

**MINUTES OF THE CITY OF HOLLADAY
PLANNING COMMISSION MEETING
Tuesday, August 1, 2017
7:00 p.m.
Holladay Municipal Center
4580 South 2300 East**

ATTENDANCE:

Planning Commission Members:

Jim Carter, Chair
Jan Bradshaw
Chris Layton
Ann Mackin

City Staff:

Gina Chamness, City Manager
Jonathan Teerlink, City Planner
Tosh Kano, Public Works Director

PRE-MEETING / WORK SESSION

(18:33:29) Planning Commission Chairman, Jim Carter, reviewed the agenda items. With regard to the Wander Lane right-of-way vacation issue, City Planner, Jonathan Teerlink, reported that the property has been surveyed for redevelopment. The applicants purchased the .9-acre property to rebuild a home. The surveyors found a fairly large discrepancy in how the lot associates itself with Wander Lane and Mr. Teerlink described how the matter will be corrected. The front property line will be properly aligned with Wander Lane.

The Oakwood Villa Estates PUD Plat Amendment was next discussed. The property is the last lot in the subdivision to which a front yard setback reduction is requested. Mr. Teerlink explained that if this were a normal subdivision they would not be going through this process.

The Millrock Hampton Inn Site Plan Amendment was next addressed. Mr. Teerlink explained that the existing rock wall will be replaced with a two-tiered ADA ramp with a switchback. He noted that there is a need for the change due to ADA requirements. The crosswalk flashing signs also need to be installed as well as a convex mirror to enable motorists to see traffic around the corner.

(18:49:00) *Jan Bradshaw moved to adjourn the Pre-Meeting Work Session. Ann Mackin seconded the motion. The motion passed with the unanimous consent of the Commission.*

REGULAR BUSINESS MEETING

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

Chair Carter called the Regular Meeting to order at 7:00 p.m. and read the Chair statement.

SPECIAL PRESENTATION

2. Planning Commission Service Awards.

Chair Carter reported that the terms of Planning Commission Members Matthew Snow and John Garver recently expired after both served two terms. City Manager, Gina Chamness, thanked both men for their service over the past six years and acknowledged the importance of the Planning Commission in determining the City's future. Chair Carter commented that Matt Snow served as Planning Commission Chair and did an excellent job of leading the Commission. Both men provided valuable professional design experience and he enjoyed serving with them. Ann Mackin thanked Commissioners Snow and Garver for being so gracious and helping her when she was a new Planning Commission Member.

ACTION ITEMS

3. PUBLIC HEARING – Wander Lane Right-of-Way Vacation – 4304 South Wander Lane.

(19:07:55) City Planner, Jonathan Teerlink, presented the staff report and stated that the request is to vacate a portion of a public right-of-way. Wander Lane has a 50-foot wide right-of-way. This portion of the property is a metes and bound lot and is not a subdivision, which helps determine proper right-of-way widths and how private property addresses the public street. At some point the property was misaligned and is slightly askew to the property line of Wander Lane. Two areas were identified including one on the north side, which involves private property that needs to be dedicated back to the public. There is also a larger sliver on the south side of the property where the private property retreats away from Wander Lane, which denotes public property and needs to be vacated. Mr. Teerlink explained that all of the public interest will be lost and the property will be deeded back to the private property owner.

Public Works Director, Tosh Kano, explained that this point on Wander Lane used to be curved. When a road is straight, as it is currently, the result is a dedication on the north end and a vacation on the south end.

Mr. Teerlink pointed out that the Technical Review Committee (TRC) recommended the Planning Commission recommend approval to the City Council who will make the final decision subject to the findings and condition set forth in the staff report.

(19:11:28) The applicant's representative, Dave Mortensen, from Bush and Gudgell, reported that the metes and bounds description is abnormal in that the point of beginning only goes to the south line of the property, which is much greater than a 25-foot half width. The call along the frontage of Wander Lane agreed with the original subdivision of the parcel to the north. It is the same bearing and in that case, they dedicated the 25 feet. In this case it is necessary to dedicate and vacate a small amount of property to accomplish what is desired.

Chair Carter opened the public hearing. There were no members of the public wishing to speak. The public hearing was closed.

(19:13:37) Commissioner Bradshaw moved to recommend to the City Council the vacation of a portion of a public right-of-way located at 4304 South Wander Lane based on the following:

Findings:

1. *The dedication and vacation of property meet the standards for a public road.*
2. *The area to be vacated does not provide a long-range, public interest as it is outside of the 25-foot half width of the public right-of-way.*
3. *The action is necessary for adequate maintenance of Wander Lane.*
4. *Neither the public interest nor any person will be materially injured by the vacation.*
5. *Won't impair any easement of any lot owner or the franchise rights of any public utility.*

Conditions:

1. *The applicant, upon approval by the Council, shall prepare a legal description of the ROW to vacated for review and acceptance by the Sal Lake County Recorder's Office.*

Commissioner Layton seconded the motion. Vote on motion: Ann Mackin-Aye, Jan Bradshaw-Aye, Chris Layton-Aye, Chair Jim Carter-Aye. The motion passed unanimously.

4. PUBLIC HEARING – Oakwood Villa Estate PUD Plat Amendment – 3922 South Woodline Drive.

(19:14:30) Mr. Teerlink presented the staff report and stated that the request is for an amendment to a Conditional Use Permit for a Planned Unit Development (PUD), specifically identified as Lot 11 of the Oakwood Villa PUD. The PUD was one of the first five approved by the City after its incorporation. Since that time, they have learned and grown a great deal. In retrospect, the City could have looked at allowing flexibility in the front yard setback to preserve the buildability of some of the lots.

Mr. Teerlink reported that some of the building pads are restricted. Lot 8 was previously approved for a front yard setback amendment, which changed the Conditional Use Permit specifically for that lot. The owners of Lot 11 are now making a similar request. To preserve the no-build area on the back side of the lot and build a home of an appropriate size to the subdivision, they are requesting an amendment to the Conditional Use Permit to allow for a small setback, which is permitted with a PUD. The TRC reviewed the request and due to the fact that they are preserving an open space element, flexibility in setbacks is desired. The TRC recommended approval.

In response to a question raised, Mr. Teerlink stated that all of the other homes that were proposed and ultimately built adhered to the 20-foot front yard setback. He had not heard from any current homeowners adjacent to the property with regard to being able to extend it. Mr. Teerlink commented that during the public hearing on Lot 8, representatives from the HOA were present and amenable to the proposal.

The applicant, Scott Updyke, explained that he is trying to rectify an issue that currently exists. He was aware of a setback issue on the rear of the property and asked to have a clear definition of what the easement means and whether they can landscape it. He noted that the area behind the property is an eyesore. He wants to properly develop the property but does not want to construct a nice home with a view of a very unattractive above ground aqueduct. He wanted to address the issue now so that it is handled appropriately and is aesthetically pleasing. Mr. Updyke's understanding was that there is a retention issue with the slope, which they are willing to address. There are also issues with trees on the property that have not been watered or taken care of. He

acknowledged that the property needs to be cleaned up. He commented that the existing trees will not retain the slope because they are dying and will need to be removed. He stated that something needs to be done at the time of construction to address the retention and setback issues.

Ownership issues were discussed. Mr. Teerlink explained that the canal behind the property is owned and operated by Salt Lake City who dictates how the area looks and is maintained. Mr. Updyke commented that the tree presence was intended to maintain slope; however, if the vegetation is antiquated to the point that it is not usable and cannot be depended upon to maintain the slope, it must be addressed at the time of construction. He reported that they intend to build a \$700,000 to \$800,000 home. To place it in an area where a tree will likely need to be removed at some point will create a difficult situation. As a result, Mr. Updyke recommended it be dealt with now. He noted that there are multiple solutions to the retention issue. It was his opinion that the current trees on the property are not worth saving. To date, no revegetation/stabilization plan had been submitted.

Commissioner Mackin inquired about Lot 8 and asked if the slope into the no-build protection area and incline/angle of the slope is similar to Lot 8. Mr. Teerlink commented that Lot 11 is slightly steeper. Commissioner Mackin commented on the terracing of Lot 8 and Mr. Updyke confirmed that they intend to address it. He was trying to determine what is to be done on the lower level where there is a chain link fence, an elevated water mitigation system (aqueduct), and how they can make it visually acceptable.

(19:34:25) Chair Carter opened the public hearing.

Kristen Brown gave her address as 1784 East 3900 South and stated that the canal has been in existence for many years and there were many trees on the property that the developer did not maintain. The intent was always to have a buffer around the PUD, however, that is no longer the case. She understood the request for the setbacks but did not know why the square footage of the residence cannot be reduced to keep the setbacks as originally approved by the City. The current owners of Lot 5 lived in the Holladay Farms PUD for 20 years at 1155 East Murray Holladay Road. Ms. Brown observed that Holladay Farms is very wooded and has a different feel than Oakwood Villa Estates. She commented that Oakwood Villa Estates had an opportunity to do the same thing from the start and chose to let the trees die. Ms. Brown identified her home on the map displayed.

Chair Carter recalled that with Lot 8 the Planning Commission's options were to prohibit encroachment into the easement or consider what is being proposed as a conditional use. They could then attach it as a condition that the downhill slope on the back of the lot be stabilized, retained, revegetated, and screened. Mr. Updyke wished to address all of the issues now so that there is a good outcome.

It appeared to Chris Layton that there are two easements in place. One is a canal easement that tapers from south to north. Chair Carter commented that Salt Lake City's typical position is to own their rights-of-way in fee. As a result, they are not true rights-of-way but pieces of property owned by the City in fee. Strictly speaking, the canal is owned by Salt Lake City. Mr. Teerlink

explained that Lot 8 had an agreement with Salt Lake City for at least a five-foot access. He did not know if Lot 11 had a similar agreement.

Chair Carter commented that the constraints in the back of the property do not have anything to do with the canal. The constraint is the existing tree and slope protection easement. The constraint in the front is the setback from the street. The presence of the canal is not constraining any development potential of the property. The engineering establishing the existing tree and slope protection easement was a feature of the original PUD approval and was based on both slope and vegetation. Mr. Teerlink stated that it follows the topographical line of elevation. He commented that if the property had been maintained to its fullest and the tree slope protection area had been completely wooded, watered, and landscaped properly, it would be wholly adequate and appropriate to still have the availability and flexibility of the setback to protect the area if it was necessary to protect a tree and allow for flexibility of the front yard setbacks to move the home to accommodate itself to the terrain. It was noted that the proposed home is not egregiously large and the size is required by the PUD.

Ann Mackin observed that the deck in the rear encroaches. If it is moved forward 10 feet that will no longer be the case. Mr. Updyke's position was that they will have to retain the area where the deck encroaches regardless, which will consist of footings to support the overhang of the deck. His preference was to leave the plan as it is. Mr. Teerlink stated that possible options were to have the applicant create a retaining and slope revegetation plan for review and approval or have the City Engineer review the current plan and base it on what was previously approved for Lot 8 if it is similar in terms of size, retention, rip rap walls, etc. Commissioner Mackin's preference was to have the home be set back rather than so close to the street. Possible options were discussed. Mr. Teerlink clarified that slope retention differs from construction. He stated that Mr. Updyke will still need flexibility in setbacks but whatever he decides to do with retention and revegetation of the slope should either be brought back to the Commission for approval or have the City Engineer approve it based on what was approved for Lot 8. Mr. Updyke stated that he has not seen the final result of the situation with Lot 8.

Chair Carter commented that tabling the matter tonight would allow the applicant to reevaluate the desired outcome and determine whether changing the conditional use approval for the PUD to allow setbacks of less than 20 feet or pursue a plat amendment for the PUD, which would redraw the easement line in the backyard to allow for the proposed structure. In either case, the slope would need to be retained. He questioned whether the City would be able to require revegetation and screening.

Mr. Teerlink commented that at the first meeting held on the plat amendment, the Commission was unanimously opposed to amending the plat for Lot 8. Chair Carter stated that every property owner in the PUD needs to sign the plat amendment. Mr. Teerlink explained that the reason for the Planning Commission's opposition was because the boundary for the no-build area was a condition of the PUD. In retrospect, he thought it would have been prudent to have a protection corridor to allow for each residential lot to seek an amendment for the front yard setback if they had trouble meeting the criteria. Chair Carter observed that uniformity in front yard setbacks is typically not critical except in historic areas where the intent is to preserve the fabric of the community.

Mr. Updyke commented that if it is necessary to move the house forward they will still have to address retention issues with walls. He thought it was unfortunate that they cannot take advantage of the fact that they are not going to have those walls. He noted that their front lot line is curved by the street. Procedural issues were discussed.

(20:03:12) *Commissioner Mackin moved that the Planning Commission approve the conditional use amendment for the front setback of Lot 11 at 3922 South Woodline Drive subject to the following:*

Findings:

1. *Flexibility in setbacks is the favored method of developing Planned Unit Developments, as it allows the project to minimize potential impacts by clustering residential units closer together, avoiding potentially detrimental impact to natural landscapes.*
2. *It is the opinion of the TRC that the front yards of all homes along the no-build zone should have been granted this flexibility in order to allow, more fully, the protection of the slope and trees.*
3. *The proposal makes a concerted effort to comply with the intent of the original plat to protect trees and slopes.*
4. *The proposal is supported by goals and objectives of the 2016 Holladay General Plan.*

Conditions:

1. *The conditional use permit is subject to all provisions of 13.78 of the Holladay Code including the provision that any changes to an approved plan must be reviewed and approved by the Holladay Planning Commission.*
2. *The occupancy of the new home is subject to submittal of a bond in the estimated amount of the cost of the improvements to be held until they are fully installed within no more than six months of occupancy.*

Commissioner Bradshaw seconded the motion. Vote on motion: Ann Mackin-Aye, Jan Bradshaw-Aye, Chris Layton-Aye, Chair Jim Carter-Aye. The motion passed unanimously.

It was noted that the TRC recommendation was based on review by the City Engineer.

Chair Carter moved to take a 10-minute break. The motion passed with the unanimous consent of the Commission.

5. SITE PLAN AMENDMENT – Millrock Hampton Inn – 6510 South Woodline Drive.

(20:30:52) Mr. Teerlink presented the staff report and stated that the site plan was approved in 2015. The lot is on a private lane. The Planning Commission approved the site plan and its offsite improvements, which include the crosswalk that is on private property. The TRC reviewed the proposal based on narrative from Tyler Miles of Western States Lodging and Development.

Mr. Teerlink explained that it serves as a connection between the Hampton Inn site and the Millrock property site. A cross parking arrangement is in place that allows hotel patrons to park on the terraced parking terrace on the north side of the lane. It was brought to staff's attention that the applicants need to relocate the existing crosswalk further north. The TRC did not object to the proposal as long as the remaining conditions of the crosswalk in the private right-of-way are adhered to. Those elements include the flashing pedestrian activated signals and the convex traffic mirror on the east side of the property.

The City Engineer reviewed the request and had concerns with the way the landings will be constructed because they must meet ADA standards. The TRC recommended approval of the site plan amendment based on the finding set forth in the staff report.

Jan Bradshaw asked where the flashing lights will be located. Mr. Teerlink stated that there will be two flashing signs. One will be on the left and visible as the road begins to curve. Another sign will be higher up on the hill for traffic traveling south turning west. Mr. Teerlink explained that the convex mirror is for motorists coming out of the existing parking structure where the area behind the hill is not visible.

Chris Layton clarified that the Commission's concern tonight is only with the location of the crosswalk and not the ramps, the details of which will be handled by the TRC.

(20:38:31) Commissioner Bradshaw moved to approve the site plan amendment for the crosswalk relocation for the Millrock Hampton Inn located at 6510 South Millrock Drive subject to the following:

Findings:

- 1. Reduction of the number of curb cuts which lead to predictable pedestrian movements and also improved storm water drainage.*
- 2. General public safety is improved.*

Conditions:

- 1. Provide to the City Engineer approvable ADA compliant ramp design.*
- 2. All remaining required elements of the crosswalk are still applicable; installation of convex mirror at the south bend of Millrock Drive, and installation of pedestrian crossing signs.*

Commissioner Layton seconded the motion. Vote on motion: Ann Mackin-Aye, Jan Bradshaw-Aye, Chris Layton-Aye, Chair Jim Carter-Aye. The motion passed unanimously.

ADJOURN

(20:39:19) Commissioner Mackin moved to adjourn. Commissioner Layton seconded the motion. The motion passed with the unanimous consent of the Commission.

The Planning Commission Meeting adjourned at 8:39 p.m.

City of Holladay Planning Commission Meeting – 08/01/2017

I hereby certify that the foregoing represents a true, accurate and complete record of the City of Holladay Planning Commission Meeting held Tuesday, August 1, 2017.



Teri Forbes
T Forbes Group
Minutes Secretary

Minutes approved: 10/3/17