AGENDA ITEMS

6:30 PM  PRE-MEETING / WORK SESSION

All agenda items may be discussed.

1. Tom Nelson et al – Presentation and discussion about the Highland Drive Corridor.

CONVENE REGULAR MEETING

ACTION ITEMS

(These matters will be heard and may be voted on. Notice to neighboring property owners is not required.)

7:00 PM  2. Cottonwood Country Club Renovation – 1780 East Lakewood Dr. – Preliminary Site Plan -- P Zone – Planners: Paul Allred & Rick Whiting – The owners of the facility request City approval to tear down and rebuild a somewhat larger clubhouse and renovate several features at the site. (A Public Hearing was conducted and Conceptual Plan approval was granted at the August 7, 2012 meeting.)

3. Residential Building Corridor and Front Setback Code Amendment – Planner: Jonathan Teerlink - The City proposes to amend the method by which front setback and building corridor are calculated. A six-month temporary regulation was initiated by the City Council. Staff has prepared language intended to amend and/or replace this current temporary ordinance. (A Public Hearing was conducted at the September 5, 2012 meeting.)

4. Sign Ordinance Amendment - O-R-D Zone - Planner: Paul Allred – Discussion of possible changes to Chapter 13.82 – Signs – This amendment to the ordinance is proposed in order to accommodate the needs of the Canyon Slope Square and other potential projects in the O-R-D zone. (A Public Hearing was conducted at the May 15, 2012 meeting.)

5. Approve Minutes of the July 26, August 7 & 21, 2012 meetings.

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

ADJOURN

On Friday, September 14, 2012 at 12:30 pm a copy of the foregoing notice was posted in conspicuous view in the front foyer of the City of Holladay City Hall, Holladay, Utah. A copy of this notice was faxed to the Salt Lake Tribune and Deseret News, newspapers of general circulation in the City by the Office of the City Recorder. A copy was also faxed or emailed to the Salt Lake County Council, Cottonwood Heights City and Murray City pursuant to Section 10-9A-205 of the Utah Code. The agenda was also posted at city hall, Holladay Library, city internet website at www.cityofholladay.com and state noticing website at http://pmn.utah.gov.

Reasonable accommodations for individuals with disabilities or those in need of language interpretation service can be provided upon request. For assistance, please call 801-527-3890 at least 48 hours in advance. TTY/TDD users should call 7-1-1.
EXECUTIVE SUMMARY

Project Name: Cottonwood Country Club

Application Type: Preliminary Site Plan

Nature of Discussion: Discussion & Possible Decision

Notice: No notice was required

Planners: Paul Allred & Rick Whiting

BACKGROUND

The Planning Commission approved the Conceptual Site Plan for this project on August 7, 2012.

The Cottonwood Country Club (CCC) proposes to update their facility and site. This will be a two phased project characterized by an enlarged, completely new clubhouse (approximately 2,000 square feet larger in the same location), revised outdoor pool facilities, a new cabana facility which has a locker room, offices, and exterior bar, a reduction of one tennis court, reconstruction of three tennis courts, and new fire access.

Staff suggests that the proposed upgrade/update of this facility will have a beneficial effect for the community and the neighborhood. A positive ripple effect can encourage investment and property upgrades in the neighborhood.

Fire access, hydrant capacity, storm drainage and other technical issues have been resolved with the Unified Fire Authority (UFA) and the City Engineer.

The primary remaining concern is parking overflow into the surrounding neighborhoods when occasional major events occur. Parking for this facility has been technically nonconforming since before the City was incorporated. The proposed additional floor space is designated for lobby area, storage and food preparation. (Not additional seating capacity) These functions would not require additional parking and, therefore, would not add to the non-conformity. However, Staff suggests that the applicant should add additional parking to the extent possible, in order to move in the direction of conformity. Several possible locations have been identified on the site to enable additional parking for the public and employees. (See the attached.)
PARKING ANALYSIS

A parking analysis has been provided by the applicant and is attached. Staff feels that this does not answer all of the concerns. Specifically – there are some data inconsistencies that have not been resolved with the TRC.

Details of parking issues for major events and what can be done about not only the present situation but for the future as well, including the possibility of adding parking to the facility should be discussed thoroughly. Staff suggests that additional parking be included as a requirement in the Final Site Plan in order to improve compliance with City Parking regulations and functional impact on the neighborhood during major events. Possible specific suggestions are shown on the attached.

RECOMMENDATION

Staff recommends that the Planning Commission approve the Preliminary Plan for the proposed Site Plan at the Cottonwood Country Club located at 1780 East Lakewood Dr. with a requirement for the TRC to address any unresolved issues prior to Final Site Plan approval.

Findings:

1. The proposed project has been reviewed by the TRC and meets all City requirements for commercial re-development in a “P” Zone with the exception of parking, as confirmed in the attached Parking Analysis. However, the site has been generally functioning with only occasional disruption to the neighborhood and without significant protest there-from. Staff does not feel that denial of the request would be appropriate.

2. The proposed project otherwise generally meets City requirements for Preliminary Site Plan with the exception of the few specific items which are listed in the following proposed requirements;

Requirements - Prior to Final Site Plan approval the following shall be accomplished:

1. Payment of the balance of all fees and/or bonding required by the City;

2. Receipt of all outstanding “Will Serve” letters from utility service providers;

3. Clarification of lighting arrangements, trash management, and to some extent, landscaping plans;

4. Receipt of a current Title Report with any exceptions cleared; and

5. No parking signs must be posted at appropriate places along public roads near the site as designated by the City’s Public Works Director.
MEMORANDUM

Date: 08.22.12
To: Holladay City Planning Department
From: Scott Later
Subject: Cottonwood Club – Parking Analysis

As request during the August 7th Planning Commission meeting, what follows is an analysis of the current and proposed parking strategies at the Cottonwood Club. It is design team’s recommendation that the current parking levels be maintained and that any increase in required parking capacity be accommodated with a management plan from the Club.

- **Existing Facilities and Proposed Expansion**
  - The existing site currently has 125 stalls located off Lakewood Drive. Four of these stalls are designated accessible stalls, however, they are currently set up for parallel parking which does not meet current codes. (See attached image.)
  - The current parking lot is surrounded by the street on the north, the property lines on the east/west and the pond/golf course on the south.
  - The existing clubhouse is 15,816 gsf; the proposed new clubhouse is 19,413 gsf.
    - The increase of approximately 3,500 gsf over the existing facilities is accounted for in a larger lobby space and back-of-house kitchen/storage area.
    - The new club will have a dining/bar seating area that accommodates 120 members. It will also have a banquet hall that accommodates a maximum of 200 guests. It is important to note that this does not represent an increase in capacity over the existing facility.

- **Historical Background**
  - The Cottonwood Club is a private club and is generally not open to the public. The current membership is 475 families with no plans to increase overall membership levels.
  - The Club currently employs 25 full time employees.
  - Per club management and as verified by the design team, the current 136 parking stalls are rarely full. As an average the current parking lot is usually filled to 25-30% of total capacity.
  - There are a total of six events where the parking lot capacity does not meet demand. During these events the parking does spill out onto the adjacent public streets. The high-impact events are five scheduled swim events and 4th of July firework show, all of which occur during the summer months.

- **Off Street Parking Requirements**
  - EDA referenced Chapter 13.80 of the Holladay City code.
  - There are three main parking classifications for the site: restaurant, assembly and tennis courts.
    - Restaurant: 1 stall per 2.5 seats = 120 seats/2.5 = 48 stalls or 3 stalls/100 sf = 3,000/100 x 3 = 90 stalls
    - Assembly: 3 stalls/100 sf = 4,000/100 x 3 = 120 stalls
    - Tennis: 4 stalls for each tennis court = 11 courts x 4 = 44 stalls
    - Total off street parking required based on city code = 254 stalls
**Management Strategy**

- The Club has committed to its ongoing policy not to overschedule the facility. This means that there should never be an overlap of high demand parking events. For example, a large banquet would never occur at the same time as a swim meet, thus avoiding exasperating parking demands.
- The Club has agreed to post notifications (i.e., flyers and sandwich boards) alerting neighbors of parking overflow events. They are committed to being a good neighbor.
- Based on concerns expressed by the neighbors that parking on both sides of the streets represents a safety concern the club has agreed to park only on one side of the street. To help clarify this strategy the city could provide “No Parking” signage along one side of the street.
- For high demand parking events the Club has agreed to park all staff vehicles in areas traditionally not used for parking (i.e., basketball court internal to site accessed via the new fire lane and the maintenance loading area accessed via 5550 South). These two additional lots could accommodate up to 20 additional cars.

**Recommendation and Summary**

- It is the recommendation of the design team not to overdesign the parking lot based on limited events and demands. Generally speaking the current parking count has met the demand of the Club for a number of years. The current design does not represent an increase in club membership, public spaces or events. It would be unfortunate to create a large, Walmart style parking lot in the middle of a residential area that would likely sit vacant for the majority of time.
- Based on limiting site factors (property lines, existing pond and golf course) it will be difficult and costly to expand the current parking. The only viable expansion of the parking lot would be into the pond on the west; however, this will directly impact a character defining elements of the club and neighborhood. The cost implications for that expansion are not accounted for in the project budget and would therefore impact the ability of the Club to complete the current design.
- As approved in the conceptual plan approval on August 7th the design will maintain as many parking stalls as are currently on site (125 stalls). The plan is to also meet the city code that requires 5 accessible parking stalls. The current layout has 128 total stalls (see attached image).

As always feel free to contact me with any questions or any additional information you may require as we move forward.

 Regards,

Scott Later  
Associate  
EDA Architects, Inc.  
The Boston Building  
9 Exchange Place, Suite 1100  
Salt Lake City, UT 84111  
O 801.531.7600 | F 801.363.3149 | E slater@edaarch.com | www.edaarch.com
Project Name: Moratorium No. 12-07 for Front Setback & Building Corridor
Application Type: Proposed Text Amendment to 13.140.054 & 13.14.071
Nature of Discussion: Discussion / Decision Item
Planners: Jonathan Teerlink & Paul Allred

EXECUTIVE SUMMARY

All comments from previous discussions have been incorporated into a working draft ordinance amendment for sections 13.140.054 and 13.14.071 of the Holladay zoning code. Main areas of concern that have been addressed since the last commission meeting held on August 8th are enumerated as follows:

1. In order to address the concern of which codes will apply to new home construction, it is proposed that the size of the subject property be the determining threshold. It is also proposed that all properties be categorized as being either a “Large” or “Small” lot, as defined:
   - Large Lot: Lots larger than 1.50 acres in size
   - Small Lot: Lots less than or equal to 1.50 acres in size

   It is proposed that properties that are categorized as a Large Lot be exempt from the averaging requirements when determining a front yard setback. Rather, the setback requirement for a Large Lot shall be a standardized measurement of 40 feet.

   Concerning building corridor; it is proposed that where the calculation of the Building Corridor involves both Large and Small Lots as defined, the building corridor for a new home on a small lot be calculated without regard to the existing homes on Large Lots. Conversely, the building Corridor for a new home on a Large Lot shall be calculated without regard to the existing homes on Small Lots. If there are no comparable Large or Small Lots, as applicable, within the area, the Community Development Director shall determine the appropriate Building Corridor for the new home, with written findings based upon what is most compatible with the other existing homes on adjacent lots and in the immediate area.

2. Is requiring of the applicant to provide a survey both horizontal and vertical elements of surrounding homes pose an undo hardship to both the applicant and the owners of the surrounding subject properties. Also, this survey will undoubtedly be subject to verification requests by the neighborhood (i.e. Orchard Hollow Subdivision). Such verifications will increase Holladay operation costs.

While considering the above concerns, staff has amended the proposed ordinance further and has attached the new text to this staff report.

RECOMMENDATION

Staff suggests the PC discuss amend or approve the proposed ordinance while focusing on the following areas:

1) In order to determine the front yard setback for a proposed property, does it make sense to average only the closest and furthest points of the home on the street (this amendment requires this) or rather to make no change in the language? Also, for determining front yard setbacks on large lots of 1.5 acres or greater is a set distance of 40' acceptable, rather than applying the averaging standard?

2) When determining the Building Corridor for a subject property, should the age of the surrounding homes, only the heights of those homes that are taller than 20’ and the underlying lot sizes be considered?
3) “Estate lots” should not be completely exempt from Building Corridor regulations?

If the planning commission can unanimously answer “yes” to the above items, the amendment can be considered adequate to recommend to the council for consideration. If no consensus is met staff recommends that the PC propose new corrections that address the above items at this meeting and forward a corrected draft to the Council.
13.14.054: FRONT SETBACKS:

A. Purpose: In the city of Holladay, development patterns have been set in neighborhoods by past choices. These choices are reflected in the location of homes with regard to the configuration of individual lots, the age of the houses and the mature vegetation that has been cultivated and added over the years. In order to maintain the unique character of individual neighborhoods, the minimum front setback for main buildings on each street should support and continue that development pattern.

B. Front Setbacks On Public Streets: The minimum front setback for any main building with frontage on a public street shall be calculated using an average of the front setbacks of the each of the main structures on each block face within four (4) adjacent lots, two (2) on each side of the property in question and may include the existing structure on the property in question. The average of each main structure shall be determined by using the shortest and furthest measurement from the property line to the main structure. The average calculation shall be further limited by the following,

1. If one or more of the lots required in the averaging calculations is vacant, such vacant lots will be deemed to have a setback of twenty five feet (25'). If one or more of the lots required in the averaging calculations is vacant, the front setback for such vacant lots will be determined based upon the average front setback of the main building, if any, that formerly occupied that lot. If the lot has never been occupied, or if the average front setback of the former building cannot be determined, the front setback shall be calculated using either a 5th adjacent lot, or only 3 adjacent lots, whichever the Community Development Director determines would most appropriately reflect the development pattern of the neighborhood in question.

2. Lots fronting on a different street than the subject lot may not be used in computing the average.

3. When the subject lot is a corner lot, the average setback will be computed on the basis of the three (3) adjacent lots on the same street as the subject lot.

CALCULATING SETBACKS:

Example: \[(22+20+30+25)/4 = 24.25 \text{ FT Front Setback}\]
C. Front Setbacks On Private Rights Of Way: The minimum front setback for a main building fronting on a private right of way is shown on chart 13.14.055 of this section.

<table>
<thead>
<tr>
<th>Right Of Way Width</th>
<th>Front Setback</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 20 feet</td>
<td>30 feet from the centerline of the right of way</td>
</tr>
<tr>
<td>20 feet and above</td>
<td>20 feet from the right of way line</td>
</tr>
</tbody>
</table>

(Ord. 07-01, 1-9-2007)

13.14.071: BUILDING CORRIDOR:

A. Interior Lots: The building corridor for any new home proposed on lots less than one acre shall be determined based upon then averaged depths of the homes on the same block face used to determine the applicable front yard setback, to be calculated as set forth below, shall be a calculated depth of 1.15 times greater than the averaged depths of all the homes on the same block face, starting from the determined front setback line as described in subsection 13.14.054B of this chapter, omitting corner lots, as illustrated in figure 13.14.071 of this section.

1) For any home which was built pursuant to a building permit issued prior to November 30, 1999, the applicable building corridor shall be calculated at 1.15 times the total depth of that home.

2) For any home built pursuant to a building permit issued on or after November 30, 1999, the applicable building corridor shall be calculated at 1.0 times the depth of only the portion of the home that exceeds twenty feet (20’) in height.

B. Corner Lots: On corner lots, the building corridor shall be a calculated depth of 1.2 times greater than the averaged depths of all the homes fronting the same street as the subject lot starting from the front setback line as described in subsection 13.14.054B of this chapter. For any new home shall be determined based upon the averaged depths of the other homes fronting the same street as the subject lot, and shall be calculated as set forth in subsection A above, except that for any home which was built pursuant to a building permit issued prior to November 30, 1999, the applicable building corridor shall be calculated at 1.2 times the total depth of that home.

C. Transition: The building corridor shall be extended by a one to one (1:1) slope from the maximum height allowed in chart 13.14.070 of this chapter down to the height limitation as outlined in subsection D of this section.

D. Height Limitation: On public streets, private roads or private lanes as defined in chapter 13.04 of this title, any portion of a main building/structure extending behind the building corridor area shall not exceed twenty feet (20’) in height.

E. Slope: On property where the slope of the original ground surface exceeds fifteen percent (15%), the maximum height of any main structure shall not exceed thirty feet (30’). The slope shall be determined using a line drawn from the highest point of elevation to the lowest point of elevation on the perimeter of a box encircling the foundation line of the building or structure. Said box shall extend for a distance of fifteen feet (15’) or to the property line, whichever is less, around the foundation line of the building or structure. The elevation shall be determined using a certified topographic survey with a maximum contour interval of two feet (2’).
F. Required: No dwelling unit shall contain less than one story.

\[
\frac{(A+B+C+D)}{4} \times 1.16
\]
**Executive Summary**

Based on the discussion from the last meeting on this topic as well as additional research and thinking by the TRC. Staff has prepared the draft text amendment for signs in the ORD zone. Staff has attempted to balance the standards of the community in terms of other commercial locations versus this location, incorporate many of the suggestions by the landowners in the ORD zone and also consider the ‘lay of the land’ in drafting these suggested amendments. Additionally, staff has attempted to read the Planning Commission’s general direction on this amendment. Hopefully, the draft amendment that follows strikes a balance of all interests and will prove acceptable to all – so that this matter may move forward to the City Council where it will ultimately be addressed. *(Staff will provide a variety of pictures at the meeting on Tuesday to explain and support recommendations as well as to facilitate appropriate discussion.)*

**Analysis**

Please see the highlighted changes in red below in the latest draft. The major items addressed below are as follows:

**Planned Development Marquee Sign or (Project Design).** Staff did a thorough field trip around Holladay and Cottonwood Heights to determine appropriate size for this type of sign based on what was seen of similar types of developments. The allowances proposed are smaller than what some would have wanted but more larger perhaps than should be allowed. Staff opinion is that it is representative of signs and sizes currently allowed for sites this small elsewhere in Holladay.

The Canyon Slope Square site is highly visible from below and above and if signs are placed carefully on the each street, the ability of the property owner to
identify the site and for individual businesses to reach out to customers passing by should be sufficient. It should be noted that this type of sign kind has not technically been allowed in the City in the past. A definition to allow it has been incorporated into the body of the text so that that Section 13.04 of the ordinance does not need to be amended at this time.

'Crown' Signs. The rules for this type of sign have been added as suggested by the PC and property owners.

Monument Signs. Staff recommends that the same size allowance for Holladay's other commercial zones be implemented with a suggestion that there be a higher standard for incorporation into a landscaped area.

Wall Signs. Staff recommends in the draft that a compromise allowance be approved that allows one wall sign facing an arterial or collector street be allowed at up to 15%. Only one, and that other wall signs be allowed as in the City's other commercial areas (10%). There are two reasons for this: First, the argument that additional percentage be allowed on up to three sides of the building is simply not supportable based on what is allowed elsewhere. A 15% wall sign is substantially larger than what is allowed in the C-1 and C-2 areas, and to repeat such a large percentage on three walls, potentially, is simply 'over the top' in staff opinion. Second, by limiting the largest sign allowance to one wall, it encourages the property owner to evaluate and choose which wall is most appropriate to place their largest sign to the audience they wish to attract. If a 15% sign were allowed as previously suggested on walls facing a collector or arterial street, then potentially, along 6200 S., a pad building east of the Hotel, could have a 15% wall sign on the north, east and west walls.

Again, in staff opinion, this is more signage than is justified given the location, visibility, traffic counts, and equity considerations of other commercial areas of Holladay. Another aspect to the Wall Sign section of the draft is that treatment of wall signs for multi-use buildings is addressed. Generally, wall signs in the ORD zone have been reserved for retail/restaurant uses, not offices. It is proposed that this will help tenants in multi-story buildings. Hopefully the draft resolves the concerns discussed previously for situations like the Trio/Kristauff's/V3 building.

Other. The Commission should be aware that part of this amendment process should include the requirement to separate the ORD sign regulations from the RM Zone regulations. Staff suggests that the PC direct staff to do so in a revised copy that will be sent to the Council as part of this process.

Recommendation

Staff suggests a thorough review and discussion of the proposed changes with the property owners, staff and other parties, if any - prior to recommending a draft to the City Council. The Commission is free to make any changes to the document and direct staff to reflect any such adjustments to the document prior to any action to approve it.
<table>
<thead>
<tr>
<th>Sign</th>
<th>Size</th>
<th>Height</th>
<th>Location</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Awning/canopy</td>
<td>20 percent of a wall area may be covered with an awning or canopy, and 50 percent of an awning or canopy may be covered with graphics</td>
<td>8 feet minimum aboveground; 0 feet above building wall</td>
<td>Subject to the city of Holladay encroachment policy</td>
<td>Attached to building. May not extend above top of facade. Primary graphics on face or street side of structure</td>
</tr>
<tr>
<td>Banners</td>
<td>May not exceed 10 percent of any wall area, 2 walls maximum allowed</td>
<td>-</td>
<td>Must be attached to the wall of the building</td>
<td>Permitted for 30 days in each calendar year except for extended periods during construction and renovation. Requires permit and fee</td>
</tr>
<tr>
<td>Changeable copy</td>
<td>-</td>
<td>-</td>
<td>Must be incorporated into a wall or monument sign</td>
<td>Logo/name of business must be attached to changeable copy area</td>
</tr>
<tr>
<td>Crown (Office Buildings)</td>
<td>Maximum of 15% of the wall space measured from the floor of the uppermost story to the top of the story's façade.</td>
<td>-</td>
<td>Along the crown (top) of office buildings only.</td>
<td>One sign per side of building. Signs may not extend above façade and may or may not be illuminated. Brushed metal letters, reverse pan-channel or pan channel letters are recommended</td>
</tr>
<tr>
<td>Directional</td>
<td>3 square feet - 2 feet</td>
<td>Only 1 per city approved drive approach</td>
<td>Only signs indicating emergency services may be illuminated</td>
<td></td>
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<tr>
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<td>----------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>Monument</td>
<td>1 per lot, 32 square feet plus 1 square foot for every 10 feet of frontage over 50 feet to a maximum of 64 square feet</td>
<td>8 feet maximum</td>
<td>May be internally or externally illuminated</td>
<td></td>
</tr>
<tr>
<td>Planned Development Marquee (sign) Definition: An expanded and significant monument (not pole) type sign identifying a planned commercial development with one or more lots and sharing common ownership or maintenance interests.</td>
<td>For multiple use commercial (non-office) projects of at least 2 acres in size, one Planned Development Marquee Sign per frontage on Major collector arterial roadways. Signs shall not exceed 50 square feet</td>
<td>20 feet</td>
<td>Located in a landscaped area a minimum of no less than twice the area of the sign. May be illuminated either externally or internally and must be architecturally integrated into the development. The project name must be prominent.</td>
<td></td>
</tr>
<tr>
<td>Category</td>
<td>Size</td>
<td>Height</td>
<td>Location</td>
<td>Remarks</td>
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<td>-------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Real estate</td>
<td>6 square feet maximum</td>
<td>3 feet when freestanding</td>
<td>On private property</td>
<td>Only 1 sign allowed per parcel or lot. Signs must be removed within 7 days of the sale or lease of the property in question</td>
</tr>
<tr>
<td>Wall Signs (generally retail/restaurant)</td>
<td>15% percent of one wall area visible to a collector arterial. 10% of wall area allowed on any other wall.</td>
<td>-</td>
<td>Attached to a building. May not extend above the building parapet, soffit, eave line or roof of the building</td>
<td>Signs not allowed on elevations exposed to residential properties. Wall signs allowed only on non-office commercial buildings, except, multi use office buildings with retail or restaurant on the main floor; then all main floor area uses whether retail/restaurant or office may qualify for a wall sign not to exceed combined area allowance for any/all signs. May be illuminated</td>
</tr>
<tr>
<td>Window</td>
<td>20 percent of glass area</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>
MINUTES OF THE CITY OF HOLLADAY
PLANNING COMMISSION SPECIAL MEETING

Tuesday, July 26, 2012
6:30 p.m.
Holladay Municipal Center
4580 South 2300 East

ATTENDANCE

Planning Commission Members:  City Staff:
Les Chatelain, Chair  Paul Allred, Community Development Director
John Garver  Rick Whiting, City Planner
Troy Holbrook  Jonathan Teerlink, City Planner
Paula Lowry
Matt Snow

PRE-MEETING/WORK SESSION

The Work Session commenced at 6:39 p.m.

The agenda items were reviewed and discussed.

With respect to agenda item number four, Chair Chatelain stated that the sign ordinance amendment to the ORD Zone would be more thoroughly discussed.

With respect to agenda item number three, City Planner, John Teerlink, stated that more work was needed.

Chair Chatelain then addressed agenda item number five, and stated that this would be the first opportunity the Commission would have to review the Residential Office Zone.

Commissioner Chatelain next acknowledged the two action items, which included the Deerwood Farms Subdivision and Packer Dog Grooming. Mr. Teerlink suggested that for the sake of the applicant that the Packer Dog Grooming matter be addressed first on the agenda. In response to a request by Chair Chatelain, Mr. Teerlink indicated that the matter was reviewed by the Design Review Board (DRB) who approved the preliminary design. The applicants, Holly and Brett Packer, complied with all DRB recommendations and redesigned the façade which, in the opinion of the DRB, enhanced the design.

City Planner, Rick Whiting, next addressed the Deerwood Farms Subdivision preliminary plat proposal. He noted that conceptual approval was granted in December 2010. With that approval, the Commission required a 25-foot road width for the 1,300-foot access road to the subdivision. The developer, Ron Gunnell, made an intense and concentrated effort through right-of-way and property acquisition findings and determined this was not possible. The Code contains a provision...
that allows the City Council to make an exception with respect to road width based on aesthetic
factors and certain variables. The Unified Fire Authority (UFA), the Police Department, City
Engineer, and the Public Works Director all recommended approval of the exception to the 25-
foot roadway. Mr. Whiting then presented the exception and he explained that a neighboring
property owner expressed concern that they were inadvertently not notified of the proposal.

(18:48:00) Mr. Whiting addressed the issue of the two proposed gates at the entrance of the
subdivision. He stated that Councilman Palmer preferred to see the gate placed further down 6200
South. Mr. Whiting stated that the flood plain has fingers that extend into the subdivision. That is
not ground for denial but simply means that at the building permit stage the applicant will need to
address the flood plain.

With regard to the proposed emergency exit, Mr. Whiting stated that it exists but property owners
are opposed to any traffic on that road. During the recent road width discussion, concern was
raised about the ability for motorists to exit in the event of a catastrophic event. Creek setback
details were discussed. Staff recommended that if approval is warranted, the stream setback must
be addressed prior to final approval.

(19:01:30) Commissioner Snow moved to adjourn to the Council Chambers for the regularly
scheduled meeting. Commissioner Garver seconded the motion. The motion passed with the
unanimous consent of the Commission.

The Commission made the decision to not reconvene in the Council Chambers.

CONVENE SPECIAL MEETING
Chair Chatelain called the Special Meeting to order at 7:05 p.m.

(19:05:00) Commissioner Holbrook moved to address the Packer Dog Grooming DRB first.
Commissioner Lowry seconded the motion. Vote on motion: Paula Lowry-Aye, Matt Snow-Aye,
John Garver-Nay, Troy Holbrook-Aye, Chair Les Chatelain-Aye. The motion passed 4-to-1.

ACTION ITEMS

1. Packer – Dog Grooming DRB – 4706 Holladay Blvd. – HV Design Approval – HV
Zone – Planner: Jonathan Teerlink.

(19:07:03) Mr. Teerlink presented the staff report and reviewed the design for the applicants, Brett
and Holly Packer. The applicants were proposing to open a new business in the Holladay Village
Zone that would be centered on domesticated animals. It was to include pet grooming, a treats
bakery, and a small veterinary clinic.

Mr. Teerlink reported that the HV Zone states that when a space exceeding 5,000 square feet is
remodeled, the exterior also needs to be updated. The design was proposed to the Design Review
Board (DRB) in July and approval of their design was granted with a few recommendations.
Those included details about the type of crown molding, which was expected to accentuate the
building. They also included white powder coating to surround the door and windows. Clap
board siding would be used primarily as the façade treatment and the existing storefront structure
was to remain unchanged with the exception of removal of the shingle shake canopy and the
addition of a strong cornice and lighting. Sign illumination would come from gooseneck lighting.
Staff reviewed the revised drawings and confirmed that the new proposals contain all of the DRB
recommendations and are still in keeping with the original proposed design. Staff recommended
the Commission accept the recommendation of the DRB and approve the design of the Packer
façade remodel at 4706 Holladay Boulevard as proposed.

(19:09:51) The applicant, Holly Packer, gave her address as 2474 West 12040 South in Riverton.
She stated that their plans are to beautify the façade of the building using a lap hardy board on the
lower portion. The main body would consist of a board and batten and possible crown molding.
Colors would consist of colonial yellow and cream with the cream on the lower portion of the
building as well as the crown. The colonial yellow would make up the body. The applicant hoped
to also place a black awning above the door and windows.

Chair Chatelain asked for clarification on the canopy or awning having lighting underneath in
addition to lighting from above, which would illuminate the sign. Mrs. Packer replied that that
had not yet been determined.

(19:12:36) Commissioner Garver asked Mrs. Packer if her plans were to increase the elevation or
stay in line with the building to the south. Mrs. Packer replied that they would either stay in line
with the crown of Meyer’s Chicken or extend upward slightly. The applicants also sought to
replace the windows; however, the cost was not within their budget. Their preference was to
instead paint the silver window frames white. Following discussions with building owner, he was
unwilling to change the north side of the building. Her plans were to wrap the building slightly
and extend the board and batten as he did not want any changes to be made to the north side.

(19:16:15) Commissioner Garver moved to approve the façade design remodel of 4706 South
Holladay Boulevard for the Packer Dog Grooming and Bakery Project. Commissioner Snow
seconded the motion. Vote on motion: Troy Holbrook-Aye, John Garver-Aye, Matt Snow-Aye,
Paula Lowry-Aye, Chair Les Chatelain-Aye. The motion passed unanimously

2.  **Deerwood Farms Subdivision – 2545 E. 6200 South – Preliminary Plat. R-1-87 Zone
   – 24 Acres – Planner: Rick Whiting.**

(19:17:03) City Planner, Rick Whiting, presented the staff report and stated that the preliminary
plat for property located at 2545 East 5960 South is a 24-acre property owned by Robert C.
Gunnell. Mr. Gunnell proposed a 10-lot subdivision with each lot being two acres or greater in
size. The property was determined to be in the R-1-87 Zone which allows for two-acre lots. The
Planning Commission granted preliminary approval in December of 2010 of the conceptual plan
with several requirements. The primary requirement was that the proposed 1,300-foot access road
running south into the subdivision be widened to 25 feet per Holladay City Code. An access road
or lane greater than 500 feet is permitted to be widened to 25 feet, rather than the standard 20 feet.

Mr. Gunnell pursued all available avenues to accommodate the requirement but came up short.
The applicant returned to the Commission requesting an exception to the road width provided
under Code to which Commission recommended approval of the exception based on the
recommendation from the Unified Fire Authority, the Police Department, the City Engineer, and
the City Public Works Director. Approval was also recommended to the City Council, who
subsequently granted approval of the road exception in January 2012. The Technical Review
Committee (TRC) reviewed the preliminary plat and felt it was ready for consideration by the Planning Commission. It was determined that all general characteristics were accommodated through the plat. Density was consistent with the General Area Plan as well as flood plain considerations, with the exception of the developer’s attempt to mitigate that. At the building permit level, this was expected to be an issue in that each property owner will need to address structure placement. There will be no curb or gutter, as accepted by the City Engineer. It was noted that access and right-of-way through the 1,300-foot primary access road was accommodated due to the road width exception granted by the City Council. The UFA reviewed and approved the plans and was agreeable to placement of fire hydrants as per the road configuration, turn around provisions, and the general design. Approval was contingent upon fire sprinklers being installed in the new home.

(19:22:30) Mr. Whiting stated that all utility providers, with the exception of Comcast, submitted approval letters. The remaining issue pertained to the 100-foot setback resulting in the three easternmost lots being essentially unbuildable. He indicated that the applicant will return to present the Commission with a recommendation to reduce the stream setback to 50 feet, which makes the three lots buildable. If the Commission approves the preliminary plat, the matter will be back for public hearing and approval of the setback.

(19:24:26) Mark and Shelly Hardy, who reside at 2533 East 6200 South, indicated that they are the only other occupied home in the subdivision. Mr. Hardy stated that he purchased the home 14 months ago and was told that the 25-foot requirement would preclude further development. He informed the Commission that they were not notified of the 25-foot issue until March 2012. He further identified safety concerns, aesthetic issues, and convenience issues. Mr. Hardy expressed concern that Mr. Gunnell never at any point contacted them. Their first contact with Mr. Gunnell was prior to tonight’s meeting.

Mrs. Hardy stated that they had no knowledge of the development and that location and setting were their reasons for purchasing their home. She indicated that they were not informed that their setting would be decimated and they would be dealing with construction for possibly 10 years. She expressed concern about the potential for increased traffic on 6200 South.

Mr. Hardy added that the subdivision entrance does not allow for more than one vehicle at a time. Because of this, he expressed concerns about safety. It was Mr. Hardy’s opinion that development of the proposed subdivision will only increase traffic and the frequency of accidents. Mr. Whiting suggested that as issues are worked through, with the City Engineers’ help, many of the Hardy’s concerns may be addressed and the process streamlined.

(19:33:19) Jim Raines, was present representing the developer, Ron Gunnell, and stated that after discussions with the City Engineer, Public Works Director, and Unified Fire Authority, the entry gate was moved. He explained that with a gate, there can be resulting stacking problems. After much discussion, the gate was moved further into the development in an effort to alleviate bottlenecking and stacking off of 6200 South. After meeting with the Salt Lake County Solid Waste District, the applicant confirmed that every lot and subdivision will be serviced and the need to place garbage containers on 6200 South will be eliminated. He further explained that Waste Management will access the homes through a keypad. It was reported that per the CC&Rs, 75% of the homeowners will be required to sign a Private Lane Agreement.
(19:37:35) Commissioner Holbrook asked if the serviceability of the lots is based on a specific number of homes being approved. He asked when garbage pickup would commence for the existing property owners. Mr. Raines clarified that garbage service is not dependent on the lots being occupied and is directly related to approval of the subdivision improvements. Mr. Raines addressed the issue of 6200 South and stated that there is sufficient space and a dedicated right-of-way for a right turn lane off of 6200 South should it be deemed necessary by the City Engineer.

(19:41:30) The Commission discussed the width and length necessary for two vehicles to safely pass one another. The current street width varies between nine and 12 feet. Once the project is underway and the road is expanded, it will be about twice as large, or 11 to 17 feet in width.

Mr. Hardy expressed concerns about safety and the inability for two cars to safely pass in a 17-foot wide road. Mr. Raines replied that presently there are two options. First, a driver could back out onto 6200 South. Second, a driver could back to the horse pasture. Mr. Hardy reiterated that it is not physically possible for two vehicles to pass on the lane. He then stated that what is being proposed has additional options including those that do not require a vehicle to back onto 6200 South resulting in the turnout at midpoint. From the midpoint on the road becomes wider. Within the 40-foot half width right-of-way, which is owned by the City, the developer can do what is suggested subject to the City Engineer’s recommendation.

(19:47:02) Community Development Director, Paul Allred, discussed the existence of wasted space adjacent to the Watkins’ driveway. He explained that the acquisition of that property would enhance the entry into the subdivision and allow additional space for vehicles to pass at a safe distance.

(19:48:28) In response to a question raised by an audience member, Chair Chatelain responded that public comment took place during the presentation of the conceptual plan. Additionally, the Hardys did not receive proper notification of tonight’s meeting and were given an opportunity to voice their concerns.

(19:51:00) An adjacent property owner stated that he, along with his neighbors, received no information on the subdivision until just prior to tonight’s meeting. He strongly urged staff to postpone approval and allow them additional time to review the preliminary plat. He indicated that he was not present at the public hearing since he received no notice.

Chair Chatelain explained that the City’s policy is that public comment be heard at the conceptual hearing stage. Although citizens are welcome to provide written comment, staff may choose to exclusively address those comments, accept nothing at all due to the expiration of the public comment period, or to allow those present to speak. Chair Chatelain asked for input from the Commission.

(19:55:20) Mr. Allred commented that the road has already been approved. The Council, on a legislative basis, approved the exception to the road based on the Planning Commission recommendation. Subdivision approval is an administrative act if ordinances are adhered to. The Planning Commission is the approving body for the subdivision and because the road in question was approved, the developer is within his legal rights to subdivide. The preliminary plat is the...
next step where details of the subdivision are discussed. Mr. Allred clarified that the laws in the
City require as part of a subdivision approval, the dividing of lots. The public hearing occurs at
the conceptual stage. More than 100 notices were sent to every property within 500 feet of any
portion of the subdivision. The public hearing is held at the beginning of the process so that
citizens can present concerns early. The City of Holladay has a long-standing tradition of
allowing citizens to comment throughout most of the process, which is not the case in most other
communities. He described the details of a conceptual plan and preliminary plat. Mr. Allred
stated that the City Council, the City’s law making body, granted an exception on to the road
width based on research and comment, and the opinion of staff, the Police Chief, the Fire Chief,
the City Engineer, and the Public Works Director. After the first notice was sent, a courtesy
notice, which is not required, was sent to all surrounding property owners. It was now up to the
Commission to determine whether to allow additional public comment.

(20:01:3) A citizen addressed the Commission and was present to express his objections to what is
proposed. He indicated that Mr. Gunnell did not approach the neighboring property owners and
he urged the Commission to postpone making a decision for an additional two weeks since he and
his neighbors did not receive proper notice. It was his opinion that notice without an opportunity
to comment is meaningless. At the end of the two weeks, he asked the Commission to allow
another public comment period to better understand the issues and what the nearby residents want.
In response to a question raised by Chair Chatelain, the citizen expressed a willingness to collect
signatures from every property owner within 500 feet of the subdivision.

Mr. Whiting clarified that the property owners Mr. Gunnell contacted were those abutting the
access lane and not the general neighborhood.

(20:05:28) Chair Chatelain reported that a community meeting was held prior to the conceptual
hearing for which minutes were available. Mr. Gunnell was responsible for notification and for
providing a list of those in attendance. It was noted that thus far there have been four
opportunities for the public to comment.

(20:07:04) Jim Raines stated that laws exist that prohibit decisions from being based on public
clamor. The process is not a vote of the public but rather compliance with the rules and
regulations of the City. Mr. Raines agreed to hear from citizens with legitimate concerns, but did
not support tabling or denying the request unless there is substantive reason for doing so. He had
compassion for the citizens’ complaints, but indicated that their reasoning is not legally sound.
The developer had complied with all City requirements and followed procedure. They also
addressed even the most minor issues. Mr. Raines further stated that the process has been
extremely costly and to delay another two weeks would be catastrophic.

(20:12:49) Mr. Whiting stated that one requirement imposed at the conceptual approval stage was
that the head gate access issue be resolved prior to final approval. If that requirement is not shown
on the final drawing, approval will not be granted. Procedural issues were discussed.
Mr. Whiting revised the requirements set forth in the staff report that must be resolved prior to
final plat approval. He also noted that all outstanding TRC issues must be resolved.
(20:20:17) Staff further discussed the 6200 South right-of-way and the possibility of it accommodating further expansion. The matter was to be reviewed by City Traffic Engineer, Tosh Kano.

The Commission made the determination to allow no further public comment.

(20:26:12) Chair Chatelain addressed Mr. Raines with regard to the property line of the proposed lots. Mr. Raines clarified that the property line in question bisects the lots.

Chair Chatelain asked staff to clarify the location of the Hardy residence and their need to be included in the CC&R’s, since they access their property from the access road. Mr. Raines stated that they may be included if they so choose, but the developer has to honor their easement. He stated that the Hardys do not reside in either subdivision and the other lots in question are within the Cottonwood Acres #2 Subdivision.

Mr. Allred explained that he verified with the City Recorder that notice was mailed on the exception item and was published in the newspaper. The City Recorder also verified that notice was sent on the Council level as well.

(20:29:52) Chair Chatelain asked Mr. Hardy to clarify the location of his driveway. Discussion took place on the 14 ½ vertical height restriction of existing trees and those that would be removed. Mr. Whiting described Mr. Gunnell’s plan to preserve as many trees as possible and relocate those that need to be removed. He detailed the exceptions contained in Chapter 14.12.150 that in cases where unusual topographic, aesthetic, or exceptional conditions or circumstances exist, variations or exceptions to the requirements to the Chapter may be approved by the City Council.

Mr. Raines addressed the citizens’ concerns and invited them to participate in a meeting where their concerns could be discussed further. Mr. Allred offered to be in attendance. The Commission discussed the details of the 17-foot road width.

(20:47:36) Commissioner Holbrook asked Staff if their recommendation was based on the parcel or the entire horseshoe. It made no sense to him to make a recommendation on one road and then return for a recommendation on the other. Mr. Whiting stated that approval could be made at tonight’s meeting with an amendment to occur at some point in the future.

(20:51:38) Mr. Allred stated that with regard to the exception, the City Council had a lengthy discussion and an extensive amount of comment was received. It was determined that properties accessed by a very narrow driveway tend to have the highest property values in the State. Ironically, such lanes do not enhance public safety. It was Mr. Allred’s opinion that the Council granted approval due to the existence of narrower roads throughout the City, the turnout, the fire sprinklers, preservation of trees, and the recommendation of professionals.

Chair Chatelain explained that there is a system and order that allows the Commission to deal with issues. The Commission is a regulatory body and must follow a protocol. The Council, on the other hand, has more freedom and the ability to postpone approval when there are issues and concerns.
(20:57:38) An audience member complained that his voice was not being heard and planned to speak to his lawyer. Chair Chatelain encouraged him to do so. Chair Chatelain stated that the Commission is compiled of volunteers who do their best and work through the regulatory process. He stressed that they are not elected officials.

(20:58:41) A Commission Member discussed the 17-foot road and whether it should be approved as submitted or allow the applicant to make it a narrower 20-foot road. There was some question as to whether it is in the Commission’s best interest to recommend preservation of the trees to expedite the matter when it is heard by the City Council.

(20:59:15) A Commission Member stated that as far as the recommendation to the Council on the issue of the road and impacts to property owners, they were not comfortable with the applicant returning to go through the process of making another recommendation to Council. It was his opinion that it is within the Commission’s jurisdiction and their responsibility to take a closer look. If there is an average or narrowing of the road that feeds all of the lots and it doesn’t compromise life safety, it needs to go through the process. The least impacted property owners should have the ability to be heard without being reliant upon the applicant. The Commission Member stated that there is no harm in making a recommendation to Council as part of a motion to look at the entire road width throughout the development. The Commission, as well as the applicant, agreed that whatever the recommendation might be, development should not be delayed.

(21:02:44) A Commission Member recommended looking at reducing the narrowing of the road with the condition that it is the will of the applicant and is approved by the UFA, Public Works, Police Department, and other recommending bodies. Mr. Allred remarked that the recommendation would be non-binding, but allow the applicant to approach the Council and ask for a reduction based on comment. With regard to the dimensions and road width, it was confirmed by the applicant that the roundabout dimensions and drawing had since been revised.

(21:08:26) **Commissioner Snow moved to approve the Deerwood Farms Subdivision at 2545 East 6200 South, preliminary plat subject to the following:**

**Findings:**

1. The proposed project has been reviewed by the TRC and meets City requirements for Preliminary Plat.

2. The proposed project meets the requirements for a residential subdivision in an R-1-87 Zone.

3. This project complies with the provisions of the City’s General Plan for this area.

4. This application is consistent with land use patterns in the general vicinity.
5. This subdivision is necessary and desirable because it allows expanded land use by the property owner. The project, as proposed, compliments and enhances the character of the neighborhood.

6. It will not be detrimental in any reasonable way to neighboring properties.

7. Building of single-family structures on the lots would not block viewscapes, restrict sunlight, airflow or access to individual properties.

8. The UFA has approved emergency access as proposed via a code amendment as well as fire hydrant quantity and placement.

9. Ingress and egress for the proposed subdivision can be made from 6200 South given the road width exception granted by the City Council.

10. Emergency egress can be made via a private road to the east in the event of a catastrophic event.

11. Utility providers can serve the property and have provided appropriate service availability letters.

Requirements:

1. A Final 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 for approval.

2. Floodplain mitigation measures will be required at the time of building permit application if the footprint of any proposed residence falls within the floodplain.

3. The applicant shall make every effort to preserve trees along the interior roadway as well as in the interior portions of the subdivision.

4. A Shared Road, Right-of-Way Easement and Maintenance Agreement must be prepared and recorded along with Final Plat.

5. Receipt of a title report reflecting no encumbrances on the property before Final Plat recording.

6. Payment of the balance of all fees required by the City.

7. A Stream Setback Exception must be allowed by the Planning commission for a 50 foot building setback from the creek on lots one, two and three before Final Plat approval may be granted.

8. All new homes built in this subdivision must include fire sprinklers.
9. This project shall be reviewed by the Planning Commission for Final Plat approval.

10. The entrance lane shall be improved to ameliorate queuing.

11. The UFA and other bodies with a vested interest in public safety shall consider narrowing the road to match the narrowing requirements that have already been approved by the City Council on the southern portion of the road. The narrowing should be to 20 feet for the entire horseshoe for the purposes of aesthetics and preserving trees.

12. If an exception is requested by the applicant, the issue will go straight to the City Council and public notice shall be issued in a 500-foot radius and posted on the City’s website.

Mr. Allred added that City Planner, Jonathan Teerlink, confirmed that the right-of-way is 80 feet wide and completely paved.


The Commission took a short recess.

DISCUSSION ITEMS

3. Residential Building Corridor and Front Setback Code Amendment (continued) –
   Planner: Jonathan Teerlink.
   (21:19:03) Mr. Teerlink, presented the staff report and described the residential building corridor and front setback code amendment. He stated that strides have been made based on comments and revisions from the temporary regulations passed by the Council. Mr. Teerlink met with Councilman Pace who indicated that Councilman Palmer requested that larger lots be eliminated from the building corridor requirement. Lots measuring less than one acre must be designed to the building corridor and anything larger is exempt.

   The best way to deal with possible reductions was discussed as well as home placement restrictions.

   Mr. Teerlink reviewed the changes to the amendment. Modifications to page 2, line 49, state that the building corridor for any new home proposed on lots smaller than one acre shall be determined based on the average depth of the homes on the block face and used to determine the applicable front yard setback. Commissioner Holbrook added that when the matter was originally addressed, it was based on what was taking place with another subdivision. He further questioned the issue of regulating density and whether doing so was the correct approach. It was noted that restrictions are now being added with unintentional consequences.

   (21:24:14) Mr. Teerlink next stated that the Building Corridor issue was allowing for deeper and deeper properties and in order to correct the issue, a temporary regulation was enacted. Using that
as a catalyst, Councilman Palmer raised an issue with the enactment of the building corridor. It was noted that he never supported that piece of ordinance. He stressed that the ordinance does not work in large estate areas. Using the temporary regulation as a catalyst, the thought was that restrictions on the larger estate properties can be adjusted. For that reason one-acre was recommended as a starting point. A modeling procedure was underway. Mr. Teerlink stated that the building corridor protects back yards against an imposing view of a neighbor’s development. There was some question as to whether these properties have that problem.

With regard to calculating the front yard setback, Mr. Teerlink stated that the minimum setback for any building with frontage on a public street should be calculated using an average of the front setbacks of each of the main structures on the block phase within four adjacent lots with two on each side of the property in question. He proposed the 10 points be reduced to two measuring from the nearest and furthest.

In response to a question raised, Mr. Teerlink stated that the block face turn is defined as homes on the same side, on the same side of the street, and within the block. The measurement is taken from the first point that measures 18 inches from the ground such as a concrete porch, foundation wall, or deck supports. Steps coming down from a porch are exclusively exempt from any setback. Mr. Teerlink stated that the difficulty involves homeowners and developers trying to understand the Code. Architects appreciate it, however, and frequently offer options when floor plans are designed.

Mr. Teerlink described how the averaging takes place. He explained that if one or more of the lots required in the averaging calculations is vacant, the front setbacks will be determined based on the average front setback of the main building. The previous setback of an existing home must be determined. If lot has never been occupied, or the front setback of the former building cannot be determined, the front setback shall be calculated using a fifth lot or only three, at the discretion of the Community Development Director. Potential problems were identified.

With regard to the building corridor, there was discussion about whether the one acre size is the appropriate threshold in determining whether this piece of ordinance applies to that property. Commissioner Snow’s opinion was that one acre is too large. He felt that someone buying a one-acre estate lot with distance between homes will want to build their dream home. He did not want to regulate how much grass they must have. Mr. Teerlink posed the question as to whether it is a function of distances between homes. Chair Chatelain remarked that his home has only eight feet between property lines. On a square one-acre lot, placing the home anywhere on the lot should be allowed. With a narrow lot, building narrow and deep would still allow a deep back yard.

With respect to lot widths, Mr. Teerlink considered looking at required lot widths for each Zone. For example, in the R-1-43 Zone, the lot width requirement has a minimum of 100 feet. If a lot width is less than what is required in the zone, the result will be a narrower, deeper piece of property. A one-acre lot with 100-foot front yard would be twice as deep as it is wide or 220 feet across and 435 feet deep. At 75% of the required minimum lot width of the zone, it would apply. He also stated that this only applies to homes that front public streets.
Next discussed were items 1 and 2 of interior lots, which addresses whether the homes on either side are built prior to or after 1999. For homes built from the year 2000 to present, depth plus the increase is not an option. For homes built post 1999, the average plus the increase is applicable. Mr. Teerlink explained that this tool is used to slow the perpetual increase of growth, which was a problem identified by Councilman Pace.

Mr. Teerlink next discussed Item B relative to corner lots. The same applies as above, but the increase would be 20% deeper.

Commissioner Holbrook disagreed with the size proposed. Discussion on frontage continued. Chair Chatelain suggested three-quarter acre be the set size as many lots are either larger or smaller. Details of the proposed size were discussed.

It was Mr. Allred’s opinion that the purpose of the building corridor is to ensure that there are no outliers that affect others. It was the result of a study conducted eight years prior by Mr. Whiting, who was an intern at the time. The study involved the building of intrusive and expansive homes. It also protects future development, and prevents someone from building beyond the growth factor, which is set at 15%.

Mr. Allred expressed the importance of change not happening too quickly. In response to Commissioner Holbrook, Mr. Allred stated that growth is regulated due the need to determine how residential neighborhoods should be allowed to grow in the future. Rules and regulations were developed by the City Council allowing residential areas to expand, but at a controlled rate. Millcreek adopted a similar ordinance where anything higher than 28 feet must be reviewed by the Planning Commission. Mr. Allred explained that one advantage of the ordinance was that someone can build a long house, but only a portion can reach the maximum height. The remainder of the home must be stepped down.

Commissioner Holbrook expressed concern about whether the ordinance is isolated to the Harvard/Yale area and specific to a certain lot. He questioned whether the issue was being overcomplicated. He suggested exceptions be imposed. He would support what is proposed as Mr. Allred has discretion. He did not, however, want the end result to be frustrated neighbors and conflict. Mr. Teerlink replied that there is some latitude that allows staff to work with the developer. Procedural issues were discussed.

Stream setback issues were discussed. Mr. Teerlink stated that Spring Creek on Wander Lane will be addressed at the next meeting. Commissioner Holbrook asked if the setback could be set at 40 feet. He suggested the matter be addressed by the Council and ultimately a recommendation made to the Council. Mr. Allred stated that any number will be an arbitrary figure. The distance from the high water mark was discussed. It was noted that the ultimate goal is to protect the stream.

Mr. Teerlink next clarified that it’s a function of the Stream Corridor Code which provides guidelines if there are structures within 40 feet. If the structure stands at 50 feet or greater, there are no restrictions. It was Mr. Holbrook’s understanding was that Murray City had an additional setback to prevent the dumping of waste into the river as there were no sewer systems at the time the older homes were built. The setback was set at a great enough distance so it would not drain directly into the river.
Based on Mr. Allred’s previous experience as a Flood Plain Administrator, it was not problematic to build in the flood plain. It can, however, become a problem if the lowest habitable floor is not at least two feet above the FEMA determined flood level. It was his opinion that the corridor is intended to protect the river or stream so that the trees and foliage help stabilize the bank.

(22:26:00) Chair Chatelain proposed postponing agenda items 4 and 5.

4. **Sign Ordinance Amendment ORD Zone – (continued) – Planner: Paul Allred.**

5. **Residential Office Zone – RO Zone – Planner: Rick Whiting.**

(22:26:05) Mr. Whiting requested the Commission’s opinion on the Residential Office Zone. He asked that they read through it, make notes, and provide feedback. Commissioner Holbrook stated that it may make more sense to add flexibility to the Neighborhood Commercial (NC) Zone rather than create an entirely new zone. He suggested removing the architectural restrictions in the Neighborhood Commercial Zone along with other components that allow it to have more flexibility. Doing so would enable the Residential Office (RO) Zone to accomplish what is to be achieved by the Neighborhood Commercial Zone.

Mr. Allred stated that the above matter was being presented because the moratorium is nearing its end and it was suggested that something be done in the RO Zone. Chair Chatelain suggested it be dealt with in the Neighborhood Commercial Zone and presented to the Commission. Mr. Allred stated that the Council requested the new zone deal with conversions of homes to office uses. Mr. Whiting suggested the Commission communicate to the Council their opinion that there is no need for a new zone and suggested adding additional elements to the NC Zone.

**OTHER BUSINESS**

6. **Approve Minutes of the June 19, and 26, 2012, Meetings.**

(22:39:19) The minutes were reviewed and modified.

(22:44:48) Commissioner Garver moved to table approval of the minutes. The motion was seconded by Commissioner Snow. The motion passed with the unanimous consent of the Commission.

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

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

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

**ADJOURN**

The Planning Commission Meeting was adjourned at 10:45 pm.
I hereby certify that the foregoing represents a true, accurate and complete record of the City of Holladay Planning Commission Special Meeting held Tuesday, July 26, 2012.

Teri Forbes
T Forbes Group
Minutes Secretary

Minutes approved:
DRAFT

MINUTES OF THE CITY OF HOLLADAY
PLANNING COMMISSION MEETING

Tuesday, August 7, 2012
6:00 p.m.
Holladay Municipal Center
4580 South 2300 East

ATTENDANCE

Planning Commission Members: City Staff:

Lori Khodadad Paul Allred, Community Development Director
Spence Bowthorpe Rick Whiting, City Planner
John Garver Jonathan Teerlink, City Planner
Troy Holbrook Craig Hall, City Attorney
Paula Lowry

PRE-MEETING/WORK SESSION

The work session commenced at 6:35 pm.

The agenda items were reviewed and discussed.

With respect to agenda item number one, Community Development Director, Paul Allred, remarked that the purpose of tonight’s meeting is to have the Village developer detail to the Commission the steps needed to get to ground breaking. The corrections are being made to the site plan as discussed in the previous meeting. He conveyed that by Labor Day, the City would like to get through preliminary and final so that commencement can immediately begin on the parking deck. The developer will also at that time be working toward requirements needed for the building review and acquiring the building permit during the month of October.

Mr. Allred indicated that the City Council amended the legal description to add 1,300 square feet and allow the building to fit on the site. If the developer is able to complete the drawings, they should be reviewed and returned for comment within the next week. He proposed that the Planning Commission hold a Special Meeting on August 28, as there has been reluctance expressed by the Commission that the City is doing too much too quickly. He suggested preliminary be taken care of on August 28th and that the Commission come back on September 4 or hold a Special Meeting on September 11 or 12, to do the final review. At that point the permit for the parking deck would be issued.

(18:17:40) Commissioner Khodadad pointed out that although those who view the process as being rushed know that it has come before several others over the past year, and just recently come before the Planning Commission. It is the Planning Commission’s responsibility to know what everyone else knows. Mr. Allred agreed and believes that at least two more meetings are in order.
(18:19:07) The Commission next discussed agenda item number two, the Holladay City Fire Station. Mr. Allred confirmed that the Council granted approval for the Code amendment to go higher than 45 feet for architectural elements alone, but no more than 60 feet. Even building up the site to negate the slope, the roofline of the building is approximately 37 feet tall. The tower will measure approximately 57 feet.

Commissioner Khodadad pointed out that the City may decide to place windows in the tower. Mr. Allred clarified that the space will be used for viewing and will not be used as an office space or for a dwelling. Commissioner Holbrook stated that there isn’t any negativity anticipated with the height of the tower. Mr. Allred conveyed to the Commission that they have good reason to approve the conditional use for the tower.

(18:22:45) The Cottonwood Country Club Renovation was next discussed. Mr. Allred stated that two representatives will be present at the meeting and willing to answer any questions. He and Mr. Whiting visited the site and have a good understanding of the request. The applicants are proposing a few modifications with the most significant being the demolition of the existing clubhouse and the construction of a new one. The biggest issue pertained to providing ample parking.

Commissioner Khodadad pointed out that if the remodel is not due to an increase in membership, the existing parking should suffice. A representative from the Country Club confirmed that membership numbers will not increase and the remodel is to update and bring the building up to Code. Overflow parking becomes an issue during swim meets, which occur four to five times per year, and during their Fourth of July party. Mr. Allred reiterated that the concern is not with the architecture or building details but with the parking. Commissioner Khodadad suggested signs be used to notify neighbors of events taking place. Details of the reconfiguration of the Country Club remodel were discussed.

(18:29:26) The Orchard Hollow Subdivision was next discussed. Mr. Whiting remarked that after extensive research, staff concluded, with the support of the City Council and the City Attorney, that three lots are justified because of the Code that is in place. The developer presented conceptual drawings showing how the site can accommodate three buildable lots.

The details of the drawing were discussed. Mr. Whiting stated that because the applicant currently owns the property, which extends just past the center of the road, the City will require the applicant to dedicate all of the public right-of-way to the City. This includes the asphalt pavement and the area between the asphalt and their property line. The Code states that the paved portion is the property of the City. However, the area between the edge of asphalt and the property line that they will still dedicate, may be allowed to be used in the lot area calculation to qualify for the subdivision. He reminded the Commission that this is conceptual approval and the City needs a general feel that is workable.

With regard to objections from the neighbors, they don’t seem to accept that there is enough area to qualify for three lots. There is question as to the driveway area of Lot 1 and if that pertains to the lot footage. Should the neighbors feel that the Planning Commission decision is not appropriate, they have the opportunity to appeal it to the City Council. The Council would hear
the matter, hold a public hearing, and make a determination on whether to uphold the decision or repeal it back to the Commission.

(18:35:06) Commissioner Khodadad addressed City Attorney, Craig Hall, with regard to his presence during the Orchard Hollow Subdivision discussion. Mr. Hall stated that it is his intent to give an interpretation of what the ordinances mean from a policy standpoint. It is not his intent to establish or recommend policy. His opinion was that if the second dedication, either by adverse possession or prescriptive use, is used as a street for more than 10 years it is considered a public street by statute. It was his belief that the second dedication can be used for the sole purpose of calculating the square footage for the proposed subdivision.

DISCUSSION ITEM


(18:39:59) Tom Henroid from Rockworth Development presented to the Commission the steps taken in order to address the conditions addressed at the previous meeting. The first item contingent upon approval was to obtain additional land requested from the City. The City Council approved the revised legal description, which allowed the additional 1,300 square feet. There was a cut out that was not anticipated when the property was originally conveyed. He presented the new restated development agreement containing the new legal description with the addition of the small area.

Next discussed was the development agreement, which stated that the retail area was to be not less than 21,200 square feet. Based on the new tower design, there will be some additional square footage. Mr. Henroid stated that they are approximately 800 square feet short of what was stated in the development agreement. The City Council agreed to make the needed change.

(18:44:33) The third item involved making the required corrections to the site plan as noted by the Technical Review Committee. The developer was in the process of completing those requirements.

Mr. Henroid discussed updates made to the site plan and detailed the new stairway, relocation of the dumpster, and the addition of trees. He also described the location for the electrical and gas, and although not aesthetically pleasing, must be placed according to the utility company’s request. Commissioner Bowthorpe pointed out that it will be at grade level and shrouded by the staircase enclosure and the second level deck. He expressed support for the proposed location.

Mr. Henroid stated that the reference to the mid-block connection is still needed and will be on the site plan for submittal on August 21, as desired by the TRC.  

(18:50:10) The next item discussed was the tower. Mr. Henroid stated that the tower was encouraged along with a focal point. The architect creatively solved the issue of installing a large enough clock and eliminating a dormer within the tower, which was thought to detract from the tower design. The larger tower allows slightly more square footage and a grand space that will be attractive to future tenants. The pass through underneath is appealing to a restaurant owner as the extra space may potentially be used as patio seating.

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The developer’s representative stated that the clock analysis included contacting a leading clock manufacturer. They inquired as to the rule of thumb with respect to the size of the clock based on height. They were told that for every 10 feet of vertical height, at least 10 to 12 inches in diameter was recommended. The tower is approximately 50 feet, which will result in a clock measuring 50 to 60 inches in diameter.

Commissioner Bowthorpe pointed out that the appearance of the masonry has changed. It was confirmed that the majority of the exterior will be masonry with copper on the dormer and a copper finial. With regard to the southwest corner, Commissioner Garver shared his concern with the wall. He felt the corner was not retail friendly and he hoped to see Murray Holladay Road used as an access point into a retail space on the corner.

It was the opinion of the developer that the advantage of the corner space is that it can be advertised as a very prominent, high visibility corner that is not separated from the remainder of the project. There had been great effort expended on the part of the Civil Engineer and Architect to ensure that only a six-inch curb is between the parking and the corner store. The wall will be grey concrete and the area landscaped with vegetation to complement the plaza. Mr. Allred added that plain, grey concrete is not an accepted material.

Mr. Allred next stated that the Planning Commission requested ample time to review the plans. The scheduling of two more meetings to complete the preliminary and final site plans was discussed.

(19:05:50) Commissioner Bowthorpe moved to adjourn to the Council Chambers for the regularly scheduled meeting. Commissioner Garver seconded the motion. The motion passed with the unanimous consent of the Commission.

CONVENE REGULAR MEETING
Vice Chair Khodadad called the Regular Meeting to order at 7:05 p.m.

DISCUSSION ITEM
The above item was discussed during the Work Meeting.

PUBLIC HEARINGS AND DECISION ITEMS
(19:07:27) Community Development Director, Paul Allred, presented the conditional use permit for the tower element above the roofline of the proposed Fire Station. The City Council approved an amendment to the Public Zone (P-Zone) that allows the building to be taller than previously allowed. This amendment is inclusive of schools, churches, or other buildings in the P Zone. The ordinance increased from 35 feet to 45 feet in height. The City recognized that in the Public Zones buildings with institutional uses often exceed 35 feet. The ordinance was amended to allow additional building height, but they can be no taller than three stories and cannot exceed 45 feet. The proposed Fire Station is approximately 37 feet in height. The tower is approximately 57 feet.
The ordinance states that any architectural element in the P-Zone such as a steeple or tower that is 45 to 60 feet tall requires a conditional use permit.

(19:10:45) Mr. Allred next presented the staff report, which set forth the history and rationale for findings to support the tower element. Several conditions were also enumerated. He welcomed suggestions from the Commission in addition to what was laid out. He stated that the proposed tower is an important architectural element to the building. It adds a lot of visual interest and there are reasons that describe why the tower is important. Mr. Allred urged the Commission to approve the request and attach reasonable conditions to mitigate any impacts.

(19:11:22) A Commission Member asked Mr. Allred for the footprint dimensions for the tower portion of the building. He replied that it comprises approximately 5 to 10 percent of the total building footprint, or 16 feet x 16 feet.

(19:11:57) Chris Jensen, a representative from Think Architecture, remarked that the top floor was intended for use as an open viewing area. The Mayor and staff wanted to create an element that was representative of the old host towers from Boston Fire Stations. The intended use was as an open observation tower. The public may access the tower after going through the security of the fire station and being accompanied by a member of the Fire Department staff. He next detailed the layout of the building with the first floor consisting of an office that will be occupied when the staff is not out on a call. The second floor consists of the sleeping quarters for the firemen. The third window is where the stairs are located, and allows access to the observation tower.

Height issues were discussed. Mr. Jensen concurred with Mr. Allen’s statements and clarified that 57 feet is to the peak of the roof, which comes down approximately eight feet. The observation tower is approximately 45 feet to floor level.

(19:14:19) Commissioner Garver followed up with a question regarding the allowance of 60 feet to an architectural feature and questioned how that distinctive feature is categorized. Mr. Allred replied that the determination is based on the City’s perspective. It is a space that cannot be occupied and is clearly an architectural element.

(19:15:57) With regard to the circle just above the second floor window, Mr. Jensen stated that it is a sandstone element that will contain the Coat of Arms for the department or the Maltese Cross. It will be embossed in a sandstone element and placed into the brick. Mr. Allred pointed out that it is the allowance for the building height in the zone currently over the previous height. The bulk of the building is less than comparable home heights in the City’s R-1-43 Zone or one to two-acre areas that allow for greater heights than the Fire Station. As far as any new public buildings or churches, roof elements will not be allowed to go higher, but may, as a conditional use, have architectural elements for towers or steeples.

Mr. Jensen stated that most fire houses, because of the slope and pitch of the roof, average in height from 33 to 34 feet and only a few peaks reach 37 feet in height.

With regard to window placement, Mr. Allred reported that presently it is an open area. At some point if there are water or bird problems it may have to be enclosed with windows. Mr. Jensen added that due to concerns such as those expressed by Mr. Allred, it has been decided that
windows will be constructed and allowed to be opened, if needed. He reiterated that only those individuals who are allowed through the secure entrance to the stairwell will be allowed to access the tower and must be in the presence of a fireman at all times.

(19:20:17) Commissioner Khodadad opened the public hearing. There was no public comment. The public hearing was closed.

Commissioner __________ moved that the Planning Commission approve the tower portion of the new public Fire Station located at 2210 East Murray Holladay Road in the P-Zone based on the following:

Findings:

1. The City Council specifically approved a code amendment in June of this year to allow for this type of physical element in this zone.

2. The tower will not exceed the height allowance of 60 feet.

3. This element is traditional looking – fire station towers were historically used a hose drying device. While this tower will not be used for that purpose, it will make a visual statement for this site and building.

4. Nearby buildings such as Olympus Jr. High School directly across the street and the proposed tower at the Holladay Village Square site a few hundred feet away, will be equally tall or taller than this element. In the case of the Jr. High, its height and bulk form a much more dominant physical presence than just the Fire Station tower.

5. Other public/quasi-public uses in the City, such as the new Olympus High, several church buildings and, in particular, church towers or steeples are equally tall or taller.

6. The use of a tower is necessary and desirable to signify the location of an important site/building in the community – especially in the case of a public safety building.

7. In this particular case, the tower element forms a very small portion of the overall bulk of the building – less than 10% of the overall roof area – and therefore presents a small intrusion into the overall skyline of the community and neighborhood.

8. The building itself – at the ridgeline of the roof, is shorter than many homes existing and allowed in the City -40 feet, and as mentioned before, is well below the 45 feet allowed in this zone.

9. The tower at the observation deck level is not enclosed and, therefore, may not be occupied except, weather permitting, for a very short period. This should give residents comfort knowing that privacy should not be compromised by anyone standing in this area of the tower.
10. The tower is desirable in that, in conjunction with proposed corner tower element of the Holladay Village site, will form an attractive vertical iconography in the heart of the community which, eventually may be dramatically enhanced by a strong tower element in the middle of the Cottonwood (mall) development area only a half mile away.

11. The Fire Station and the tower element will fit in with the vertical fabric of this area of the community which is already more than a single story.

12. Lastly, the station and tower, in particular, will be less vertically intrusive than the multi-story building that occupied the site for many years, and should result in vertical presence that is compatible with this area and the City as a whole.

Requirements:

1. The tower may not exceed 60 feet in height.

2. Any lighting on the tower will be directly downward or away from any abutting residential use.


Commissioner Garver moved to amend the agenda to discuss the June 19 minutes next. Commissioner Lowry seconded the motion. The motion passed with the unanimous consent of the Commission.

The Commission next reviewed the minutes after which they continued with the agenda as printed.


(19:30:57) Mr. Allred, presented the conceptual site plan, which is the first step in the approval process. Public notice was provided to property owners within 500 feet of the site. Within the next 15 to 16 months, the developer’s plan is to complete two phase renovations of their project. Completion would be near November 2013.

Mr. Whiting detailed a phone call made by a neighboring property owner who expressed his general support for the project, but also shared concerns about the amount of overflow parking. He stated that the overage of vehicles constricts the flow through the access and he was concerned about emergency vehicles being able to access the project. With the addition to the clubhouse, he questioned whether the heavier traffic flow will exacerbate the problem.

(19:33:55) Mr. Allred presented the staff report and described the proposed changes. Phase 1 would include a new fire access into the back, construction of a cabana, remodel of the pool facilities and removal of one tennis court. Phase 2 would include the demolition and rebuilding of the clubhouse, which was planned to occur in 2013. The Commission reviewed the ordinances and found the request to be in compliance. Staff’s primary concern had to do with parking, and
there was some question as to whether the parking requirements were being met. Mr. Allred stated that it is the Commission’s job to verify the ordinance requirements and ensure that the existing parking facility does not need to be amended.

With regard to a question raised by Commissioner Lowry about how parking is calculated for a country club, Mr. Allred stated that in the parking section of the ordinance there are specific uses that clarify how many spaces are needed. Because it is an assembly, eating, and recreational space, all will be considered when determining what is required. The overflow typically is used on weekends or when there is a swim meet. Mr. Allred explained that the parking requirement is not based on membership numbers.

(19:37:35) Mr. Whiting discussed the requirements for a restaurant or private non-profit club. One use requires 2 ½ seats or three parking spaces for every 100 square feet of floor area, whichever is greater.

Next, Mr. Allred reported that because the business has multiple events going on simultaneously, parking will spill out into the neighborhood. This concern needs to be examined. The neighborhood has a good relationship with the Cottonwood Country Club and many are members. It is in the Country Club’s best interest to provide reassurance to the City that they are willing to comply with the ordinances. He considered parking to be the only significant concern. Staff recommended approval of the conceptual plan subject to additional discussion.

(19:40:28) Commissioner Holbrook stated that since parking is one of the primary issues, and with the change to the P-Zone, he questioned whether the height of the structure could be increased to allow for more space in the parking area. Mr. Allred replied that the new structure will measure 30 feet at the peak which is approximately 2,000 square feet larger than the previous one. He did not believe that a taller building will solve the issue. He further stated that staff hasn’t actually determined that there is a deficiency, which was to be part of tonight’s discussion.

(19:42:27) The applicant’s representative, Scott Later, from EDA Architects in Salt Lake City, agreed with Mr. Allred. He conveyed that the project has been defined as a reconfiguration of the property, based on the fact that the existing facility has basically worn out. The Plan, as stated by Paul Allred, consists of reconfiguring the center of the site involving the removal of a tennis court, reconfiguration of the pools in addition to a new cabana building. Construction is scheduled to begin in the Fall of 2012 with a completion date of May 2013. Phase 2 consists of the completion of the clubhouse facility with an anticipated completion date of November 2013. The major feature is the existing pond element that they would like to leave as-is. The additional 2,000 square feet is accounted for in the increased kitchen capacity as well as a grander lobby space. The height of the building is well under the required Codes. Mr. Later stated that the design allows the building to fit well with the residential character and neighborhood. He agreed that parking is the issue and they had begun some of the analysis to allow for additional parking if determined to be a requirement. Based on the location, they don’t want to expand the existing parking lot. It is their opinion that a large empty lot would not blend into the surrounding neighborhood.

(19:47:18) Pete Miller, Cottonwood Country Club General Manager, stated that with regard to club events, there is a policy in place that states that 250 is the maximum number of occupants.
This number is due to the amount of parking that currently exists. The only time the overflow parking is utilized is during home swim meets which occur four or five times a year. The Fourth of July fireworks show is another event that creates the need for additional parking. Other than those events, the parking is tightly controlled. Their interest is not to grow their business, but to simply update and bring the existing building up to Code. Their reputation consists of being a family-owned, small, intimate club. They currently have 475 members.

(19:50:18) Commissioner Bowthorpe asked if any space exists on the site where there is the potential for event parking. Mr. Later replied that they are looking at a scheme that would allow an additional 20 to 25 stalls of event parking and could be used by staff for the Fourth of July and swim meets. This would not be a permanent parking solution, but an overflow parking solution. Mr. Miller added that there is an additional piece of black top that could be used as overflow parking as well.

Commissioner Garver asked if those two options put into use would mitigate some of the problems that currently exist. Mr. Later replied that it would. It is not currently used because there is no access. He also stated that road access or a fire access along the western property edge would be a part of the improvements, providing access for those events.

(19:52:11) In response to a question raised, Mr. Later stated that they currently have 137 parking stalls and are looking at ways to increase that number where possible. They are looking at a strategy to convert from 45-degree parking to 90-degree parking and maintain at a minimum, the 137 stalls. He also stated that there will be a new portico area, which would be safer and separate the normal pedestrian and vehicular traffic from the service and fire access. There is a possibility that it could be used as overflow parking as well.

Commissioner Khodadad opened the public hearing.

(19:53:44) Jim Rock gave his address as 5511 Merlin, approximately 200 yards to the east of the Cottonwood Country Club. He noted that he is also a member and it is rare for there to be overflow parking. Mr. Rock added that it is not in his family’s interest or the neighbors he has spoken to, to expand the parking. He hoped to see the overflow contained in the areas mentioned or constricted on busy days to one side of the street. It was his opinion that the project is well conceptualized and complements the architectural design.

(19:56:06) There were no further public comments. The public hearing was closed.

Mr. Whiting clarified Commissioner Lowry’s question regarding the parking ratio and explained that the restaurant requirement is 2 ½ stalls per seat or three cars per 100 square feet, whichever is greater. With respect to recreation, the requirement is four spaces per tennis court, three spaces per court for racquetball and two spaces for squash. He wasn’t aware of any guidelines for swimming.

Mr. Later added that based on City Code with the restaurant sector, 90 stalls are required of the 137 currently on the site. There is a tennis court requirement as they have 11 courts, which require 44 stalls. He noted that those eating at the restaurant may also be playing tennis. Mr. Later was not aware of any requirements with respect to golf.
Commissioner Garver moved to approve the Conceptual Site Plan for the Cottonwood Country Club located at 1780 East Lakewood Drive subject to the following:

Recommendations:

1. Explore with the phasing of the project.

2. Establish a recommendation for parking for major events. There should be no reduction in the current parking counts.


Mr. Whiting presented the staff report and described the conceptual site plan for the Orchard Hollow Subdivision. He stated that the applicant, Simone McInnis, wishes to proceed with the entitlement process for a three-lot subdivision. At the rezone hearing, there was discussion about how many lots would be allowed to be developed on this property. Staff had previously been in discussions with Ms. McInnis and felt that three lots would be appropriate for this property. With the rezone request, however, this was not anticipated and staff was not prepared to continue discussion. As a result of the meeting, the public may have the impression that this property may only support two lots. Staff determined that after further research of the Code provisions that the property will support three 15,000 square foot lots. Chapter 15.28.020(a) addresses the dedication of the public roadway and states that the portion of the public right-of-way not used by the public may be allowed in determining the appropriate area of the subdivision. In this case, that area is 2,546 square feet, which when added to the property allows for three 15,000 square foot lots.

With regard to topography, the lot rises from the roadway 28 to 30 feet and has varying slopes, none of which exceed 20%. City Code allows up to 30%. The request complies with the City’s General Plan and many of the details are determined at the preliminary plat stage rather than conceptual. Staff suggested that the Commission determine if the application meets the provisions of conceptual plan and whether the applicant should proceed with detailed engineering, drainage, landscaping, and slope studies as part of the preliminary plat.

Mr. Whiting addressed access to the two rear lots. Staff determined that what is proposed complies with Code. Staff recommended the Planning Commission carefully consider the request and conduct a public hearing.

Mr. Hall addressed the Commission and stated that he was tasked with putting together the interpretation of the Holladay City Planning and Zoning Code, and particularly Chapter 15. After reviewing the issues, he concluded that there are two required dedications. The first is the dedication of the road. State statute provides that when a road has been used by the public for more than 10 years, it becomes a public road. That portion is not to be considered as part of the
Mr. Hall stated that the area to the bottom left on the plan cannot be considered part of the area to be subdivided. The other area, for the purpose of calculating the subdivision and lot size, can be utilized in the calculation. With regard to the period after which the subdivision has been approved, will mean that one of the lots will be less than 15,000 square feet. Mr. Hall said that in order to approve the plat, he would require a notation or other indication on the subdivision plat that Lot 1 was approved at 12,000 to 13,000 square feet with the provision that it could be less than 15,000 square feet. He further stated that it would not be wise for the Commission or City Council to approve a subdivision where a lot is already non-conforming, hence the note on the plat.

(20:14:31) Mr. Hall stated that the second area can be used to calculate the subdivision acreage, regardless of whether it meets the 15,000 square foot requirement as proposed by the applicant.

In response to a question raised by Commissioner Holbrook, Mr. Hall clarified that his understanding is that the change in coloration on the drawing represents the change in separation between the current asphalt and the unused area. The determination of the square footage depends on where the asphalt ends. The location of the dividing line will determine the square footage of the lots.

(20:16:08) Commissioner Khodadad asked for the details of the survey. Mr. Whiting stated that the property was surveyed by Byron Curtis, who was hired by the applicant, and the 2,546 figure is precise and no further calculations were believed to be necessary.

With regard to the driveway issue, Mr. Teerlink stated that in 1999, the City Council unanimously determined the types of parcels that would be allowed as deep lot subdivisions or flag lots. These consist of one lot behind another that fronts a public street. The most recent modification to the ordinance occurred in 2007. There are two classifications of a lot. One exists on a public street and the other exists on a private right-of-way.

Regarding lots on a public street, there is a chart in the ordinance that states that the property’s specifications for width and size depend on the zone it is in. A lot on a private drive serves no more than two homes. If a lot is served by a private drive, the area of that drive is non-buildable and not included in the calculation, as in Lots 2 and 3 of the proposed conceptual plan.

(20:20:05) With regard to Lot 1, Mr. Teerlink stated that it has the provision to allow for the dedication area and may be applied to its lot size, which is allowed in the Code. However, the private driveway crossing the lot has no bearing on its lot size. It only has a bearing on Lot 2, which is more than 15,000 square feet in size. He stated that the engineer provided survey
evidence that the lot width can be accommodated. Lot 3 has no driveway and Lots 2 and 3 have no frontage requirements because they do not front a public street.

Commissioner Holbrook asked about the minimum lot areas and width required on a private driveway. Mr. Teerlink responded that there is an exception that if a portion of a lot is less than half the minimum lot width, it may not be counted toward the area. He clarified that the Council will allow deep lot subdivisions; however, the developer must show that there is area to reach all of the lots.

(20:25:00) Wade Budge was present representing Highland Hawk Investments. He agreed that the lot is large enough to accommodate three lots under the current R-115 Zone. In 2007, nearly 49,000 square feet were obtained. When the paved surface is deducted, the square footage is reduced to 45,242 feet. The site meets the minimum size requirements for three lots. Mr. Budge’s client understands that if a three-lot subdivision is pursued, there must be a dedication to the City. It was made clear that a 66-foot right-of-way through the area is required because Holladay Boulevard is classified as a collector. Highland Hawk Investments was prepared to make the dedication. Mr. Budge agreed to confirm the existing dedication and make the new dedication referred to by Mr. Hall. Lot 1 will have a smaller home on it as compared to the second and third lots. The intent is to seek approval from the Planning Commission and then submit the preliminary plat for approval. With regard to the survey, Mr. Budge confirmed that it was completed in 2007 and just reconfirmed this summer.

(20:28:16) In response to a question raised by Commissioner Holbrook, Mr. Budge stated that the property was purchased and surveyed in 2007. The survey has been stamped and filed with the County and has remained there since that date. The surveyor was Byron Curtis from Curtis & Associates.

Commissioner Khodadad opened the public hearing.

(20:31:12) Dana Nelson gave his address as 1889 Longview Drive, immediately south of the property. He strongly suggested that the line between the two hatched areas be appropriately located. He had visited the site and found nothing delineating the line. He wanted to make sure that the measurements are accurate. It was his desire to ensure that staff’s recommendations are addressed prior to final approval. Last, he requested information on the roadway and what was actually in public use. Mr. Nelson believed the intent of the ordinance was to require curb and gutter.

(20:36:06) Ed Bailey gave his address as 1879 Longview Drive and expressed concern about the additional square footage now granting the applicant the opportunity to develop a third lot. He agreed with Mr. Nelson’s challenge of the survey and wanted to view it with a new GPS. Five roads exist within 300 feet and he urged the Commission to limit the site to two lots. Mr. Bailey suggested that as the matter moves forward that there be a forum for public input. He stated that if the project goes forward and includes a third lot, he will legally challenge the extra footage. He also suggested that if the applicant gets the benefit of the extra square footage, they should pay the taxes on the benefit they utilize.
Mr. Whiting stated that presumably the City would get tax revenue that would cease after the dedication. Mr. Hall added that if the property description is to the middle of the road, theoretically the City and other taxing entities are already receiving taxes.

(20:42:26) Tim Barney gave his address as 1909 Longview and had several concerns with the proposal. It was his opinion that staff and the City Attorney had done their best to accommodate the request. He believed they should have the same amount of concern for the citizens of the City that they do for the developer. It was noted that within a three to four square block area, there are 100 children aged 12 and under. They walk to school along Holladay Boulevard and have to cross to reach the elementary school. Regardless of this proposal, curb and gutter needs to be considered. Mr. Barney believes that due to the odd-shaped lot and roadway, the request will harm the neighborhood’s integrity. He also expressed concern that the project will negatively impact his property value.

(20:46:15) Carol Zimmerman was of the understanding that there was to be a turnaround for emergency vehicles. She asked for clarification on the proposed location. Mr. Whiting detailed for Ms. Zimmerman the provision that the Unified Fire Authority (UFA) required for the property and clarified that the turnaround is not deducted from the total lot square footage.

(20:49:29) Alexander Jewski, a Grover Lane resident, expressed concern about the conceptual site plan drawings not depicting the grade up to the property. He was also concerned with the entry onto Holladay Boulevard and suggested a realignment of the proposed road.

(20:52:12) Stephen Anderson gave his address as 1804 Grover Lane and expressed concern about traffic. He confirmed that they have curb and gutter and agreed that it should be extended. He addressed Mr. Hall and stated that his interpretation of the original Code was necessary in order to make up the footage required for zoning. Mr. Hall stated that his intent was to come to a conclusion with respect to the policy adopted by the City Council. It was his opinion that it should count, for purposes of the entire lot acreage, that this is the first time in 13 years this question has been presented to the City. Mr. Hall stated that he has never met the applicant and his intent was never to justify the project. His intent was to come to a conclusion of what the statute meant. Mr. Anderson stated that if it is the purpose of Mr. Budge and the applicant to simply to obtain approval to sell lots, those buying the lots will face other issues.

(20:59:21) There were no further public comments. The public hearing was closed.

Mr. Budge stated that with regard to Mr. Nelson’s question concerning the power pole, the ordinance cited by Mr. Hall addresses public use for a highway area. They are in compliance with zoning requirements and entitled to claim the area they will be asked to dedicate back to the City. He invited the neighbors to visit the site and compare the survey with the on the ground conditions. He confirmed that the survey is accurate.

(21:01:00) Mr. Budge next addressed Mr. Anderson’s concerns. With respect to the square footage, there is no question that they own the acreage claimed. There is a portion that was dedicated for public use, and they are using none of that property to request approval. There is, however, a strip of property that will require dedication to obtain final plat. Mr. Budge discussed the provision and private property rights. He believes the policy is sound, and it is not
unprecedented to follow the ordinances. He further stated that his client understands the obligations to the City, which they are willing to meet. He requested that the conceptual plan be approved to allow them to move forward with preliminary plat approval.

(21:03:16) It was Commissioner Khodadad’s understanding that the applicant will actually be building all three homes. Mr. Budge replied that she may develop and get the lots in place and sell them to other builders or choose to build on the property. Those issues were still undecided.

In response to a question raised, Mr. Budge stated that there is no Public Utility Easement (PUE) along the highway, but one is required along the lot line of 10 feet. It will be located on the west, north, and extreme east sides of the parcel. It was Commissioner Khodadad’s understanding that the PUE exists on almost any lot and is included on the lot. Mr. Hall stated that the projected 66-foot right-of-way also includes curb, gutter, sidewalk, and a park strip where the PUE would be contained. The 66 feet is not the width of the road and is the right-of-way. The road width is generally 50 feet.

(21:06:05) Commissioner Bowthorpe asked about the process the City goes through to verify the survey. He questioned whether the Commission only considers one survey, or goes through a secondary verification process. Mr. Hall suggested the surveyor mark where the two parcels begin and end.

Commissioner Khodadad asked Mr. Hall if it is appropriate to approve the conceptual site plan or verify the other issues. Mr. Hall deferred to Mr. Allred. Commissioner Khodadad stated that although this is a first, it is important that information be verified. Mr. Allred clarified the accuracy of the documents submitted to the City. He stated that they rely on the professionalism of those employed by the applicants. Those professionals are required to stamp the plans and put their license and professionalism on the line by doing so. He referred to a previous situation where the validity of a study was in question. The City Engineer stated that staff does not have the ability to resurvey everything that is submitted. When a subdivision gets to the final stage of approval and all involved have certified it is accurate, the City Engineer looks at the legal description and the mathematics of the engineer who submitted the final plat drawing. In an instance like this one, the City Engineer could be asked to review the data submitted. Mr. Allred agreed with the request to have the corners marked by the surveyor.

(21:11:38) Commissioner Garver stressed that it is important to provide clarity since this decision hinges on a few hundred square feet. He also noted that the Surveyor, Bryan Curtis, is well renowned in the industry and has the best equipment and people. He did not doubt the accuracy of the survey, but was concerned with the communication and what the lines actually represent. He agreed also with the benefit of the lines being physically seen.

(21:12:50) Commissioner Holbrook agreed with Commissioner Garver and stated that in this circumstance, clarity is important. He asked for additional time to research the definitions and dedication with regard to the turnaround for emergency vehicles. He asked the applicant if there have been any discussions with property owners to acquire the property from Mr. Gunderson. Mr. Budge replied that there had not been. Commissioner Holbrook said that the question pertained to a previous discussion regarding ingress and egress. Mr. Budge was only looking for access onto the property and was not looking for any type of arrangement with Mr. Gunderson.

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(21:15:44) Carol Ann Daves from Realty Brokers responded to Commissioner Lowry’s question and inquired as to the salability of the subdivision. Ms. Daves did not consider Lots 2 and 3 having to access their property through the first lot to be a disadvantage.

Commissioner Holbrook next suggested the matter be continued. He asked for clarification with regard to interpretation, precedent, and confirmation of the numbers. With the question of how much time would be needed in order to proceed, Mr. Allred stated that it would be based on the availability of the surveyor and City Engineer. He also suggested this be done earlier rather than later. It was his opinion that the Commission could approve the conceptual plan subject to the information coming back, because there is no vesting at the conceptual stage. He noted that vesting usually occurs at the time of preliminary approval. He suggested that if approved the Commission be very specific with respect to what is required of the applicant.

(21:20:10) Mr. Hall responded to a question raised by Commissioner Khodadad about the appeal process and stated that unless there is a final judgment, there are no appeal rights. He encouraged the Commission to come to a decision of approval, denial, or continuation.

(21:20:48) Commissioner Bowthorpe moved to continue consideration of the application until the next scheduled meeting. In the ensuing two weeks he requested that the surveyor mark out the points that would lay out the two dedicated areas and give the Commission an opportunity to visit the site and see where they will sit. The Commission can reconsider the request once those items are considered. The Commission Members should also have the opportunity to research other questions they might have individually. He asked that Byron Curtis, the surveyor, either stake or mark the two dedicated sites in order to delineate the two dedication zones from the property line to the edge of the pavement as well as the total lot size. An updated conceptual site plan should also be prepared. The motion was seconded by Commissioner Lowry. Vote on motion: Troy Holbrook-Aye, Spence Bowthorpe-Aye, Paula Lowry-Aye, John Garver-Aye, Lori Khodadad-Aye. The motion passed unanimously.

(21:26:56) In response to Commissioner Holbrook’s question, Mr. Allred stated that generally, the existence of curb and gutter being located on either side of the subdivision is required. However, there have been instances where a redeveloped property has not been required to add curb and gutter at the request of the property owner. In that case, the City may grant a request for an extension or payment up front ensuring those improvements can be added later.

The Commission took a short recess.

ACTION ITEMS

6. Approve Minutes of the June 19 and 26, July 10, 2012 Meetings.

(19:24:00) The Commission discussed whether it is necessary for a Member to be physically present at a meeting to participate in the motion to approve. Mr. Hall stated that it is not necessary. If the majority of the Commission has reviewed the minutes and those in attendance are comfortable with them, abstaining from the vote is not necessary.

The minutes were reviewed and modified.
Commissioner Lowry moved to approve the minutes of the Planning Commission Meeting held on June 19, 2012, as modified. Commissioner Holbrook seconded the motion. The motion passed with the unanimous consent of the Commission.

(19:27:17) In response to Commissioner Khodadad’s comment on the online copy not being the most up to date, Mr. Allred stated that when the City enacts a new ordinance, the codifiers go through the rest of the Code and check for compatibility. They then return comments indicating where the new Code conflicts with another portion of the ordinance and ask for clarification. Although the ordinance has been enacted, they don’t put it online until it has been finalized. The online version is the most current.

The June 26, 2012 minutes were reviewed and discussed.

(21:39:12) Commissioner Holbrook moved to approve the June 26, 2012, minutes, subject to the changes that will be submitted. Commissioner Garver seconded the motion. The motion passed with the unanimous consent of the Commission.

The minutes of July 10, 2012, were reviewed and modified.

(21:47:46) Commissioner Holbrook moved that approval of the July 10, 2012, minutes be continued until the next meeting along with any changes submitted prior to or at the next meeting. Commissioner Bowthorpe seconded the motion. The motion passed with the unanimous consent of the Commission.

OTHER BUSINESS


(21:49:06) With regard to the signage at Kokopelli’s, Commissioner Lowry asked if it was in compliance. Mr. Teerlink stated that the sign can be 10% of the wall area.

Commissioner Khodadad asked about the Roots Nursery parking lot. After a recent visit, she had a difficult time pulling out. She stated that the vines are overgrown and there are no stop signs in place. Mr. Teerlink stated that he and Building Official, George Williams, recently visited the site. Due to financial issues, the owner is deciding which sign to keep and waiting for funding in order to post the stop sign. Mr. Teerlink stated that the City is responsible for the second stop sign, and it should be posted in the near future.

Mr. Whiting discussed the property located on 5600 South and Highland Drive. He stated there was a bank sale and the Cannons no longer own it. Staff has received multiple calls requesting information on what can and cannot be done on the site.

(21:52:14) Mr. Whiting reported that the Deerwood Farms project is moving forward. City Engineer, Clarence Kemp, and Mr. Allred reviewed the stream setback and the possibility of a road width exemption for the entire subdivision. Mr. Allred added that he reviewed the stream exception issue and walked the property. He expressed Mr. Kemp’s concern with the markings on the existing trees and along the property, which would result in the loss of vegetation. He visited the property again prior to tonight’s meeting with Jim Raines, the developer’s engineer. Mr. Raines clarified to Mr. Allred that the markings were made earlier in the design process and
have since been updated. The new road will be very close to the existing road, which resulted in far less vegetation being removed. Mr. Kemp was comfortable with the new design and supported the proposed changes.

Mr. Allred discussed part two and stated that Mr. Raines joined staff as they examined and discussed the entrance of the subdivision where the road narrows. Mr. Raines paced off the entrance and stated that there were several feet of the existing asphalt road that could be used for expansion and not disturb the existing maple trees. Mr. Raines expressed an interest in starting the process of allowing the City Council to hear the exception. At the completion of their meeting, Mr. Allred notified Public Safety officials, as required by the Commission, through email. Via email, Mr. Raines stated that after speaking to Mr. Gunnell, he does not wish to move forward with the exception. Mr. Gunnell would first like to speak to the neighbors. The issue was, therefore, on hold.

Mr. Allred confirmed that 25-foot roads are planned at the entrance to the project from 6200 South. He reiterated that Mr. Gunnell is not asking for an exception, although the neighbor and the Planning Commission have agreed to it. Although Mr. Gunnell owns the road, he will consult with Mr. Hall regarding the Hardys being able to go to the Council. He believed, however, that it may not be possible. Mr. Whiting added that Mr. Gunnell does not want to proceed with the exception, as he does not want to delay the approval process.

The Commission discussed the neighbors’ concerns regarding the proposed Orchard Hollow Subdivision. Mr. Allred stated that it is their feeling that the home on Lot 1 would be intrusive due to the slope of the lot. They felt the home could be moved back off the road if Lot 1 was larger.

(22:03:31) Mr. Allred agreed to review the minutes and submit any changes to Mr. Whiting.

8. Report from Staff on Upcoming Applications.

(22:04:10) Mr. Allred updated the Commission on the Fire Station and the Village. He noted that the City Manager stressed the need for the preliminary plan for the Fire Station. It was Mr. Allred’s feeling that two weeks were needed to adequately review the plan. He suggested that the Village preliminary plat be scheduled for August 28. Staff further discussed the various concrete options as well as the tower design pertaining to the Village project.

Staff detailed upcoming items to be included on the August 21 agenda. Mr. Allred discussed the Cottonwood Country Club and their need for more parking. He requested they return with a parking demand analysis. Staff also discussed their remodel to accommodate fire and emergency access.

Mr. Whiting stated that the Orchard Hollow subdivision matter will be on the August 21 agenda for conceptual approval. There may also be an elderly care center proposed to be located on Highland Drive, three doors south of Café Madrid.

Mr. Allred stated that his biggest concern pertains to two moratoriums. He also stated that the ORD signage is another issue that needs to be addressed in the near future. He complimented
Messrs. Teerlink and Whiting on their diligence and expressed appreciation to them for their efforts.

(22:17:28) Commissioner Garver moved to adjourn. Commissioner Lowry seconded the motion. The motion passed with the unanimous consent of the Commission.


ADJOURN

The Planning Commission Meeting adjourned at 10:17 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, August 7, 2012.

Teri Forbes
T Forbes Group
Minutes Secretary

Minutes approved:
DRAFT

MINUTES OF THE CITY OF HOLLADAY
PLANNING COMMISSION MEETING

Tuesday, August 21, 2012
6:00 p.m.
Holladay Municipal Center
4580 South 2300 East

ATTENDANCE

Planning Commission Members:
Les Chatelain, Chair (arrived at 8:13 p.m.)
Lori Khodadad, Vice Chair
Troy Holbrook
Paula Lowry
Matt Snow

City Staff:
Paul Allred, Community Development Director
Rick Whiting, City Planner
Jonathan Teerlink, City Planner
Craig Hall, City Attorney
Clarence Kemp, City Engineer

PRE-MEETING/WORK SESSION

In the absence of Chair Chatelain, Vice Chair Lori Khodadad, called the work session to order at 6:34 p.m.

The agenda items were reviewed and discussed.

With respect to the Orchard Hollow Subdivision, Paula Lowry wished to share information she discussed with Chair Chatelain. City Attorney, Craig Hall, stated that in the State of Utah, a vote by proxy or input by proxy cannot be made part of the record upon which a decision can be made. He asked that those comments not be shared but invited her to share her own comments.

Mr. Hall stated that if he were in the process of condemning Holladay Boulevard to install curb, gutter, and sidewalk to widen it or to use it to its full potential, he would most likely pay from the “edge of oil”. He noted that the drainage way is not a public improvement. It is typical when there are drainage issues and no curb and gutter for a property owner to take action to keep water off of his property.

In response to a comment made, Mr. Hall stated that his opinion is that the swale is not part of the road. He did not consider it a judicial determination. The Commission, however, has the obligation to make a factual determination. They should go with what they consider to be the most factually accurate description possible. Any motion should include appropriate findings and requirements.

(18:37:15) Commissioner Khodadad was concerned that the situation is getting out of control and a stalemate will result if the matter doesn’t move on to the next step. Mr. Hall reported that he spoke to Mr. Rosander earlier in the day and reminded him that the public portion of the meeting...
had been closed previously. Mr. Rosander informed Mr. Hall that he has new information to present. Mr. Rosander was invited to submit a letter with the Planning Commission making the determination as to whether to hear it. He noted that if additional input is accepted and allowed for one party, the same must be done for others. As the City Attorney, Mr. Hall was concerned about process. He indicated that Mr. Rosander represents most of the citizens who spoke at the last meeting.

Community Development Director, Paul Allred, was of the understanding that the argument was that the Planning Commission should conduct a more in depth study. They have interpreted the subdivision ordinance to include conducting studies now that would normally be performed later in the process. Mr. Allred informed Mr. Rosander that details are provided at the preliminary plat stage. In this case, it is recognized that the slope exceeds 30% but the property is buildable. He believed the Commission should use an exception section in the ordinance to do further study.

Commissioner Khodadad remarked that if conceptual approval is granted, the developer will be more committed and move forward. It was noted that moving forward is done at the risk of the developer. City Planner, Rick Whiting, remarked that the developer is fully aware of the risks and won’t commit money if they are not confident that there will be a project. Mr. Allred stated that the developer is not vested at the time of conceptual approval.

Mr. Hall explained that the full public hearing was conducted at the last meeting and allowing additional public comment tonight was at the discretion of the Commission.

Stream exception issues were discussed. A comment was made about potentially changing the setback so stream exceptions need not be reviewed by the Commission each time. The intent was to simplify the process.

(18:48:33) With respect to the Fire Station, Mr. Allred stated that a few modifications were made to the landscaping. He was most concerned about the lighting plan. There was also the concern that the facility lighting will be too bright at night. He suggested a plan be put in place to enable the lighting to be dimmed and include a thorough comprehensive lighting plan. Mr. Allred noted that the Commission does not have the right to comment on architecture.

With respect to fencing, Mr. Allred suggested it be addressed at the final approval stage. He indicated that he spoke to the City Manager who felt strongly that chain link fencing should not be installed on the site. The Architect most likely will suggest modified wrought iron fencing. It that looks like wrought iron, but in actuality, has an aluminum finish. The City Manager, however, would like to reserve the option, because of budgetary and other concerns, to develop the site and do fencing as they are able. He noted that the property is presently surrounded by fencing on three sides. He acknowledged, however, that most of the existing fencing is not attractive. Commissioner Khodadad wondered why a beautiful new building would be constructed and the old fencing left. Mr. Allred responded that the process is complicated and for the moment the fencing issue will be postponed and discussed sometime between now and final approval. Mr. Allred felt that the wrought iron fencing option would be appropriate. It was recommended that the fencing be more solid than wrought iron.
Mr. Allred offered a counterpoint on why a solid fence may not be best. He explained that there will be a great deal of attractive landscaping and he thought it would be a shame to hide it behind a solid wall, which is very expensive. In addition, a solid wall will not provide additional safety. If the concern is safety, he thought a six-foot fence would suffice. If the concern is aesthetics, he suggested using a combination of semi-open fencing with landscaping. In response to a comment made, Mr. Allred stated that previously a landscaping pad was shown in front of the new Public Works Building. Upon closer inspection, staff realized that the doors that need to be built to allow equipment to enter and exit the east side of the building are so wide that they will push into the landscaped area in front. With the proposed modification, the building will still be in compliance. The intent was to add a few more parking stalls in front of the building in the place of landscaping. The architect was asked to widen some of the parking stalls to accommodate larger vehicles. In addition, elevations are needed for the Public Works Building since currently it is only a sketch plan. The building will be 20 feet tall and tie in with the rest of the site.

(18:53:33) Mr. Hall explained that ultimately the City will own and control the facility. The issues are multi-fold with the major concern being budget. He noted that the desire was not to trade permanent architecture for temporary fencing.

With respect to the Deerwood Farms stream exception, City Engineer, Clarence Kemp, stated that it is a net positive with the biggest concern being a thicket of trees in the area. The developer realigned the road multiple times specifically to preserve the trees. For that reason, the road alignment is unusual. It also allows close access to the creek. Additionally, there was talk about the developer elevating the road to protect the interior properties.

Mr. Allred stated that several issues still need to be resolved prior to final approval. He did not think it was inappropriate to grant approval tonight subject to the TRC addressing the housekeeping items as they have done with many other subdivision plats. The issues remaining include the addition of notes and corrections. For example, the Unified Fire Authority (UFA) issued a Code Modification Letter to extend the road width being narrowed throughout the rest of the subdivision. He remarked that the issue was discussed at the preliminary plat stage. Staff met with UFA who had no reservations about the additional built-in safety requirements. A turnaround was approved by UFA for each lot as well as fire sprinkling systems that will be inspected annually. In addition, trees must be cut to 13’6” in height. An additional letter was obtained from Salt Lake City showing that adequate water pressure is available. Approval was contingent upon the road width being shown on the plat. Mr. Allred stated that the property is very old and has had numerous uses on it over the past 100 years. The title report showed 37 easements or clouds on the title. The developers are showing all of the encumbrances on the plat and are proposing that the plat be recorded. He considered that to be a creative way of addressing the issue.

(19:02:26) A Commissioner disagreed with how it was being done and thought the City’s obligation was to a purchaser who should be allowed to build on a lot without encumbrances. He suggested any motion for approval be subject to a contemporary recording of the Release of Easement when the plat is recorded. Mr. Kemp pointed out that there are 37 exceptions in total. He personally was not willing to sign off on it.
(19:06:36) Commissioner Holbrook moved to close the work meeting and move to the Council Chambers for the Regular Meeting. Commissioner [Blank] seconded the motion. The motion passed with the unanimous consent of the Commission. Chair Chatelain was not present for the vote.

CONVENE REGULAR MEETING

Vice Chair Lori Khodadad called the Regular Meeting to order at 7:09 pm.

ACTION ITEMS

1. Orchard Hollow Subdivision – 4245 East Holladay Blvd. – Conceptual Site Plan (continued) – R-1-15 Zone – Planner: Rick Whiting.

(19:11:12) City Planner, Rick Whiting, presented the staff report and stated that the request is for a three-lot subdivision in the R-1-15 Zone. The application was reviewed at the previous meeting held on August 7. A public hearing was held at that time. The Commission, after reviewing the application, determined that they would like to see a review of the survey with markings on the ground. The surveyor then visited the site, made appropriate markings, and the Commission conducted a field trip of the site.

Commissioner Khodadad stated that additional information was submitted and asked that the applicant be given five minutes to present it.

Brian Rosander, from the law firm of Parsons Behle & Latimer, was present on behalf of the opposing citizens. It was his understanding that there was to be a potential approval and closure of the matter at tonight’s meeting. He presented a letter as well as additional photographs. With regard to Lot 1 in particular, it was believed that the area in question was to be closer to a 3’ x 153’ area and determined to be an area previously used for public purposes. It was the position of Mr. Rosander’s clients that it has been utilized in a variety of ways including biking, walking, roadway access, and emergency access. The area defined on site was the edge of oil, or the EO indication. It was not determined by the City but by the surveyor himself. If any of the area to the east is used as a public use and taken away, the applicant will not satisfy the 15,000 square foot threshold for Lot 3. The Planning Commission will determine if it is outside and applicable for the credit. He stated that the matter had yet to be addressed in the staff report or in any previous information distributed. He remarked that the area of concern should be closely scrutinized.

Mr. Rosander next addressed the extent to which it is determined applicable for credit. He stated that if the 15,000 square-foot lot requirement for Lot 1 is met, the Commission should be sensitive with respect to the discretionary rights they have in determining the special circumstances associated with the lot. Mr. Rosander’s clients were not contesting that there is sufficient area for two lots, but based on the radius of Lot 1, the surrounding areas require special design consideration.

(19:18:37) Wade Budge, was present representing the developer, Highland Hawk Investments. He stated that the developer supplied a survey that was stamped by a licensed surveyor. The surveyor revisited the site and marked the detail. The current edge of pavement was the same as was done when the previous survey was completed in 2007. The use of the property has since remained consistent. He discussed the possibility of subtracting those areas devoted for highway use. He stated that the area identified by Mr. Rosander has not been used for highway purposes. The area
has no uniformity and varies greatly. The proposition of the width, which Mr. Rosander’s letter states is three widths, is not supported by any survey or measurement. The edge of pavement, which was confirmed not only by the survey, and confirmed as correct by the City Engineer, has not been used for highway purposes. The area in question was marked as the maximum that has been abandoned to public ownership through consistent use.

Mr. Budge believed the proposal in the staff report was the proper way to proceed. After approval of the concept plan the applicant will proceed with preliminary and final plat approval. At that time the developer will be prepared to make a dedication not only to the center line of the road, but beyond. Then there will be no further question as to where the boundary lies between the public and private interest. With regard to the opponent’s statement regarding discretionary rights, it was clearly laid out in the ordinance and will come into play later in the process, however, there had been no suggestion that any area as shown on the concept plan for Lot 1 is non-buildable and is well within the slope restrictions set forth in the ordinances.

(19:22:50) City Attorney, Craig Hall, stated that the matter had been a difficult one for him to issue a legal opinion on with respect to the meaning of that particular section of the Code. His opinion remained the same as expressed at the previous meeting. In fact, he had become more comfortable stating that the property not utilized for street, public street, or highway purposes is to be counted as part of the proposed subdivision. Mr. Hall discussed the swale, which is considered to be rudimentary drainage, and stated that it is not part of the public street or highway. It has not been dedicated for a public street or public highway use. State statute specifies that if property has been utilized as public street for more than 10 years, it becomes a street. Therefore, the property owner loses exclusive rights to the property. Mr. Hall also stated in response to a question, that after curb and gutter is installed, the developer will be required to dedicate the one-half width. At that time, the property line is determined to be one foot behind the curb and gutter. Mr. Hall stated that after conceptual, preliminary, and final plat approval, he would request that a note be added to the plat that the lot is not non-conforming. The developer must still meet the requirements, but for acreage, the lot will be deficient of the 15,000 square feet not for ordinance purposes, but due to the second dedication being given credit.

Commissioner Holbrook asked about the sidewalks to the north and south. Mr. Hall clarified that curb, gutter, sidewalk, and park strip are not part of a highway. They are outside items of the public street and improvements that are not necessary. Mr. Holbrook referred to the area between the edge of oil and the asphalt, described as the east dedication line, and asked if the highway component is specific to vehicles or pedestrians. Mr. Hall responded that it refers to motor vehicles.

(19:30:23) Commissioner Lowry asked her fellow Commission Members why they are trying so hard to make the lot fit on an irregular site. She thought the developer could create a beautiful subdivision with two large lots rather than try to squeeze three lots into the space. She questioned the efforts being made to please the developer rather than the neighboring citizens.

Commissioner Snow replied that it is the Commission’s duty to determine where the line exists and whether it conforms or not.
Commissioner Khodadad stated that it is the role of the Planning Commission to ensure that the request adheres to the ordinance. The Commission is not the legislative body and their decisions are not based on emotion.

Commissioner Lowry stated that although she has been appointed to represent District 2 and is there for the interest and desires of those residing in that district, that should have no bearing on her decision. Commissioner Holbrook stated that property owners have rights and are allowed to do what they want with their property as long as it complies with City ordinances. The Commission is establishing a precedent in a situation with some uncertainty. There is an element of ambiguity, which makes it difficult to define where the line exists. Commissioner Holbrook stated that specific questions should be addressed. If there is a question as to what constitutes the line, that should be determined. It is not, however, the Commission’s decision. Mr. Holbrook stated that approval should be based on meeting the criteria.

Commissioner Holbrook addressed Commissioner Lowry’s concerns and stated that there are property owners present who have been in the area for some time and are trying to defend the zoning initially proposed in order to protect their neighborhood. The property owner also has rights and the element of ambiguity makes moving forward questionable. Additionally, the marking of the property line created additional questions.

(19:36:12) Commissioner Khodadad agreed that although emotions are involved, there is not one thing that everyone agrees on and the Commission’s role is to make decision based on facts. She added that if conceptual approval were granted, there would be more detail involved during the next step. At this point, a lot of good information has been shared and a decision needs to be made one way or the other.

A Commission Member asked about the issue of the applicant taking steps to purchase a sliver of land from the neighboring property to resolve the frontage issue. Commissioner Holbrook replied that according to the developer, there are no negotiations or conversations taking place with adjoining property owners.

Commissioner Lowry expressed that at this point, she has heard nothing to consider that is absolutely definitive. There are too many ways to look at the issue, and there is nothing to indicate that the property has or has not been used as public property. Additionally, there is nothing substantial to determine the lot size.

Commissioner Holbrook stated that he values the City Attorney’s input and direction. Looking at property lines, one shows that it is exceeded by 250 feet where another shows that it is short by over 50 feet. Property owners have rights and if it conforms, the project should move forward. If it does not, the property owner should do what is necessary and come into compliance. Commissioner Holbrook agreed with Commissioner Lowry and was not comfortable moving the issue forward. He did not want to set a precedence as this is the first of the road dedications. He requested clarity be given knowing that the required square footage exists on the parcel.

As the property in question is considered, Commissioner Snow stated there are layers of asphalt that make it difficult to determine where the line is. He believed it would do the applicant a
disservice to approve the conceptual and reject future plans. It was his opinion that the applicant needs to acquire the 50 feet.

Commissioner Khodadad asked about the certainty of the missing 50 feet. Commissioner Holbrook stated that he was using the numbers provided by the City Engineer. Commissioner Khodadad added that the City hires an attorney to give a legal opinion, and he has stated that he believes the developer is in compliance.

(19:44:57) Mr. Hall addressed the Commission and reported that the body has two distinct roles. First, they have a legislative role when making recommendations pertaining to zone changes. Second, it is the Commission’s duty to decide if the proposed subdivision meets the standard. He confirmed that by state statute, the edge is defined by where cars drive. Mr. Hall also stated that if it is believed to extend to the east, based on the numbers given, the conceptual plan is short of the required 15,000 square feet.

Commissioner Snow asked the City Engineer to differentiate between areas surveyed for that edge and the edge of oil. From the points surveyed, he asked for an opinion as to whether it is conforming. Mr. Kemp replied that based particularly on what Mr. Hall detailed, he agreed that the pavement or highway is defined by the traveled surface. Clearly what is viewed as the maintenance responsibility would be the traveled surface or the edge of oil, which the surveyor identified. Due to the fact that additional asphalt exists, it was clearly placed into the curb for drainage. There are 250 feet of latitude in the square footages which doesn’t change the decision to be made which is whether the drainage is to be included as part of the highway. If determined to be part of the highway, the applicants come up short. If it is determined that it is not part of the highway, they will have the required square footage. Mr. Kemp referred to the City Attorney’s statement that the public use refers to the traveled road source, which he believes is what was surveyed.

Commissioner Lowry questioned whether children accessing the property on their way to school will be trespassing. Mr. Kemp stated that the property will be dedicated back to the City, as required, and become public property.

(19:51:28) Commissioner Snow moved to approve the Orchard Hollow Conceptual Subdivision at 4245 East Holladay Boulevard subject to the following:

Findings:

A. The proposed project meets the requirements for a residential subdivision in an R-1-15 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 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 Preliminary Plat review and approval process.
E. Minimum lot area requirements are met with the addition of allowed area from the public right-of-way which will be dedicated to the City.

F. The proposed project has been reviewed by the TRC and meets City requirements for Conceptual Site Plan, including provisions from item E above.

G. Utility providers can serve the property and have (or are expected to) provide appropriate service availability letters.

H. Topographical and geotechnical constraints can reasonably be mitigated and/or accommodated through subdivision design and building permit requirements.

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 street dedication will be required on Holladay Boulevard.

3. A hillside protection and storm drainage plan will be required with Preliminary Plat submission.

Commissioner Khodadad seconded the motion with the additional findings presented by the experts, City Attorney Craig Hall and City Engineer Clarence Kemp. Commissioner Snow accepted the amendment. Vote on motion: Troy Holbrook-Nay, Matt Snow-Aye, Paula Lowry-Nay, Lori Khodadad-Aye. The motion failed 2-to-2. Chair Chatelain was not present for the vote.

The Commission took a short recess.


(20:02:15) City Planner, Jonathan Teerlink, presented the staff report and stated that the applicants are Jim and Angie Wagstaff who own property at 4670 South Wander Lane. The applicants are seeking an exception to the current ordinance which limits construction within 100 feet of a perennial stream, or in this case, Spring Creek. The previously existing home located on the property was within 50 feet of the water mark and has since been demolished. The applicants were requesting approval to rebuild the home within 50 feet of the stream, with an exception for an uncovered deck, which has a support column that will measure 46 feet to the high water mark.

The Planning Commission has purview to grant such an exception to an applicant proposing construction within 100 feet of a perennial water way. Discussions between the applicant and Technical Review Committee (TRC) resulted in a cooperative review of the proposed site plan with site visits to study existing proposed conditions. Staff recommended approval of the request based on written exception approvals by City Engineer, Clarence Kemp. His findings were that between the previous homes already being 50 feet to the stream, they will not encroach any further. All other landscaping had been submitted and approved.
In response to a question raised by Commissioner Lowry, Mr. Teerlink stated that the home will be 15 feet above the water line and, therefore, eliminate any flood issues. All significant trees within 50 feet of the house will be retained.

(20:07:21) Mr. Wagstaff gave his address as 4670 Wander Lane and reported that the previously existing home has been demolished and they plan to rebuild a new home. All trees will remain with exception of two that will be moved. The bank and stream will not be disturbed.

(20:09:43) Commissioner Holbrook moved to approve the stream setback exception at 4670 South Wander Lane subject to 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 wetlands.
3. The proposal does not require review of other agencies.
4. The proposed buildings are out of the FEMA designated 500-year flood plain areas

Requirements:

1. Single-family home construction and accessory or ancillary building for Lots 1 through 4 are limited in located to be no closer than 50 feet from Spring Creek as per the approved site plan.
2. Attached deck support columns must be located no closer than 46 feet from Spring Creek.
3. The applicant must obtain and comply with applicable FEMA floodplain information.
4. No structures, pools, spas, etc. are allowed within the new 50-foot setback distance.
5. 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.
6. 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 at
the top of the north bank prior to construction and maintained throughout the
duration of the project.

7. Conditions listed in the City Engineer’s consent letter must be followed.

8. All construction-related improvements must follow current applicable Holladay
codes.

Commissioner Lowry seconded the motion. Vote on motion: Troy Holbrook-Aye, Matt Snow-
Aye, Paula Lowry-Aye, Lori Khodadad-Aye. The motion passed unanimously. Chair Chatelain
was not present for the vote.

(20:13:47) Chair Les Chatelain joined the meeting.

3. Holladay City Fire Station – 2210 East Murray-Holladay Road – Preliminary Site
Plan – P Zone – Planner: Paul Allred.

(20:14:00) Community Development Director, Paul Allred, presented the staff report and stated
that the recommended approval of the preliminary site plan for the Holladay City Fire Station. He
discussed the details of the preliminary plan and stated that there is nothing in the plan that does
not comply. His biggest concerns pertained to landscaping, fencing, and lighting. There was a
slope issue on the west side of the building that had been addressed. Behind the fire station, there
will be a storage building with space to work on vehicles. That building also complies with all
setback requirements. Mr. Kemp added that there is no detention on the site, however, there is a
storm drain on the south end that drains into the main storm drain on Murray Holladay Road.

With regard to fencing, the plan called for chain link, which staff felt was inappropriate. Mr. Allred stated that that issue would continue to be discussed until final approval is granted. His
recommendation was for landscaping with a semi-open fence such as modified wrought iron
material. The site was determined to meet the basic requirements for preliminary site plan
approval. Details of the building behind the fire station were discussed. It was noted that the
building is currently owned by the City.

(20:23:43) Mr. Allred stated that his biggest concern pertains to with lighting. There are 12 light
posts proposed; two at a height of 12 feet and one at 20 feet. There is not much detail as to how
they will be controlled or the spectrum of the lighting. He prefers yellow light, as lighting is
critical to aesthetics in the evening and has a significant impact on the neighborhood.

Fencing details and alternatives were discussed. It was noted that it may be possible to work with
the neighboring property owners to replace the existing fencing.

With regard to the storage facility, Commissioner Holbrook inquired about the landscaping. If
removed and converted into parking stalls, there could potentially be an opportunity to push the
building back further. It was noted that the station is designed for the expansion. The radii
turning in and around are such that large ladder trucks can easily maneuver on the site.
Commissioner Holbrook added that the setbacks are at the minimums, but theoretically could be
rotated to match the rear property line.
Chris Jensen from Think Architecture stated that if the building is rotated, the entrance to the garage doors would be at an angle. The intent was to be able to store the back hoe, lawnmowers, and maintenance equipment and protect them from the elements. The radii are planned for trucks currently owned and used by the City as well as those that will be acquired in the future.

(20:32:00) Commissioner Chatelain asked about the choice of concrete. Mr. Allred replied that the price difference between the two is minimal and when the site plan showed asphalt for public parking and concrete for the rest, it was determined that there should be uniformity with one or the other. Concrete was chosen because it is more durable.

(20:33:22) Mr. Jensen detailed the pole lights that will surround the building and stated that what is proposed is full cut off lighting. As the light shines down, it shines into the project, but does not emanate 360 degrees.

The possible reduction of the height of a few pole lights was discussed. The height of those nearest the building will be reduced to 12 feet. The lights will come on automatically through a photo cell, and one of the control features will allow them to dim to 50% usage so the light levels will dim, or even turn off completely, around the perimeter. At night, those that are turned off will come on as a part of the alarm system. The alarm also disables gas to the stove, allowing the department to respond to an emergency and keep the building safe.

With regard to fencing, Mr. Jensen indicated that he was researching other options and materials. He agreed with Mr. Allred’s suggestion for an open fence.

In response to a question regarding soft white lights, Mr. Jensen was not opposed to high pressure sodium yellow lighting, but noted that it is more costly. He added that LED lights come in a variety of colors, use less power, and enable more control with respect to dim ability. Yellow lights become very dull and dim over time and his preference was to keep something warm, but without the yellow color. Mr. Jensen described the physical details of the lighting and added that they are very historic and blend in very well.

Mr. Jensen next discussed the concrete and parking and agreed that it will work well. The plan originally proposed two 12-foot wide doors, which the City has since changed to a 16’ by 14’ door and a 14’ by 14’ foot door. There was discussion about the need for two extra wide parking stalls for dual axle trucks. A sidewalk will also be constructed at the front of the building.

(20:44:00) Commissioner Holbrook asked Mr. Jensen about the traffic signal relocation. He replied that the traffic signal will have to be relocated as the pole is where the driveway would be. Due to the nature of the intersection, a second pole further east will have to be placed in order to clear the area in an emergency. The City will take care of that directly.

(20:45:05) In response to a question raised by Commissioner Lowry, Mr. Jensen clarified that there will be lighting on the inside of the tower, around the perimeter, and between each of the windows. Lighting will be dimmed each night.

Commissioner Khodadad asked for clarification with respect to building colors and textures. Mr. Jensen stated that the building will have the historic nature of brick, detailed construction, and
banding. Natural sandstone will be placed around the base of the tower and entry. The entry will appear to have wood columns, but will be made of fiber cement for longevity and give the appeal and look of historical natural wood. Asphalt shingles with metal caps and dormers will be placed on the roof. The fire doors will be custom open glass. The final color had yet to be determined but would possibly be a deep red. Mr. Allred noted that overall the building will be significantly lower than the junior high across the street. Only the tower portion will extend over the roof over the junior high.

(20:50:30) Commissioner Holbrook moved that the Holladay City Fire Station at 2210 East Murray Holladay Road meets the basic requirements for preliminary site plan approval as outlined on the City’s checklist and complies with the standards and rules for development in the P-Zone. Items set forth in the staff report and addressed during this discussion have been resolved to the satisfaction of the Commission and the TRC. They shall be presented as resolved in the final site plan and approval shall be granted subject to the following:

Findings:

1. Pavement. The site plan shows a mixture of asphalt and concrete. Staff recommends use of one material only throughout the site – concrete.

2. Fencing. Chain link is proposed. Staff strongly suggests this is not an appropriate type of material for this facility and location – at least at the moment. Staff further suggests that either a better material be used or that fencing the site at this time is not critical due existing fencing with abutting properties and the heavy landscaping proposed.

3. Landscaping. Staff suggests that the landscaped pad in front of the Public Works shop be eliminated and replaced instead with additional parking stalls including at least two 11 foot stalls to accommodate larger service vehicles. This is due, in part to more space being needed for the large overhead doors the building requires. This reduction of landscaping will necessitate a revision in the statistical table for the site plan.

4. Building elevations including materials, height, etc, should be prepared for the PC to evaluate as part of the overall site plan.

5. The observation space in the tower was previously open to the elements. Windows in the upper tower portion are now included. Staff supports this new design.

6. Some civil engineering details remain for the consultants to resolve with the City Engineer such as traffic signal relocation, utility matters, etc.

7. Staff desires to know why the Fire Station is not proposed to be internally sprinkled. As a public safety facility it would seem logical for it be protected by such a system.
8. **Site Lighting.** Staff has several concerns with the lighting plan in terms of the details of the plan such as color spectrum, intensity of lamps, and location of light poles, how the lights will work i.e. on timers, photocells, motion sensor, etc. With so many nearby dwellings on three sides of the site, the lighting must make sense and be sensitive to the neighbors first and foremost while providing the security and aesthetics vital to project.

9. Architectural details such as colors, textures, etc, are not specifically the purview of the Commission for projects in this zone. However, it would be useful to understand to the extent possible what those materials will be.

**Recommendations:**

1. The site plan meets the basic requirements for preliminary site plan approval as outlined on the City’s checklist as well as complies with the standards and rules for development in the “P” (Public) Zone.

2. Items discussed within the staff report and during this discussion have been resolved this evening to the satisfaction of the Commission and Technical Review Committee, or shall be presented as being resolved at final site plan stage.


4. **Deerwood Farms Exception- 2545 East 6200 South-Stream Set-back Exception-R-1-87 Zone-Planner: Jonathan Teerlink**

(20:53:27) Jonathan Teerlink presented the staff report and stated that the proposal is for a stream exception for the Deerwood Farms Subdivision. Ten lots are proposed by developer Ron Gunnell, four of which are within 100 feet of Big Cottonwood Creek. Lots 1 to 4 requested the 100-foot stream exception rule be reduced to 50 feet. In this case, only private improvements are proposed within the 50-foot exception area, which would be a private lane. The private road would also serve as an effective buffer between the creek and the proposed homes. The applicant proposes to design the private lane so as to retain as many large diameter trees as possible. The developer is proposing to raise the grade of the road once it is fully developed to be above the flood plain, which creates an effective flood barrier for Lots 1 through 10. The TRC discussed the request with the applicant and asked the Planning Commission to review the findings and recommendations submitted by City Engineer, Clarence Kemp.

Staff recommended approval of the request based on Mr. Kemp’s positive recommendation from Mr. Kemp. It grants an exception to the 100-foot setback regulations and permits the development of Lots 1 through 4 of the Deerwood Farms Subdivision with single-family homes to be no closer to Big Cottonwood Creek than 50-feet to the high water mark. The recommendation also includes an exception to construct the private lane as approved in terms of alignment and width.

Mr. Teerlink next detailed the findings and requirements set forth in the staff report.
Jim Raines, the applicant’s Engineer, stated that a great deal of time was spent surveying and locating the major trees along the creek. He considered what is proposed to be a good compromise in that it protects the creek and maintains many of the trees.

Chair Chatelain moved that the Commission grant the exception to the 100-foot stream setback subject to 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 wetlands.
3. The proposal does not require review of other agencies.
4. The proposed buildings are out of the FEMA designated 500 year flood plain areas

**Requirements:**

1. Single-family home construction and accessory or ancillary building for Lots 1 through 4 are limited and located to be no closer than 50 feet from Big Cottonwood Creek as per the approved site plan.
2. The applicant must obtain and comply with applicable FEMA floodplain information. The flood plain information shall be indicated on the final plat.
3. No structures, pools, spas, etc. are allowed within the new 50-foot setback distance.
4. 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 work commencing.
5. 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 at the top of the west bank prior to construction and maintained throughout the duration of project.
6. Conditions listed in the City Engineer’s consent letter must be followed.
7. All construction-related improvements must follow current applicable Holladay codes.


(21:01:24) Mr. Whiting presented staff report and stated that the TRC has worked with the applicant and his engineer to resolve all of the outstanding requirements. UFA approved the request with additional requirements. A new element was submitted that was previously approved by the Planning Commission including items 11 and 12 from the previous staff report. The subdivision roads were to be reduced from 25 feet to 20 feet. It was determined that it is not necessary to go to the City Council to revisit an approval of the original road width exception.

Staff recommended approval of the final plat with the requirements set forth in the staff report. Staff recommended the Commission grant final approval, but delegate final details to staff and the TRC. Mr. Whiting detailed specific requirements outlined by UFA pertaining to function of the road width exception. With regard to property transfers, the original road width exception included a strip of land acquired on the east side of the access road that needs to be finalized and completed. Staff recommended the road width exemption granted by the City Council on January 19 be extended to the entire plat to allow the 20-foot wide road.

(21:08:24) Mr. Allred addressed several other concerns. The first pertained to plat note 26 that referenced the exception given in January to the Code modification by the UFA. Another concern was the release of utility easements. It was noted that the City Attorney and City Engineer will not accept the plat until those are made. The easements need to be released before the plat can be recorded so that the new easements take effect on the utilities.

Mr. Allred next addressed the 100-year flood plain and stated that it should be indicated on the final plat.

Mr. Allred reported that there are 37 easements, exemptions, and exceptions in the title report. The City Attorney indicated that the utilities must be released when the plat is recorded and with so many exceptions, he strongly recommended that as many as possible be removed. Some of the utility easements run through the center of the lots creating difficulty on the building footprints and affecting the sale of the lots. Old easements and agreements that can be resolved should be brought back to the TRC with a written report. It was noted that recording cannot occur until each of the 37 items is addressed in a written report.

Ownership of the narrow portion of land running from 6200 South to where the subdivision opens up has not transferred completely to Deerwood. Mr. Allred suggested that the TRC make sure it is not recorded. Any motion should be subject to the transfer of ownership. The City Council and Planning Commission were both agreeable to the exception of the road, but not if it is not owned.

(21:14:06) Jim Raines stated that the title issues are not ownership issues but rather, vesting issues. Over time, many were in other names, which Mr. Gunnell and his entities acquired. The easements are in various names, which Mr. Gunnell is the vested owner of. He has the right to release them. Once recorded, they will no longer appear on the title report.
With regard to UFA issues, the developer was aware of the sprinkler requirement. Each individual home plan will include space for the Fire Department to access and turnaround.

Mr. Raines addressed the gate issue and stated that the gate was originally proposed to be located at 6200 South. They have since moved the gate back into the cul-de-sac at the end of the lane. The entrance will consist of two gates with a large diameter turnaround. Mr. Allred proposed the possibility of recessing the gate another 40 or 50 feet, as it has continued to be an issue. If that were to occur, it was recommended that the gate be closed at night and left open during the day.

(21:20:45) In response to a question raised by Commissioner Holbrook, Mr. Raines stated that the waste company will go behind the gates and pick up garbage containers at individual homes.

Mr. Raines stated that according to Mr. Gunnell, the Hardy’s concerns have been addressed and the developer is preserving as many trees as possible along their lane. Their garbage will also be collected at the end of their driveway along with the other residences in the proposed subdivision. The developer created an open space easement on the parcel that will restrict structures from being built there.

(21:23:39) Mr. Allred brought up the issue of snow removal and believed that even with the additional width, it will be difficult to remove.

Mr. Whiting attested to the fact that the concerns of the Hardys have been met to the extent possible.

Mr. Raines stated that Mr. Gunnell granted easements to the water company several years ago to put a new line into the property that looped all of the existing subdivisions. It created and eliminated many of the fire flow requirements. Their plans were to remove a line and relocate it in the new roadway. The water company has an easement that they prefer not to release until the new water line is in place but the plat cannot be recorded until the water company releases their easement. It was determined that the easement will be abandoned concurrent with recordation of the final plat.

With regard to head gate access, Mr. Raines clarified that they have expanded the easement and included the entire cul-de-sac. On the construction plans, they drew the head gates and canals in, so that lot one shows a significant encumbrance with a large irrigation easement. The developer included everything from the roadway to the creek in the irrigation drainage public utility easement.

Chair Chatelain asked if there was anything the developer could do over the next three weeks if the final plat is delayed. Mr. Raines replied stating that Mr. Gunnell is funding the subdivision and the funding is moving into an entity name. That funding is contingent on plat approval. The major items involving the transfer of ownership names cannot occur because the funding cannot take place without final plat approval.

(21:30:58) Commissioner Khodadad stated that there are still areas along the lane that haven’t changed ownership. Mr. Raines replied that it is in the name of Mr. Gunnell and Moyle Park, LLC. The funds will change hands with the funding of the subdivision. For the time being, the
plat cannot be recorded unless Moyle Park, LLC, signs because they are shown as an owner. They
have, in fact, signed the plat and it could be recorded. It has not been excluded from the boundary
and shows them as an owner.

Mr. Allred clarified that plat note 25 shows no connection between Providence and the Moyle
Park Subdivision. In the discussions pertaining to development of the subdivision between Moyle
Park and Ron Gunnell, there are stub roads between the Moyle Park Subdivision and Deerwood
Lane. Both subdivisions do not desire a connection to Deerwood Farms. The note states that
there shall be no road connection between this subdivision and the two immediately to the south.
Mr. Raines stated that the plat was notated to reflect that.

Mr. Whiting suggested Commission include a provision in any motion to delegate to staff the
responsibility of ensuring that all requirements are in place. Commissioner Khodadad disagreed
with Mr. Whiting’s suggestion due to the possibility of every requirement not being included. She
recommended the Commission’s desire be verbalized.

(21:39:24) Commissioner Holbrook moved to approve the final plat for the Deerwood Farms
Subdivision located at 2545 East 6200 South be approved subject to the following:

Requirements:

1. A final 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 for approval.

2. Flood plain mitigation measures will be required at the time of building permit
application if the footprint of any proposed residence falls within the flood plain.

3. The applicant shall make every effort to preserve trees along the interior roadway
as well as in the interior portions of the subdivision.

4. A shared road right-of-way easement and maintenance agreement must be
prepared and recorded along with the final plat.

5. Receipt of a title report reflecting release of exceptions or clarification of
exceptions on the property before final plat recording.

6. Payment of the balance of all fees required by the City.

7. A stream setback exception must be allowed by the Planning Commission for a
50-foot building setback from the creek on Lots 1, 2, and 3 before final plat
approval may be granted.

8. All new homes built in this subdivision must include fire sprinklers.

9. This project will be reviewed by the Planning Commission for Final Plat
approval.
10. The entrance lane shall be improved to ameliorate queuing.

11. The UFA and other bodies with a vested interest in public safety shall consider narrowing the road to match the narrowing requirements that have already been approved by the City Council on the southern portion of the road. The narrowing should be 20 feet for the entire horseshoe for the purposes of aesthetics and preserving trees.

12. If an exception is requested by the applicant (per requirement #11), the issue will go straight to the City Council and public notice shall be issued in a 500-foot radius and posted on the City’s website.

13. Payment of the balance of all fees and/or bonding required by the City.


15. A street dedication will be required at 6200 South.

16. The applicant will be required to depict the 100-year floodplain (per FEMA) on the Final Plat Mylar to be recorded.

17. All Title Report Exceptions must be resolved or clarified on the Final Plat.

18. All new homes built in this subdivision must include fire suppression sprinklers approved by UFA.

19. Each home must have its fire suppression system inspected annually by the UFA.

20. Each lot must include a fire equipment turnaround per UFA specifications.

21. No parking on all the private roads throughout the subdivision and signs must be posted at appropriate places on the private roads.

22. The entrance at 6200 South must be flared to minimize traffic congestion entering and leaving the subdivision and to avoid conflict with traffic on 6200 South.

23. Proper signage must be posted near the entrance at 6200 South to minimize confusion of those who enter accidentally and discourage backing onto 6200 South.

24. All roads must have unencumbered clearance height of 13 feet 6 inches to accommodate public safety and utility service vehicles.
25. All roads in the subdivision are required to be built to City of Holladay quality and durability specifications.

26. Flood plain mitigation measures will be required at the time of building permit application if the footprint of any proposed residence falls within the 100-year floodplain. This will be specified per City and FEMA standards.

27. No road connection from Moyle Park and Providence subdivisions.

28. Contingent upon Deerwood Lane being in one ownership.

29. Road width exception granted by the City Council on January 19, 2012, for the access lane is extended to the entire plat to allow 20-foot wide roads.

30. Portion of Lots 7, 8, 9 labeled as open space shall be restricted to maintain landscape only. This is reference to an agreement between the subdivider and an abutting property owner.

31. All existing utilities must no longer in use shall be abandoned concurrently and prior to the recording of this plat.

32. Easements recorded by and shown on this plat shall meet the requirements of the utility providers.

33. Any other corrections that the Technical Review Committee (TRC) has found on the plat.


6. Approve Minutes of the July 10, and 26, 2012 Meetings.
(21:52:02) The minutes of July 10, 2012, were reviewed and discussed.

Commissioner Holbrook moved that the July 10, 2012, minutes be approved, subject to the changes and clarifications submitted. Chair Chatelain seconded the motion. The motion passed unanimously.

(21:54:50) The minutes of July 26, 2012, were reviewed and discussed.

(21:56:27) Commissioner Holbrook moved that the minutes of July 26, 2012, be continued until the meeting of August 28, 2012. Commissioner Lowry seconded the motion. The motion passed unanimously.

The Commission discussed the details for the upcoming August 28 Special Meeting.
DISCUSSION ITEMS
7.  Residential Building Corridor and Front Setback Code Amendment (continued) –  
Planner: Jonathan Teerlink.
(10:00:25) Mr. Teerlink presented the Residential Building Corridor and Front Setback Code Amendment to the Commission. He stated that after reviewing the Code, there was discussion about what type of lot the building corridor will apply to. The intent was to determine the lot width and size. Mr. Teerlink stated that he reviewed nearly every lot in the City that was .75-acre in size and smaller and discovered that average was approximately the 80th percentile of the required lot widths that they were placed in. The development patterns of those lots were quite irregular. The lot width eliminated several properties. Mr. Teerlink added that there were over two thousand .75-acre lots that came up in his query.

He stated that when Code amendment recommendations are made to the Council, the Council wants to see in the staff report whether or not a note would be attached to it. The second type of home that would be applied to the building corridor averaging was any home built pursuant to a building permit issued on or after November 30, 1999. For homes newer than 1999, only the depths of homes higher than 20 feet are considered. It was his belief that this is contestable by community neighboring properties, due to the applicant having to provide a survey of those homes. For instance, if a neighbor is contesting the survey, Mr. Kemp would be sent out to survey all of the nearby homes, which is the cost involved to verify the survey. Mr. Teerlink noted that the City has such high resolution photography that he is able to access individual surveys from his desk. New imagery will provide one-half meter images as opposed to the previous one that showed three-meter imagery.

In response to a question raised by Commissioner Holbrook’s, Mr. Teerlink replied that his query only involved .75-acre lots. He raised the issue about having a lot that is 80% or less of what is required. He also questioned whether a lot that is .75-acre but has the required lot width would apply. Long, deep, and narrow properties that have the required lot width and measure larger than .75-acre, would not apply.

(22:08:00) Commissioner Holbrook added that the issue with not taking that into account meant restricting someone who already has inherent limitations based on the lot layout. Those with narrow deep lots have difficulties and should be able to develop in some manner. Mr. Teerlink leaned toward applying this to every lot in the City, regardless of size. If a situation arises where it doesn’t make sense to apply it, it could be overridden by the Community Development Director. The details of specific exceptions were detailed. Mr. Teerlink agreed to keep the Commission up to date and planned to present his findings at the next meeting.

(22:13:14) Mr. Allred noted that the discussion of ORD signs have been delayed due to the two moratoriums, the Village project, and the fire station which are currently taking precedence.

(22:16:00) Planning Commission Member term expirations issues were discussed.

OTHER BUSINESS


10. Report from Staff on Upcoming Applications.

11. Discussion of Possible Future Amendments to Code.

(22:26:45) Commissioner Lowry moved to adjourn. Commissioner Snow seconded the motion. The motion passed with the unanimous consent of the Commission.

ADJOURN

The Planning Commission Meeting adjourned at 10:27 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, August 21, 2012.

Teri Forbes
T Forbes Group
Minutes Secretary

Minutes approved: