

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

**Tuesday, January 10, 2017  
7:00 p.m.  
Holladay Municipal Center  
4580 South 2300 East**

**ATTENDANCE:**

**Planning Commission Members:**

Jim Carter, Vice Chair  
Jan Bradshaw  
John Garver  
Alyssa Lloyd  
Ann Mackin  
Marianne Ricks

**City Staff:**

Paul Allred, Community Development Director  
Jonathan Teerlink, City Planner  
Brad Christopherson, Deputy City Attorney

**PRE-MEETING/WORK SESSION**

In the absence of Chair Snow, Vice Chair Carter called the meeting to order at 6:14 p.m.

Deputy City Attorney, Brad Christopherson, conducted the Open and Public Meetings Training, which is required to be held annually. It is required that every public body that requires a quorum meet in an open public meeting where the public can attend. Noticing requirements must be met and certain items of business require 10 days' public notice. To hold a public meeting, a public body must provide at least 24 hours' notice. There is an exception to that when an emergency meeting must be called.

An audio recording must be kept of every meeting and be made available within three days of the meeting and be unedited and available on the City's website. The minutes must be made available for public view within 30 days. The official record of the meeting is the written minutes. Minutes are not word for word and are a summary of what occurred at the meeting.

A chance social gathering of the public body is not considered a public meeting. Items up for discussion at a future meeting should not be discussed at a social gathering. The intent is to ensure that the peoples' business is conducted in public and includes deliberations. He encouraged the Commissioners to err on the side of deliberating in public. Electronic meeting provisions were discussed. Community Development Director, Paul Allred, stated that the Planning Commission has not adopted electronic meeting provisions. As a result, members cannot participate electronically.

Mr. Christopherson indicated that decisions should not be made in Closed Meeting. If any final action is taken in violation of the Act, it is voidable by the District Court. He noted that Closed Sessions are rare among Planning Commissions. What takes place in a closed meeting must remain confidential and should not be discussed outside of the Closed Session. An intentional violation of Closed Meeting provisions constitutes a Class B Misdemeanor.

Minutes and audio recordings are a public record and can be accessed through the Government Records Access Management Act (GRAMA). At no point can staff claim that a recording is a protected record unless the deliberations took place in closed session.

Conflict of interest issues were discussed. The duties and responsibilities of the Planning Commission and City Council were discussed. Mr. Allred commented that transparency is a major issue throughout the nation.

The agenda items were reviewed and discussed. The first item involves the Lincoln Pines Court Condos. The request is to convert from condominiums to a PUD. The benefits of doing so were discussed.

The second agenda item was for the Holladay Market Mixed Use Building. Staff concerns were identified. It was noted that the matter had been reviewed previously by the Design Review Board (DRB).

*(19:03:42) Commissioner Bradshaw moved to adjourn the Work Session. The motion passed with the unanimous consent of the Commission.*

The Work Session adjourned at 7:04 p.m.

## **REGULAR BUSINESS MEETING**

### **1. CONVENE REGULAR MEETING – Public Welcome and Chair Opening Statement.**

Vice Chair Jim Carter called the Regular Meeting to order at 7:08 p.m. and read the Chair statement.

## **ACTION ITEMS**

### **2. PUBLIC HEARING – Lincoln Pines Court Condos – Conversion to PUD from Condominiums.**

(19:10:40) Community Development Director, Paul Allred, presented the staff report and stated that the request is one of a series of condominiums that has changed to a Planned Unit Development (PUD) in the last year. Ron Rogers was present representing the homeowners' association. Mr. Allred appreciated Mr. Rogers' cooperation and attitude in the process. The request was to change the ownership of the project from a condominium to a PUD. Mr. Allred explained that the only real change to the development will be the ownership of the dwellings. He recommended that the Commission evaluate the request and determine if there is a negative impact. If there is not, he recommended the Commission grant approval. He noted that all who own property in the current condominium project have given their consent. Staff recommended the plat be amended subject to the conditions set forth in the staff report.

Mr. Rogers appreciated staff's efforts and reported that the homes were built in the late 1990s and were designated as condominiums. As a result of the 2008 economic downturn, the government began to put restrictions on mortgage lenders in terms of what they can lend on a condominium. It was noted that the project consists of six freestanding homes with fenced yards.

(19:20:31) Vice Chair Carter opened the public hearing. There were no public comments. The public hearing was closed.

*Commissioner Ricks moved to approve the request for a conditional use PUD for Lincoln Pines Court located at 4225 South 2095 East subject to the regulations of the R-1-8 zone and Section 13.78 of the Holladay City Code. The plat shall be vacated and amended. Approval was subject to the following:*

**Conditions:**

1. *The amended (new) plat must be recorded within one year of the date of approval or it will be considered void and subject to rehearing and approval, if so desired.*
2. *Any future material amendment to the PUD may only be allowed with subsequent approval by the Planning Commission and is subject to all regulations of the R-1-8 zone and Section 13.78 of the Holladay City Code regarding Planned Unit Development.*
3. *New HOA and CC&R documents must be recorded against the property to reflect the change from condominium to PUD.*

*Commissioner Bradshaw seconded the motion. Vote on motion: John Garver-Aye, Ann Mackin-Aye, Jan Bradshaw-Aye, Alyssa Lloyd-Aye, Marianne Ricks-Aye, Vice Chair Jim Carter-Aye. The motion passed unanimously.*

**3. CONTINUED – Holladay Market Mixed-Use Building – 4660 East 2300 East.**

(19:24:00) City Planner, Jonathan Teerlink, presented the staff report and stated that a conceptual site plan was approved by the Planning Commission on November 15, 2016. The site plan proposed two buildings that would replace most of the existing structures on the block. This was the same process as for Harmon's but involves a different new two-story building on the north side of the site, which will frame the corner intersection of Phylden and 2300 East. The design was reviewed by the Design Review Board (DRB) and the property owner has worked with them to create the current proposal. The Holladay Village Zone contemplates new buildings to return to the "turn of the century" architectural feel that was lost over a period of time in the traditional downtown area. The architect's interpretation could have been built when the downtown area was first conceived. It was noted that a great deal of thought was put into the details.

Mr. Teerlink explained that the Village allows for mixed uses. The proposed building will house a mixture of retail and office uses. Some of the elements the Design Review Board reviewed were window treatments and awnings, light fixtures, etc. Some items were required while others were discretionary.

Due to the inability of the DRB to meet again in a timely fashion, a recommendation was forwarded on from the DRB which requested the applicant and PC to address some of the elements set forth under the Technical Review Committee. Mr. Teerlink stated that all sides of the building need to be treated similarly. Staff's opinion was that the area beneath the cat walk on the north side of Phylden is lacking security lighting and/or embellishments that flow with what is going on in the rest of the building.

(19:32:32) The applicant, Tom Henroid, from Rockworth Companies, asked Architect David Vaughn from Beecher Walker Architects to meet the Holladay Village Design Guidelines. They were also asked to make the proposed building fit with the project across the street and make it look like it was built in a similar era and part of the same project.

Mr. Vaughn's goal was to embrace the vision of the Holladay Village. When he began to look at older buildings, they all seemed to have a large stone base, which was incorporated into the project. Other architectural elements were described. It was noted that they had a difficult time getting the historic gooseneck lighting down to the pedestrian level. Mr. Allred complimented the applicants for listening to the DRB.

Mr. Teerlink reported that one of the elements that is required for new development is an amenity. Mr. Allred commented that the outdoor sitting area ties in well with what Harmons is doing with their balcony and lower sitting areas. He suggested that there be a trade off in terms of the building being closer to the street for the open sitting area, which will create interest. He considered that to be more important than the architecture on the right-of-way. Other details of the site were described.

Mr. Allred commented on the existing walk on Phylden and explained that the Village calls for very large sidewalks. Because Phylden will be a heavy traffic area, they wanted to see no less than six feet. The intent was to push the curb out to accommodate at least a six-foot unencumbered sidewalk. Anything wider would have to be paid for by the City. The wider sidewalk would eliminate the possibility of planters unless they go further out into the street.

Mr. Henroid was more concerned about the actual footprint of the building than the external features. The Commission Members commented on external features of the building. Grade changes were also discussed. Mr. Henroid stated that they have worked with Harmons and will widen their stairways from the street to the patio level area for both buildings. There will be a total of three stairways of roughly equal width. Mr. Allred expressed his support and stated that that was one of the remaining concerns. Mr. Henroid stated that the stairways will be 10 to 12 feet wide. The intent was for them to be user friendly.

A comment was made on the Phylden corner side when traveling southbound on 2300 East and the fact that it is very visible.. A question was raised as to whether there is a planting area. The possibility of an elevated planting area on the corner was recommended. Mr. Henroid stated that they would consider it. The possibility of doing something decorative on the walls was discussed as well as a lending library. The desire was for the Phylden side to look less delivery-oriented. Mr. Henroid suggested the possibility of doing glass doors.

(20:00:49) Commissioner Garver commented that the building feels too heavy. He thought that Harmons did a good of incorporating some stucco. He recommended there be more glazing on the building at the lower level with more lighting and a more inviting feel. Commissioner Garver recommended there be more glass. The north side will be the main access to the office space above and will be an uncovered walkway. He works in the building and has found that when it snows it makes things difficult on the upper deck and the stairs. He suggested a canopy be

incorporated or part of the structure extended out. He suggested this include the area over the stairs.

Mr. Henroid agreed to provide more detail on the lighting at the pedestrian level, awnings, and something decorative on all of the faces.

Commissioner Garver asked what work remains to be done on the site plan. Mr. Allred stated that the buildings are fixed in terms of where they will be located. They were working on details such as no left turn on 2300 East, driveway widths, accesses, parking, cart storage, etc. In response to a question raised, Mr. Henroid stated that the trash receptacle for the building will be on the east side.

Vice Chair Carter wanted to focus on the building design and whether the Planning Commission believes it meets the requirements of the HV Zone. He was uncomfortable with the use of the words “shall” and “may” in the ordinance but wanted to have discussions to see what the developer is willing to do.

Mr. Allred summarized the comments made. He explained that the applicants did not have a problem with use of the word “shall”, they will work with the City on the awnings, light fixtures at the sidewalk level, and the overall lighting plan which will be provided between now and preliminary. Mr. Henroid agreed to include decorative embellishments for the large brick wall areas, and stated that the recessed west and south walls need the same attention and decoration and light. He stated that they would submit further samples. Mr. Allred commented that any information received will be passed on to the Council with the matter to be included as a consent item at the January 24 meeting.

Concerns were expressed about planters, landscaping at the base of the building and on the corner, and adding greenery at the bottom of the building, which would require the curb be moved out a few feet. Mr. Allred stated that the applicants have also offered to dress up all of the building faces, including the returns on the walls. He especially liked Mr. Henroid’s suggestion of installing display glass. Mr. Teerlink stated that any other retailer in the Village can cover up to 20% of each elevation of the glass with graphics.

Procedural issues were discussed. There was discussion of deferring final approval to staff if the concerns articulated are accurately addressed. Because this was the Commission’s first look at the building, Commissioner Garver was not comfortable with that approach. He preferred to see the proposal again with the recommended changes.

***(20:20:45) Commissioner Ricks moved to approve the architectural design for the Holladay Market Mixed-Use Commercial Building on the corner of Phyliden and 2300 East and defer the Technical Review Committee items and the “shall”, “should”, “encourage”, “may” list to staff to approve subject to Commission verification of the items being addressed in revised drawings. Staff shall confirm to the Commission that they have been done. Commissioner Bradshaw seconded the motion. Vote on motion: John Garver-Nay, Ann Mackin-Aye, Jan Bradshaw-Aye, Alyssa Lloyd-Aye, Marianne Ricks-Aye, Vice Chair Jim Carter-Aye. The motion passed 5-to-1.***

**4. Approval of 2016 Minutes – November 15, 2016.**

(20:22:15) The minutes were reviewed and discussed.

*Commissioner Lloyd moved to approve the November 15, 2016, minutes, as submitted. Commissioner Mackin seconded the motion. The motion passed with the unanimous consent of the Commission.*

**DISCUSSION ITEMS – TIME PERMITTING**

**5. Upcoming Projects**

Condominium ownership issues were discussed. The difference between and condominium and a PUD were described as well as the details of each.

It was reported that Macy's is closing once the new store opens at Fashion Place. Their management team came in the previous week and applied for their temporary closing signage.

**ADJOURN**

*Commissioner Bradshaw moved to adjourn. Commissioner Ricks seconded the motion. The motion passed with the unanimous consent of the Commission.*

The Planning Commission Meeting adjourned at 8:29 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, January 10, 2017.*



Teri Forbes  
T Forbes Group  
Minutes Secretary

Minutes approved: 3/7/17