

**MINUTES OF THE CITY OF HOLLADAY
PLANNING COMMISSION MEETING
Tuesday, April 4, 2017
7:00 p.m.
Holladay Municipal Center
4580 South 2300 East**

ATTENDANCE:

Planning Commission Members:

Matt Snow, Chair
Jim Carter
John Garver
Ann Mackin
Marianne Ricks
Alyssa Lloyd (pre-meeting only)

City Staff:

Jonathan Teerlink, City Planner

PRE-MEETING / WORK SESSION

(18:42:02) Chair Snow reported that he, Marianne Ricks, and Jonathan Teerlink, visited the Oakwood Villa property prior to tonight's meeting. City Planner, Jonathan Teerlink, reported that the Oakwood Villa Estates PUD was approved in 2004 and was one of the first PUDs approved in the City. All of the lots are situated around the existing historic home in the middle of the property. The developers would like to maintain flexibility with the setbacks in order to preserve the home. There is also a very large Sycamore tree at the rear of the property. The developers were required to protect the slopes along the canal on the west side. The border of the tree and slope protection area was identified as the top of the 30% slope area. It was noted that the majority of the homes built since 2004, have adhered to the no-build there.

The owner of Lot 8 was the first to apply for an amendment. The lot no longer has trees on it and is no longer needed for slope protection. Mr. Teerlink noted that the lot was heavily wooded when the subdivision was approved and at some point the majority of the trees on the hillside died. He estimated that at least 10 significant canopy trees were lost. The request was to amend the slope and tree protection area further to the west so that the applicant can fit a home there with a larger deck. The deck comprises the majority of the area in the slope. He estimated the distance from the proposed deck into the lot line to be 25 to 30 feet.

Staff's opinion was that the applicants are in violation of their conditional use permit by not protecting the trees and may be disrupting the slope. Chair Snow commented that because they are in violation, the Commission can deny the request and require them to replace the trees that were lost. He commented that because the trees are gone, the slope is in danger. Another option would be to amend the front setback in an effort to move the home closer to the street. Because it is a PUD, the City has flexibility with the setbacks. It was noted that the applicants were not asking for that.

In response to a question raised, Mr. Teerlink stated that all of the other lots have been developed with the exception of Lot 11. He explained that there is a conditional allowance for a PUD to have reduced setbacks. The intent was to have green space and a common area that enhances the

beauty of the development. To amend one of the conditions is contrary to the intent of the approval.

Commissioner Lloyd's opinion was that the applicants have options, which are to make the area smaller and comply with the requirements. Mr. Teerlink explained that the HOA is in support of the request and one neighboring property owner has been opposed to the project from the beginning. The proposed solution is to revegetate and construct retaining tiers. Possible options were discussed. Alyssa indicated that she would not be present for the vote but expressed her opposition to the proposal. Tree protection issues were discussed.

(18:57:28) Mr. Teerlink next described the request for a conditional use permit for Niche Mische. Some concern was expressed by the residents. It was noted that the applicant is proposing a part-time schedule.

REGULAR BUSINESS MEETING

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

Chair Matt Snow called the Regular Meeting to order at 7:04 p.m. and read the Chair statement. Commissioner Lloyd excused herself from the regular meeting.

ACTION ITEMS

2. PUBLIC HEARING – Oakwood Villa Estates Plat Amendment – 3958 South Woodline Drive.

(19:06:50) City Planner, Jonathan Teerlink presented the staff report and stated that the request is to amend the Oakwood Villa Estates Planned Unit Development, which was recorded in 2006 after the area was incorporated into the City. Originally, the request was for the subdivision to be a normal plat; however, in the process of approval the original developer requested planned unit development status, which allowed some flexibility with the setbacks. In doing so, the Planning Commission approved a conditional use permit with conditions. One condition was protection of the sloped area and the tree protection area along the western edge. The owner of Lot 8 has requested a change to the boundary. Because it is a conditional use approval, it must be amended by the Planning Commission.

The applicant, Bill Diamant, reported that due to the irregular shape of the lot they would like to retain it, terrace it, plant 30 to 40 desirable trees, and be able to remove the slope.

Chair Snow reported that two emails were received, which were made part of the record. The first was from Frank West who owns property to the west in the Commercial zone. He was opposed to the proposed change. The second was from Kristen Brown who lives to the east of the subdivision. She also was opposed.

(19:10:15) Chair Snow opened the public hearing.

Brent Wood gave his address as 1716 Jackson Wood Lane, and was present representing Woodline, LLC, the original developer of Oakwood Villa Estates, as well as the Oakwood Villa Estates PUD. Mr. Wood reported that in 2006 when the PUD was designed, they set out to preserve the old home, which underwent a 2½ year renovation. The home has since been fully

restored to the 1929 period. The applicants were interested in preserving as many of the desirable trees as possible. When Mr. Diamant proposed to develop, the members of the HOA met to review the plat and noticed that there were no desirable trees on the lot. As a result, they did not hesitate to allow Mr. Diamant to construct a vertical retaining wall and 30 to 40 evergreen trees. The proposed changes would dramatically improve the condition of the lot. Many residents were in support of the proposed project as it is a very desirable improvement with a nice retaining wall and home. The sloped lot will also be landscaped and add value to the neighborhood. Mr. Wood stated that the homeowners were unanimous in their support of the proposal.

(19:14:30) Kristen Brown gave her address as 1784 East 3900 South and acknowledged that she submitted an email to the City. She requested that the Planning Commission deny the subdivision plat amendment. She indicated that she was not notified by mail of the proposal and only learned about tonight's meeting on April 1. On April 3 she visited the Community Development Office and verified that her property is within 500 feet of the subject property. She confirmed that she is on the list of property owners to be noticed, however, she never received notification. She also verified that her neighbors, Jim and Colleen Gillette and Brad and Maeve Knickerbocker, received notification of tonight's meeting. Ms. Brown reviewed Chapter 13.78 and referenced Section 13.78.020. She remarked that the only open space in the project is at the entrance from 3900 South. None of the existing significant trees have been preserved with the exception of the Sycamore next to the original home. None of the trees had been maintained since 2005 and died from disease or lack of water. Ms. Brown also commented that none of the wooded original landscaping was preserved. The length of the canal was at one time heavily wooded and served as a sound and wind barrier to the commercial area on the west side of the canal.

Ms. Brown next referenced Section 13.78.090 and stated that the only open space identified in the PUD approved plan was left untouched until 2017 when the dead wood was cleared. She noted that there have been issues with the development since April 2005. The details of the project were described as well as variances the Planning Commission previously granted. These included square footages of 5,000 to 7,000 square feet, which are much greater than originally submitted at 1,700 to 2,500 square feet. Roof heights are 35 feet compared to the original proposal for single-story ramblers. Of the 75 trees stipulated to remain by former Planning Commission Member, Cyrus McKell, the Sycamore tree near the original home was virtually the only one left. No vinyl fencing was to be allowed but is now present along the south border of Lot 5, along 3990 South, and along Lot 1 on the east boundary.

Ms. Brown implored the Planning Commission to deny the plat amendment request based on the following:

1. Trees were to remain around the entire perimeter of the project to provide a visual and sound buffer.
2. Areas of 30° slope or greater were to remain untouched. The area for the requested plat amendment is at a 30° to 33° slope and should remain as such.

3. Along the canal, the Upper Canal Irrigation Company must maintain 15 feet from the center of the canal on either side of the canal to provide for access. Ms. Brown was not certain that the same applies in this case although this canal is the same width as the Upper Canal.

(19:22:38) Steve Vasa, an Oakwood Estates homeowner, commented that Ms. Brown is ill-informed about how many trees remain. When he purchased his home, he was told that he could not remove any trees. The same was true for his neighbors to the east and west. The trees that were reasonable to maintain have been preserved. The trees along the canal are junk trees. The proposal to plant Evergreen trees will provide a better sound and view barrier than what currently exists. He expressed his support for the proposal.

(19:24:10) Jeff West gave his address as 3946 Woodline Drive, and saw no reason to not improve what currently exists. The improvements will stabilize the slope and improve the aesthetics. He disagreed with Ms. Brown in terms of the trees since his lot has many existing trees along the canal that were preserved during construction.

Jeff Horn gave his address as 1714 East Rachelwood Lane, and reported that he had two 30-foot trees in his backyard and has ordered five more. He voiced support for the proposal.

(19:25:41) Sean Westover gave his address as 1726 East Rachelwood Lane and expressed support for the proposed amendment. He reported that he purchased a home from Mr. Diamant and has taken great pride in the trees and landscaping. He was confident that Mr. Diamant's plans will improve the City and the neighborhood.

Kyle Hill gave his address as 3934 South Woodline and reported that he has several large trees that come within a few yards of the back of his home. He has preserved them as best he can and has had landscapers tell them that they should be taken down as they are at risk for toppling. He has kept them because he likes the buffer they provide from the Commercial zone. Mr. Hill stated that all of the residents in the neighborhood value trees. He was in favor of the proposed variance because it will improve the lot. Mr. Hill indicated that when he purchased his home in 2012 there were no large trees on the lot.

(19:27:45) Ms. Brown commented that Oakwood Villa Estates was initially approved in 2005. Between 2005 and 2013, she watched 50-foot Evergreens die one after another. It was likely that none of the current residents saw the previous landscaping. The developers agreed to keep the existing trees alive long before the current residents bought into the neighborhood. She explained that the Box Elder trees provided a perimeter barrier for the development. She was familiar with Mr. Diamant's original purchase of Lot 5 and acknowledged that he planted some trees, some of which died.

Mr. Horn understood Ms. Brown's comments but stated that when the development is finished there will be more trees on the property than there were to begin with. He noted that the project is very well taken care of and he saw no reason for that to change.

Brent Wood reported that when he purchased the property in 2005, there were diseased and dying trees and no irrigation or watering system in place. He hired an Arborist to identify and

tag the trees that could survive and those that needed to be taken down. It was recommended that the diseased trees be removed so as to not infect others. The intent was to beautify and restore the area. Ms. Brown opposed the development in 2005, so he was not surprised that she was opposed now. Ms. Brown came onto the property numerous times and was told that she was trespassing and asked to leave. The problem had been ongoing. In answer to a question raised, Mr. Wood stated that the Arborist recommended that about one dozen trees be taken down. Ultimately, 10 were removed. Mr. Wood has planted on his property at least one dozen Evergreen trees, five fruit trees, and two dozen flowering trees. None of the replacement trees were planted on any of the other lots because they were to be determined by the new owners.

(19:33:55) There were no further public comments. The public hearing was closed.

Mr. Diamant reported that when their home was originally built on Lot 5 they kept all of the trees they could including a large Chestnut tree in the center of the lot. Their landscaper recommended that several of come down because they diseased and in poor condition. The trees remained because the builder dedicated to the City that they would stay in place. During windstorms, three of them broke in half or were uprooted. Ultimately, the trees were removed. Ms. Brown had also had several trees on her property become uprooted and fall down. Mr. Diamant stated that there were no trees that could be preserved between the project and the commercial businesses. He noted that their preference was to block the view and reduce noise, if possible. Unfortunately, none of the trees could be saved. Their intent was to plant 30 to 40 desirable trees in the back portion.

Mr. Teerlink had read the minutes from past meetings and the issues pertained to the development itself. Many of the trees died naturally requiring removal. He found nothing in the Conditional Use Permit motion that would require the applicants to come back and obtain a permit. In terms of tree maintenance and preservation, an Arborist's point of view was that the trees were dated, diseased, dying, or had a bug that could infect other trees. The removal of those types of trees would be classified as maintenance.

Mr. Teerlink commented that a Tree Protection Ordinance will be coming before the Planning Commission in the near future in light of recent developments where the majority of trees were removed on site. One of the elements missing when trying to preserve trees was sustainability. He explained that an urban forest has a life span and trees that are lost should be replaced. That process, however, was not built into this approval process.

Commissioner Garver commented that the finished floor elevation of the main home is 4,413 square feet. The majority of what is proposed to be encroached upon is the lower level patio. Mr. Diamant responded that on the north side, one of the garages encroaches onto the no-build area by approximately eight feet. On the south side, there is an open patio. The patio on the lower level encroaches and has a cantilevered upper level. A small elongated deck runs the length of the home. It was clarified that there are no footings of any kind in the no-build zone. On the south side there is a basic covered patio.

(19:42:07) Mr. Diamant stated that a recent wind storm blew three of his trees over and he replaced them with 10. When the same wind storm blew over Ms. Brown's trees, he did not recall her replacing any of them. He stressed that the residents care about the look of the

neighborhood and having trees, which is why they continue to plant them. He stated that they will plant trees all the way down the west side for privacy purposes, aesthetics, and to provide a sound barrier. The west border of the lot will have trees.

In response to a question raised, Mr. Diamant stated that he intends to build a retaining wall behind the home to shore up the 30° slope. He remarked that it is a hazard. For purposes of erosion, an engineered retaining wall is preferable to leaving an empty 30° slope. Trees will be planted and maintained as well. Mr. Diamant stated that initially they spoke to the Salt Lake City Canal Company who gave them direction on the retaining wall. They had an engineer design a 10-foot vertical retaining wall. He later was informed by Mr. Teerlink that it cannot be taller than four feet. He then had his engineer redesign the retaining wall with three steps. Trees would be planted in each of the three steps.

(19:44:44) Mr. Teerlink stated that there is a PUD requirement limiting the height to 27 feet. From there they could propose a variance for each of the lots. With regard to the back portion, the new ordinance addresses walk out basements and allows an applicant to go the maximum height. Once the maximum height limit for the zone is met, which in this case is 32 feet, there would need to be a step back.

Mr. Diamant commented that the slope of the lot posed a challenge for the designer because the lot starts high and then drops dramatically. The options were to build a home on top with a detached garage, which would not fit the community, or build a larger home and keep the look consistent with the rest of the neighborhood.

Chair Snow recalled that when the development was originally proposed, the applicant indicated that flexibility was needed with the lots and pursued a PUD. Ms. Brown commented that the applicant has gone back on various things and changed the original conditions. Chair Snow's opinion was that they should hold to the original agreement.

Commissioner Carter commented that the long-term goal is geological stability, access for maintenance of the canal, visual buffers, and sound buffers. He stated that modern practice with regard to this kind of condition with a PUD focuses more on long-term outcomes and acknowledges the current condition. The City of Holladay is changing and he tends to focus on the desired outcomes. The applicant stated he planned to replant the trees that existed previously.

Commissioner Ricks agreed that the trees should be replanted. It was her understanding that the applicants are obligated to have trees under the current agreement. She suggested the HOA be reminded of their requirements.

Commissioner Garver asked about the maximum height on the continuous face. He did not, however, want to be too quick to overturn what a previous Commission spent a great deal of time and effort on.

Commissioner Ricks was not inclined to approve the request given the agreement that was originally entered into.

(19:58:24) *Commissioner Carter moved to continue the matter to the next meeting. Commissioner Garver seconded the motion. Vote on motion: John Garver-Aye, Ann Mackin-Aye, Marianne Ricks-Aye, Jim Carter-Aye, Chair Matt Snow-Aye. The motion passed unanimously.*

3. PUBLIC HEARING –Miché Mich, Conditional Use Permit Amendment – Home Occupation – 1860 East North Woodside Drive.

(19:59:58) Mr. Teerlink presented the staff report and stated that the request is to amend a conditional use permit that was granted in October 2016. The home occupation was to receive customers at the home located at 1860 East North Woodside Drive. The applicant, Michelé Huntsman, requested to amend the conditional use permit from a three-day per week limit to five days per week. Staff recommended taking public comment. It was noted that the matter was noticed on site and by mail. No complaints had been received about the home business other than concerns about traffic being spread out over a five-day period.

The applicant, Michele Huntsman, reported that she does not work weekends although the notice specifies three days per week and weekends from 10:00 a.m. to 7:00 p.m. She explained that her mother's health is declining and she needs more flexibility by going to five days per week. Her intent is to build a salon in her home, however, due to her mother's health she has not yet been able to obtain a permit and progress has been slow.

(20:04:55) Chair Snow opened the public hearing.

Angie Cromar gave her address as 1861 East North Woodside Drive. She fully supported the proposal and stated that the Huntsman's are very good and responsible neighbors. They also have a large driveway for clients to park.

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

(20:06:20) *Commissioner Ricks moved to approve the requested change to the conditional use permit for 1860 North Woodside Drive subject to the conditions noted in the original permit with the exception of number five, which would be changed to state as follows:*

5. *Any five days during the week rather than three days per week.*

Commissioner Carter seconded the motion. Vote on motion: John Garver-Aye, Ann Mackin-Aye, Marianne Ricks-Aye, Jim Carter-Aye, Chair Matt Snow-Aye. The motion passed unanimously.

4. Approval of 2017 Minutes – March 7 and March 21.

The minutes of March 7, 2017 were reviewed and discussed.

(20:12:12) *Commissioner Garver moved to approve the minutes of March 7, 2017, as written. Commissioner Mackin seconded the motion. Vote on motion: John Garver-Aye, Ann Mackin-Aye, Marianne Ricks-Abstained, Jim Carter-Aye, Chair Matt Snow-Aye. The motion passed unanimously with one abstention.*

The minutes of March 21, 2017 were reviewed and discussed.

(20:12:57) *Commissioner Carter moved to approve the minutes of the City of Holladay Planning Commission Meeting of March 21, 2017, as written. The motion was seconded by Commissioner Mackin. Vote on motion: John Garver-Aye, Ann Mackin-Aye, Marianne Ricks-Abstained, Jim Carter-Aye, Chair Matt Snow-Aye. The motion passed unanimously with one abstention.*

DISCUSSION ITEMS

5. Ordinance Amendment Drafts:

a. Highland Drive Master Plan; Consideration of Amendments for Allowable Densities for Segment B.

The Commission scheduled a Special Meeting for Friday, April 7, at 11:30 a.m. to discuss the Highland Drive Master Plan. Mr. Teerlink reported that the City Council is looking to remove the R-2-8 zone from the General Plan and reconsider what densities should be allowed on Highland Drive.

b. Fencing Regulations Amendment.

c. Tree Canopy Protection; Consideration of Amendments to the Holladay Tree Protection Ordinance.

(20:21:16) Mr. Teerlink reported that at the last meeting it was determined that the existing language was fairly good. The City's legal counsel wanted to determine whether anything could be construed as overstepping bounds. The City Council was also considering having an Open House prior to conducting a public hearing. Other issues to be addressed in the ordinance were identified.

ADJOURN

(20:35:22) *Commissioner Ricks moved to adjourn. Commissioner Garver seconded the motion. The motion passed with the unanimous consent of the Commission.*

The Planning Commission Meeting adjourned at 8:35 p.m.

I hereby certify that the foregoing represents a true, accurate and complete record of the City of Holladay Planning Commission Meeting held Tuesday, April 4, 2017.



Teri Forbes
T Forbes Group
Minutes Secretary

Minutes approved: 5/16/17

City of Holladay Planning Commission Meeting – 04/04/2017