

**MINUTES OF THE CITY OF HOLLADAY
PLANNING COMMISSION MEETING
Tuesday, December 5, 2017
7:00 p.m.
Holladay Municipal Center
4580 South 2300 East**

ATTENDANCE:

Planning Commission Members:

Marianne Ricks
Jan Bradshaw
Troy Holbrook
Ann Mackin

City Staff:

Paul Allred, Community Development Director
Jonathan Teerlink, City Planner
Pat Hansen, City Planner

PRE-MEETING/WORK SESSION

The Work Meeting was called to order at 6:41 p.m.

City Planner, Jonathan Teerlink, reported on the two public hearing items scheduled for discussion. One pertained to the rezone of property in the Knudsen Park area. The property was originally in the Knudsen Park Master Plan, however, the Council is reconsidering the boundaries of the plan and using a portion of the area as an extension of the Tuscany restaurant. The property needs to be rezoned from the Public (P) zone to the Limited Use (LU) zone, which is the same zoning as Tuscany. It will be an exchange parcel for property on the west side of Holladay Boulevard. The intent is to square up the parking so that it is not spread out. The Planning Commission will make a recommendation on the matter tonight and the City Council will review it and make a decision at their next meeting. Procedural issues were discussed. City Planner, Pat Hansen, commented that a text amendment change will be required to add any use on the property.

Item three was described as a public hearing for a Conditional Use Permit for conversion of a condominium use to a PUD for Phase 1 of the Charleston Place Condominiums. The land use is problematic because the condo owners wish to refinance and are having problems with lending institutions. The Planned Use Development Ordinance allows property owners to split off the structure and land to give them actual real property that they own through a plat amendment. The conditional use permit is for a planned unit development with existing setbacks and allow them to have the subdivision needed to create ownership.

The 2018 meeting calendar was reviewed and discussed.

Commissioner Bradshaw moved to adjourn the Work Meeting and moved into the Regular Meeting. Commissioner Mackin seconded the motion. The motion passed with the unanimous consent of the Commission.

1. CONVENE REGULAR MEETING

In the absence of Chair Jim Carter, Commissioner Ricks called the meeting to order at 7:02 p.m. and read the Commission statement.

ACTION ITEMS

2. PUBLIC HEARING – Knudsen Park Zone Map Amendment from “P” to “LU” – 2580 East 600 South.

Community Development Director, Paul Allred, reported that the above item is a proposed rezone of property directly east of the Tuscany restaurant. The City is proposing to rezone 1.63 acres of the property east of Tuscany. The purpose of the rezone is to remove that portion of the property from the City’s eventual Knudsen Park Master Plan Update. The intent is to facilitate the possible exchange of property between the City and the property owner. It was confirmed that the owners of Tuscany currently own the parcel being discussed for the exchange. The rezone would include the area up to the bypass road. Mr. Allred explained that the rezone, if approved by the Council, would not grant an automatic expansion of Tuscany or any other business there. It would simply grant the zoning.

Mr. Allred explained that with regard to the bypass road, the land is owned by the City, but it is approved with Cottonwood Corporate Center, who has built and maintain the road. There is a legal agreement between the City and the Corporate Center for maintenance of that road. As a result, the road will not be considered part of the rezone area. A question was raised about ownership of the 1.63-acre parcel. Mr. Allred explained that it is owned by the City.

After accepting public comment and review of technical matters, staff recommended approval of the rezone based on the findings set forth in the staff report. Mr. Allred stated that what is proposed makes sense because it will set the park boundary, assists with economic development, and resolves property issues in the area. Staff’s opinion was that the request meets the intent of the General Plan. City Planner, Pat Hansen was commended for her good work on the staff report.

Chair Mackin opened the public hearing. There were no public comments. The public hearing was closed.

Commissioner Mackin liked the idea that the proposal supports the park plan, is harmonious, and makes sense in terms of economic development in the area. Mr. Allred agreed and stated that it removes a non-conforming residential use and prevents the potential or commercial or overflow parking on the remaining one-half acre parcel, which is not conducive to the park development.

Commissioner Mackin moved to recommend that the City Council adopt the proposed rezone of approximately 1.63 acres as noted on the map located at 2858 East 6200 South from Public (P) to Limited Use (LU) based on the following:

Finding:

- 1. It is supported by the standards found in 13.07.030.G.2 of the Holladay Zoning Ordinance.***

The motion was seconded by Commissioner Bradshaw. Vote on motion: Troy Holbrook-Aye, Ann Mackin-Aye, Jan Bradshaw-Aye, Chair Marianne Ricks-Aye. The motion passed unanimously.

Mr. Allred explained that hearings will be held on the Knudsen Park updated Master Plan in January and February. They will then move into the site plan, which will come before the Commission. He noted that the park will be built and open in one year's time. It will be completely done along with the revisions to the intersection.

Commissioner Bradshaw moved to address the minutes and the calendar discussion next in order to meet the time requirement specified on the agenda for agenda item number three. Commissioner Mackin seconded the motion. The motion passed with the unanimous consent of the Commission.

The Commission next addressed agenda item numbers five and six after which they addressed the agenda items as listed.

3. PUBLIC HEARING – Charleston Place Condominium Phase 1 Conversion to PUD – Conditional Use Permit – 1938 East-1940 East Charleston Lane.

Mr. Teerlink presented the staff report and stated that the request is from owners of the Charleston Place condominiums, which are located at 1938 and 1940 East Charleston Lane. Recently there have been requests from condominium owners to convert the ownership type from a condominium to a situation where they own real property. Staff addressed the issue by allowing a Conditional Use Permit for a Planned Unit Development, which divides the property into real property and allows property owners to have ownership over the structure and the adjoining land. The Charleston Place Condominiums consists of four phases. The owners of the two units are applying for a PUD to amend the plat and grant them land associated with each address. Staff recommended approval of the Conditional Use Permit and the preliminary drawings created by the applicants with deferral of final approval to staff. Mr. Teerlink stated that property owners in other phases have expressed interest in doing something similar.

Chair Ricks opened the public hearing.

Karri Jackson a Charleston Place condominium owner, gave her address 1940 Charleston Lane and was anxious to proceed with the conversion.

Jeff Stout, a Cottonwood Height resident, stated that he is a mortgage broker who has been working with Ms. Jackson to refinance her property. When the loan was submitted the lender, there was a great deal of pushback. As a result, they pursued a rezone of the property to avoid problems for others in the future. He met with Messrs. Allred and Teerlink and retained engineers who redrew the plat. Mr. Stout offered to help other residents move in the same direction if they are willing to pay the engineering for the new plat.

Neil Orwell stated that he lives in Phase 3 and expressed support for the proposal. He commented that they are facing an impossible situation in that a few years ago, the two women in Unit 2 were trying to get refinancing but could not because they do not have an association.

They have never had one in the 13 years they have been in existence. He asked that the Planning Commission approve the request.

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

Commissioner Holbrook asked if there are limitations associated with a PUD. Mr. Teerlink explained that the minimum size for a PUD in the R-1-10 zone is 30,000 square feet. All four phases together exceed that.

Commissioner Mackin moved to approve a conditional use permit to allow for a Planned Unit Development located in the R-1-10 zone at 1938 Unit 1B, 1940 Unit 1A, Charleston Lane 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 submit to re-hearing and approval, if so desired.***
- 2. Any future material amendment to the PUD may be allowed with subsequent approval by the Planning Commission and is submit to all regulations of the R-1-10 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.***

Findings:

- 1. A Homeowners Association has not been established for this property, therefore, all owners have established historic maintenance of structure and property.***
- 2. This is the first of four phases in this conversion – eventually when each of the other property owners are able, they will also apply to convert their phase.***
- 3. The proposal meets the minimum size standards for a Planned Unit Development (30,000 square-foot minimum).***
- 4. All utility services exist in Charleston Lane and can service this new lot.***

Commissioner Mackin also moved to approve the preliminary plat for the Charleston Place PUD Phase 1 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 submit to re-hearing and approval, if so desired.***
- 2. Any future material amendment to the PUD may be allowed with subsequent approval by the Planning Commission and is submit to all regulations of the R-1-10 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.*

Findings:

1. *A Homeowners Association has not been established for this property, therefore, all owners have established historic maintenance of structure and property.*
2. *This is the first of four phases in this conversion – eventually when each of the other property owners are able, they will also apply to convert their phase.*
3. *The proposal meets the minimum size standards for a Planned Unit Development (30,000 square-foot minimum).*
4. *All utility services exist in Charleston Lane and can service this new lot.*

Final plat review and approval shall be deferred to the Technical Review Committee (TRC). Commissioner Bradshaw seconded the motion. Vote on motion: Jan Bradshaw-Aye, Ann Mackin-Aye, Troy Holbrook-Aye, Chair Ricks-Aye. The motion passed unanimously.

ACTION ITEMS

4. Tree Canopy Protection Ordinance.

Discussion of the above matter was deferred.

Commissioner Bradshaw moved to continue discussion of the Tree Canopy Protection Ordinance until Chair Jim Carter, who has written a preamble, can be present and review it. Commissioner Mackin seconded the motion. Vote on motion: Troy Holbrook-Aye, Ann Mackin-Aye, Jan Bradshaw-Aye, Chair Ricks-Aye. The motion passed unanimously.

5. Approval of Draft 2018 Meeting Calendar.

The meeting calendar was reviewed and discussed. All five Tuesdays in January were to remain open in order to determine the availability of Commission Members. The July meetings were changed to the 10th and 17th. The November meetings were to be held on the 6th and 13th. The December meetings were changed to the 4th and the 11th.

Commissioner Bradshaw moved to adopt the 2018 Planning Commission calendar as outlined. Commissioner Mackin seconded the motion. The motion passed with the unanimous consent of the Commission.

6. Approval of Minutes; 9/19/2017 and 10/3/17.

The minutes were reviewed and modified.

Commissioner Bradshaw moved to continue approval of the minutes of September 19, and October 3, 2017 until such time as a quorum is present of those who attended the meetings for which the minutes are to be approved. Commissioner Mackin seconded the motion. Vote on motion: Jan Bradshaw-Aye, Troy Holbrook-Aye, Ann Mackin-Aye, Marianne Ricks-Aye. The motion passed unanimously.

DISCUSSION ITEMS

7. **Community Development Director's Report on Impending Land Use Actions/Applications/Calendar.**

ADJOURN

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

The Planning Commission Meeting adjourned at approximately 8:01 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, December 5, 2017.



Teri Forbes
T Forbes Group
Minutes Secretary

Minutes approved: **January 8, 2018**