staff report for the Shining Stars Academy conditional use permit located at 2133 E Howey Drive. He stated that the applicant, Samantha Tingey, proposes to run a small preschool from her home with a maximum of 12 students. With the parking provision, staff considered the proposal to be appropriate for a home occupation and recommended approval.

The applicant, Samantha Tingey, gave her address as 2133 East Howey Drive and detailed the arrival and departure procedure for students. She stated that she would be willing to meet the children at the street and walk them to her home, if needed, but felt that would cause traffic congestion. Alternative solutions were discussed.

The public hearing was opened.

Mark Berkland, a Meadow Crest resident stated that his son attends the Shining Star Academy. A number of children in the neighborhood also attend the preschool and frequently walk. He had never witnessed any disturbance or an overabundance of traffic.

Tasha Beech stated that she lives next door to the applicant and expressed her support for the proposed preschool use.

Matt Zaird gave his address as 2116 East Howey Drive and stated that there has never been traffic associated with Ms. Tingey's preschool.

Chris Stewart gave his address as 6352 Boxwood Road and had never witnessed a traffic issue with respect to the preschool.

(20:22:09) There were no further public comments. The public hearing was closed.

Mr. Allred was of the understanding that there are two adults required when there are eight or more children. For clarification, Holladay Code Section 13.76.720 was read, which states that there may be a maximum of 12 students on the premises at any one time, including the children under the age of 6 and not in full day school. There shall be no more than one employee present at one time, who does not reside in the dwelling.

Ms. Tingey stated she does not have a paid employee, but always has a parent volunteer present.

(20:26:50) *Commissioner Chatelain moved to approve the conditional use permit for a home occupation with customers for the Shining Stars Academy located at 2133 E Howey Drive in the R-1-8 zone, based on the following:*

**Findings:**

- A. *This land use is allowed by the provisions of the City's code for Home Occupation with Customers with customers as a conditional use;*
- B. *The proposed project has been reviewed by the TRC and meets City requirements for Conditional Use Permit approval; and*
- C. *Traffic to and from the operation does not cause undo difficulties for the neighbors, which has been indicated to the City at this public hearing.*

**Requirements:**

1. *Any remaining issues identified by the TRC may be required prior to issuance of the Conditional Use Permit;*
2. *On street parking is prohibited other than for short durations (three to five minutes);*
3. *The applicant must diligently work to minimize and mitigate traffic and vehicle speeds in the neighborhood during drop-off and pick-up of children;*
4. *Should any of requirements two thru four above become a nuisance or impair safety in the neighborhood this Conditional Use Permit approval must be re-reviewed by the Planning Commission with the potential of revocation.*

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

The Commission took a short break.

**DISCUSSION ITEMS**

**5. Amendment to Chapter 13.78 PLANNED UNIT DEVELOPMENT – Planner: Pat Hanson.**

(20:36:13) City Planner, Pat Hanson, presented the amendment to Chapter 13.78, Planned Unit Development (PUD) and stated that the matter is a continued discussion of a potential amendment to the PUD ordinance of the City. Calculations regarding density and roads being included in the total square footage and as permeable space were detailed. Commissioner Wright was of the

opinion that allowing the roads to be counted as a part of the buildable area overall, density is neither increased nor decreased.

Commissioner Chatelain was of the understanding that density will be based on the underlying zone and not on solely it being a PUD. Commissioner Bowthorpe agreed with staff's proposed language regarding requiring a formula for calculating what is allowed as opposed to creating two separate plans. Ms. Hanson suggested that if the Commission was considering keeping the density closer to what would exist having just a subdivision, the roads would have to be excluded. The draft of the ordinance was written so that it follows the way the single-family subdivisions have been done previously. The Commission Members expressed opposition to allowing an increase in density for PUDs.

The issue of using percentages to determine permeable and square footage was debated. Ms. Hanson stated that not all zones use percentages and many only require a setback on the landscaping and against the public street. The RM and ORD zones have percentage requirements, whereas the single-family zones require only landscaping in the front yard. Permeable and landscaping surfaces would be set in a PUD by the site plan approval. She remarked that it would make sense and be more easily understood if the subdivisions and PUDs are done the same way and state roads are not counted. The ordinance currently states that the lot area calculation includes just the lot itself, and not the access road. It was recommended that conflicting language be resolved.

(21:19:53) Language in Section 090 was next discussed. Ms. Hanson agreed that it is superfluous and recommended it be stricken from the text. Ms. Hanson next explained Section 130-A and the required use of a qualified design team. She believed it worked well with the Millrock project and suggested alternative language.

**6. Approve a 2014 Planning Commission Meeting Schedule.**

(21:27:55) The Commission discussed the 2014 Planning Commission meeting schedule. Commissioner Wright reported that he has asked to be relieved from his duties as a Planning Commission Member due to conflicting schedules.

(21:34:26) *Commissioner Bowthorpe moved to approve the 2014 Planning Commission Meeting Schedule as published and provided in the agenda. Commissioner Garver seconded the motion. Vote on motion: Spence Bowthorpe-Aye, Les Chatelain-Aye, Brad Wright-Aye, John Garver-Aye, Matt Snow-Aye, Chair Lori Khodadad-Aye. The motion passed unanimously.*

**OTHER BUSINESS**

**6. Updates for Follow-Up on Items Currently in the Development Review Process.**

Mr. Whiting reported that the developer of Orchard Hollow will soon be returning for preliminary plat approval. In addition, Ivory Homes will be presenting an eight or nine lot subdivision. The Millrock #5 building will be also returning in the near future although the specific date was uncertain.

**7. Report from Staff on Upcoming Applications.**

**8. Discussion of Possible Future Amendments to Code.**

**ADJOURN**

*(21:35:45) Commissioner Bowthorpe moved to adjourn. Commissioner Wright seconded the motion. The motion passed with the unanimous consent of the Commission.*

The Planning Commission Meeting adjourned at 9:36 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 19, 2013.*



---

Teri Forbes  
T Forbes Group  
Minutes Secretary

Minutes approved: January 7, 2014