



CITY of HOLLADAY

PLANNING COMMISSION MEETING AGENDA

Tuesday, November 17th 2020

In accordance with Executive Order issued by Governor Herbert Suspending the Enforcement of Provisions of Utah Code 52-4-202 and 52-4-207 due to the infectious nature of the COVID-19 the Planning Commission of the City of Holladay will hold their regularly scheduled meeting by electronic means, with no physical location.

Interested parties are encouraged to watch the video stream of the meeting on the City of Holladay's Facebook page. Participation in *public hearings* portions of the meeting can be done in any of the following ways:

- Email your comments related to *public hearing items* to the Community Development Department during regular business hours; jteerlink@cityofholladay.com OR pallred@cityofholladay.com
 - During the meeting, go to www.zoom.us in your web browser and join a meeting:
Meeting ID is: TBA (check city website: www.cityofholladay.com prior to the meeting)
 - During the meeting, call Zoom on your telephone: 699-900-6833 or 346-248-7799 or 301-715-8592
Meeting ID is: TBA (check city website: www.cityofholladay.com prior to the meeting)
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AGENDA

- 6:00 PM** **WORK SESSION** – The Commission may discuss any or all agenda items. No decisions or voting will be made during this portion of the meeting.
- 6:30 PM** **CONVENE ELECTRONIC MEETING** – Public Welcome & Chair Opening Statement

PUBLIC HEARING

1. **Mitchell Residential Site Plan – Special Exception – 2351 East Hintze (R-1-21 Zone)**
Property owner, Kevin Mitchell is applying for redevelopment approval to replace a detached accessory building within the Upper Canal waterway study/protection area in accordance with Ord.13.08.140, 13.76.400 *File #20-9-07*

ADJOURN

CERTIFICATE OF POSTING

I, Stephanie N. Carlson, the City Recorder of the City of Holladay, certify that the above agenda notice was posted at City Hall, the City website www.cityofholladay.com, the Utah Public Notice website www.utah.gov/pmn, and was emailed to the Salt Lake Tribune and Desert News and others who have indicated interest.

DATE POSTED: *

Stephanie N. Carlson MMC, City Recorder
City of Holladay

Reasonable accommodations for individuals with disabilities or those in need of language interpretation service can be provided upon request. For assistance, please call the City Recorder's office at 272-9450 at least three days in advance. TTY/TDD number is (801)270-2425 or call Relay Utah at #7-1-1

**ORDER ON PUBLIC MEETINGS OF THE
CITY OF HOLLADAY PLANNING COMMISSION**

I, Marianne Ricks, as the Chair of the City of Holladay Planning Commission, do hereby find and declare as follows:

1. Due to the Emergency conditions which currently exist in the State of Utah, and specifically in Salt Lake County and the City of Holladay as a result of the COVID-19 Pandemic and the recent surge in COVID-19 infections across the state and in Salt Lake County, the holding of public meetings with an anchor location as defined in the *Utah Open and Public Meetings Act*, presents a substantial risk to the health and safety of those who may be present at the anchor location; and
2. The risk to those who may be present at an anchor location can be substantially mitigated by holding public meetings of the Planning Commission pursuant to electronic means that allow for public participation via virtual means; and
3. The City has the means and ability to allow virtual participation in the public meetings in accordance with the *Utah Open and Public Meetings Act*;

NOW THEREFORE, BASED UPON THE FOREGOING,

For thirty days from the date of this Order, meetings of the City of Holladay Planning Commission, shall be conducted by virtual means, without an anchor location.

By: _____
Marianne Ricks, Chair

ATTEST:

Stephanie N. Carlson, MMC
City Recorder

Rules of the City of Holladay Planning Commission for Public Hearings

The Planning Commission Chair or Vice Chair is the Presiding Officer and will conduct the hearing.

1. **Introduction.** The Presiding Officer informs those attending of the procedure and order of business for the hearing.
2. **Staff Presentation.** City Staff briefly introduces the request that prompted the public hearing. The presentation shall not last more than five minutes.
3. **Sponsor Presentation.** If desired, the applicant or his/her representative may also make a presentation. The presentation shall not last more than fifteen minutes.
4. **Public Comment.** The Presiding Officer asks for public comment on the matter before the Commission. Comments are limited to three minutes and speakers are allowed to speak only once. Speakers are requested to:
 - (a) Complete the Citizen Comment Form
 - (b) Wait until recognized before speaking
 - (c) Come to the microphone and state their name and address for the record
 - (d) Be brief and to the point
 - (e) Not restate points made by other speakers
 - (f) Address questions through the Presiding Officer
 - (g) Confine remarks to the topic
 - (h) Avoid personalities

After each citizen has spoken, Commission members may ask questions of the participant before the Presiding Officer resumes or closes the hearing.

5. **Applicant Summation/Response.** Following citizen comment and questions by the Commission, the applicant shall be given an opportunity to give up to fifteen minutes summation and/or response prior to closing of the public hearing.
6. **Closing the Hearing.** If there is no further public comment, questions by Commission members, or final response by the applicant, the Presiding Officer shall conclude the hearing at least ten minutes in advance of a subsequently scheduled public hearing. The Commission may vote to extend the public hearing past the starting time of a subsequent public hearing.
7. **Consideration of Item.** At the close of the public hearing, the Commission shall consider the item, discuss its merits and vote on the matter or vote to continue it at a future meeting.

FILE# 20-9-07

"MITCHELL SITE PLAN"

ADDRESS:

2351 Hintze Circle

LEGAL DESCRIPTION: ~3.55 acres

Metes Bounds

APPLICANT/REPRESENTATIVE:

Lance Howell, Kevin Mitchell

PROPERTY OWNER:

Kevin Mitchell

ZONING:

R-1-21

GENERAL PLAN DISTRICT:

Low Density Residential-Protected (LDR-P)

CITY COUNCIL DISTRICT:

District #1

PUBLIC NOTICE DETAILS:

Mailed 11/03/2020

REQUEST:

Special Exception

APPLICABLE REGULATIONS:

13.08.080
13.08.140
13.76.400.A

EXHIBITS:

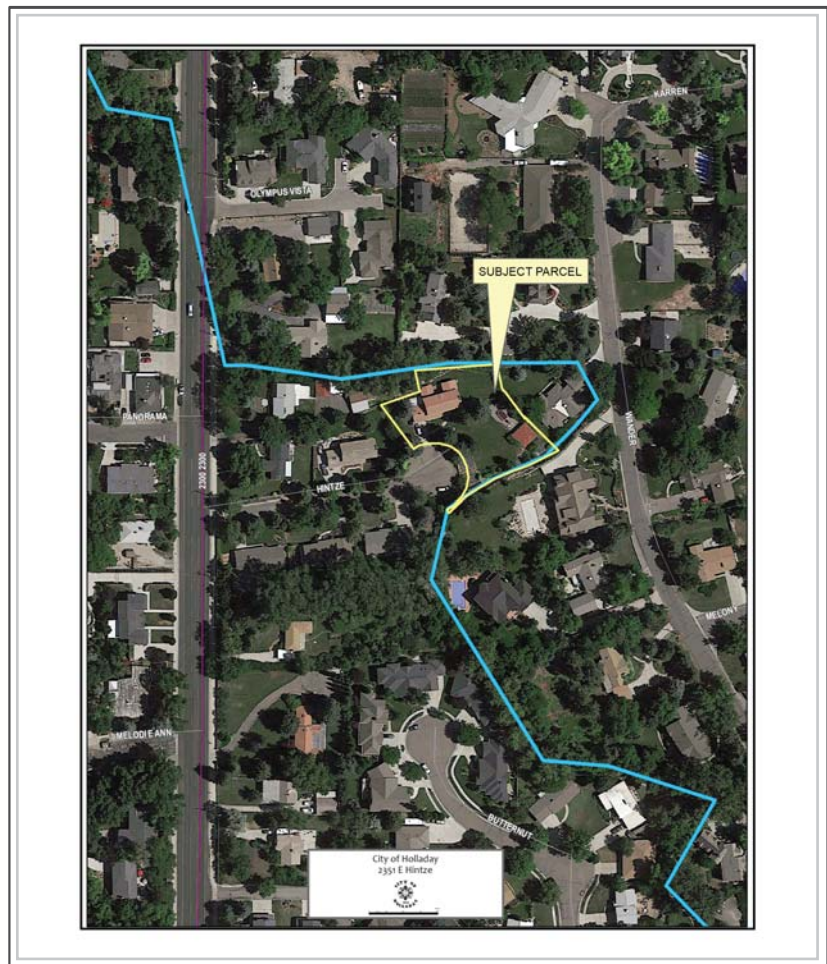
Site plan
Upper Canal Approval
City Engineer Consent

DECISION TYPE:

Administrative:

Public hearing required. PC shall make a motion of either, denial, approval or to continue. All motions require findings which support the decision. As directed by ordinance, applications shall be approved if the Land Use Authority finds Substantial Evidence of compliance with applicable requirements. Holladay Ord. 13.06.050.B2 and 13.08

SITE VICINITY MAP



Notes:

STAFF:

Rob Hobbs, Planner



Request(s): **SPECIAL EXCEPTION TO WATERWAY PROTECTION STANDARDS**
Project: Mitchell Detached Guest/Pool House Location Approval Request
Property Location: 2351 Hintze Circle, Holladay, UT 84124 – hereinafter the “Property”
Zoning District(s): R-1-21
Applicant(s): Kevin Mitchell/City of Holladay
File No(s): 20-9-07
Notice(s): Mailed 11/03/2020 and conducted as requisite per City and State law.
Staff: Robert Hobbs

GOVERNING ORDINANCES:	13.08.080	SITE PLAN
	13.08.140	SPECIAL EXCEPTIONS
	13.76.400.A	DEVELOPMENT NEAR WATERWAYS: BUILDING AREA REQUIREMENTS

REQUIRED PLANNING COMMISSION ACTION(S)

Approve, Continue or Deny a Special Exception Request to Waterway Separation Distance Minimum:

The Planning Commission shall hear and determine if the proposed Special Exception made the subject of this report is appropriate or acceptable based upon [its] consideration of the general standards set forth in sec. 13.08.140.E. and F. of the City Ordinance as they relate to 13.76.400.A.

BACKGROUND & SUMMARY

Address clarification; 2351 East and 2352 East Hintze Circle are abutting parcels. The subject of this application occurs on 2352 E, however these parcels have been combined. The property owner has retained 2351 East as the main address.

History: Plan review of/for the detached pool/guest house made the subject of this application was initiated in August of this year. By the 20th of the month, clearance to continue plan review was given as the City had [previously] been awaiting confirmation of the Property’s consolidation with a neighboring parcel. Zoning plan review checked all the usual boxes (i.e., complicated setbacks’ conformance, property coverage, height control compliance, etc.). The review missed the proximity of a canal.

Not depicted on the project’s submitted site plan, and only faintly shown on a site grading/drainage plan usually reviewed by engineering, was the callout/line definition for the waterway. Even photo imagery checked at the time of plan review revealed an area suggestive of a dry strip but not an open waterway. Accordingly, the guest/pool house permit was issued – in error as structures must be offset twenty-feet (20’) from a canal.

The [to be built] structure is intended to sit at an angle to the canal. The closest point of the structure, per currently proposed positioning is, or would be, twelve-feet (12’) from the water channel’s bank. About 24.6 lineal feet of wall length is closer than 20’ (ranging from the afore-noted 12’ to 16.2’) to the canal. Most (~ 2/3rds) of the structure’s proposed outboard wall closest to the canal is easily more than 20’ away from water’s edge. (Please refer to the attached grading/site plan.)

Excavation equipment was on-site and a foundation hole dug by the time the issue was noted. The project contractor met with Staff with the Property owner present by phone. In the meeting, it was observed that most of the structure would be code compliant once built where proposed, sufficient room (if the proposed structure were moved another foot to the north) for maintenance vehicle passage along the waterway would/will exist with 12’ of clear passage, the Upper Canal company was agreeable to revising the grading plan to reflect a 1’ shift of the guest/pool house to the north), and noted that the City Engineer, Property owner, contractor and Staff agreed that the canal would be adequately protected (in fact a leak in the canal would be fixed that had plagued the City in that area for some time by virtue of the project moving forward), if construction continued. A revised grading plan (hereto attached), and, an accompanying email noting plan changes to what was originally submitted were then provided by the Property’s owner’s engineer or contractor to the City

Engineer. The team effort at resolving the situation in a favorable manner to all interested parties scored. However, it is still necessary to have the Commission review the proposed encroachment; accordingly, comes now this matter for consideration.

The exception request now before the Commission proposes that the guest/pool house's southeastern edge be allowed to be partially placed closer than 20' to the Upper Canal that abuts the Property as demarcated on the attached grading plan copy.

APPLICABLE STANDARDS

Criteria for Approval: The criteria for review and potential approval of a Special Exception requests are as follows:

"E. Approval Standard[s]: No application for a special exception shall be approved unless the planning commission shall determine that the proposed special exception is appropriate in the location proposed based upon its consideration of the general standards set forth below and, where applicable, the specific conditions for certain special exceptions as set forth in section 13.08.150 of this chapter.

- 1. The proposed use and development will be in harmony with the general and specific purposes for which this title was enacted and for which the regulations of the district were established.*
- 2. The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located.*
- 3. The proposed use and development will not have a material adverse effect upon the character of the area or the public health, safety and general welfare.*
- 4. The proposed special exception will be constructed, arranged and operated so as to be compatible with the use and development of neighboring property in accordance with the applicable district regulations.*
- 5. The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance.*
- 6. The proposed use and development will not cause material air, water, soil or noise pollution or other types of pollution.*
- 7. The proposed use and development complies with all additional standards imposed on it pursuant to section 13.08.150 of this chapter.*

F. Additional Requirements: The planning commission may impose conditions and limitations as may be necessary or appropriate to prevent or minimize adverse effects upon other property and improvements in the vicinity of the special exception or upon public facilities and services. These conditions may include, but are not limited to, conditions concerning use, construction, operation, character, location, landscaping, screening and other matters relating to the purposes and objectives of this title. Such conditions shall be expressly set forth in the motion granting the special exception."

STAFF COMMENTARY

The City of Holladay has enacted certain laws to help mitigate waterway impacts. Included in such regulations are codes governing construction near waterways [whether man-made or natural]. Holladay's minimum separation distance requirements apply to all structures along waterways within the City.

Given the reluctance of the Property owner(s) to move the pool and associated pool/guest house other than 1' north and the admittance by other parties that the structure may be placed as currently proposed and not negatively impact the canal [it will in fact be effectually reinforced/shored up by the proposed structure construction] or maintenance access thereto, and in all other material respects the structure's plans meet code, Staff believes it reasonable to approve the building as and where proposed. The Property owner has signed [copy attached] a Certification of Protection (of existing irrigation and storm drain facilities) form prior to emplacing the pool/guest house.

Staff has amended our site plan submittal checklist and R-1 Worksheet have been amended to instruct plan designers that they must report and depict the location of any canal or stream within 100' of the property for which they draft plans for our review. And, cross-checking the County's ArcGIS imagery and Google Maps will become a regular practice as part of front desk plan review.

There are no criteria/controls, standards or guidance in Holladay's ordinances that directly address the appropriateness of any sought after exception to our waterway offsets regulations. We therefore use the [above cited] Special Exception criteria (§ 13.76.700 .F. 8-9) to address the question of waterway buffer area intrusions.

RECOMMENDATION(S)

Having reviewed the Special Exception request and recognizing the City Engineer and Upper Canal Companies' acceptance of the current grading [and site] plans location callouts for the building, we recommend the Special Exception be approved.

RECOMMENDED CONDITION(S) OF APPROVAL

(Subject to Commission approval, revision or omission)

Should the Commission vote to approve the Special Exception, then Staff recommends that the Commission consider making their approval contingent on the project's/Applicants' compliance with the following condition(s):

n/a – City and Upper Canal requirements for revised permit approval including grading/drainage plan revision, canal protection and access already fulfilled or to be field inspected/monitored.

ATTACHMENT(S)

- Copy of Special Exception Application form (page/Exhibit 4)
- Copy of County Assessor's property profile/aerial photo (page/Exhibit 5)
- Copy of public hearing notice (page/Exhibit 6)
- Copy of Applicants' [new] grading plan (page/Exhibit 7)
- Copy of email correspondence between property owner Applicant's Engineer & City Engineer (page/Exhibit 8)
- Copy of Certification of Protection form (page/Exhibit 9)
- Copies of any department/agency/citizenry correspondence* (pages 10+).

* Any relevant materials associated with the application made the subject of this report that were available to Staff by Friday, November 13 at 5:00 pm together with copies of City department/outside agency/citizenry correspondence relating to the same.



NOTICE OF A PUBLIC HEARING FOR A WATERWAY PROXIMITY EXCEPTION

Hearing Date: November 17, 2020
Time: Approximately 7:00 pm or thereafter
Location: 4580 South 2300 East, Holladay City Hall
Hearing Body: Planning Commission

Notice is hereby given that the City of Holladay Planning and Zoning Commission will hold a public hearing regarding an application from property owner Mr. Kevin Mitchell for a Special Exception Permit for a guest/pool house within 20' of the Upper Canal located adjacent to his property addressed as: 2352 Hintze Circle, Holladay Utah. Pertinent ordinances may be found on the City of Holladay website as follows: 13.08.140, 150A, and, 13.76.400 "Development Near Waterways"

**Due to the current declared State of Emergency, the Planning Commission will hold virtual meetings until further notice as public gatherings are currently prohibited. This hearing will be held electronically. Information on how to join the meeting can be found on the City's website and on the posted agenda. Interested parties are encouraged to watch the video stream of the meeting on the City of Holladay Facebook page.*

**Please submit any written comment via email to Jon Teerlink (jteerlink@cityofholladay.com) and Rob Hobbs (rhobbs@cityofholladay.com) by 5:00 pm 11/13/2020. Public comments received by the designated times will be read and evaluated by the Commission.*

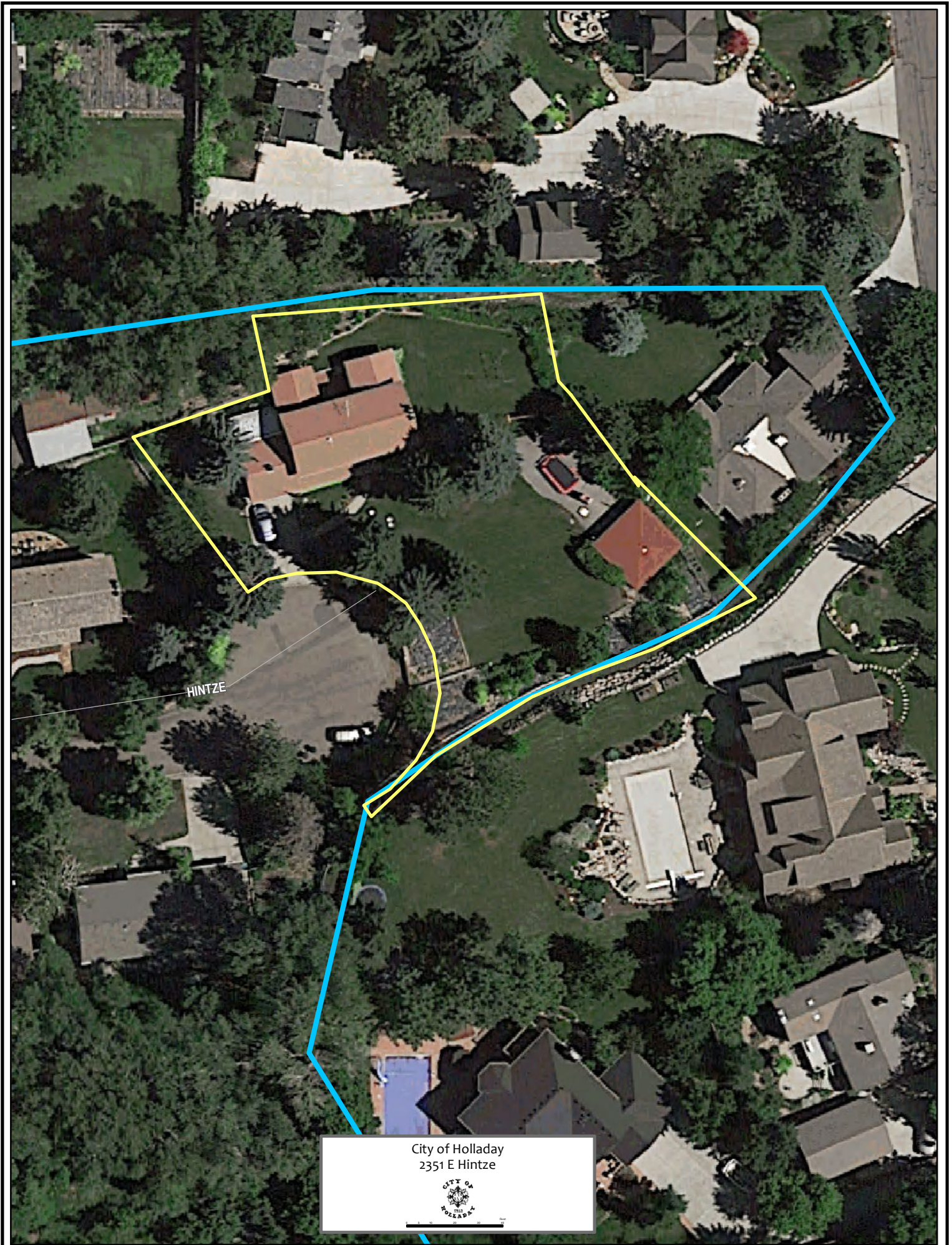
**The Staff report will be available on the City's website, www.cityofholladay.com no later than 5:00 pm on Friday 11/13/2020. If you have questions please contact either Paul Allred or Jonathan Teerlink at 801-527-3890 during regular business hours.*



If you have questions please contact either Robert Hobbs or Jonathan Teerlink at 801-527-3890 during regular business hours.

Mailed by order of the Community Development Department

ATTENTION: This notice has been delivered to all residents within an area extending approximately 500 feet from the subject property. If you know of anyone who may not have received a notice but may have an interest in the meeting, please pass along the information. If you are not the owner of your residence, please notify the owner regarding this matter.



HINTZE

City of Holladay
2351 E Hintze



0 10 20 Feet



consultant:

project

Mitchell
Residence
Holladay, UT

date

SEPTEMBER 22, 2020

revisions

data

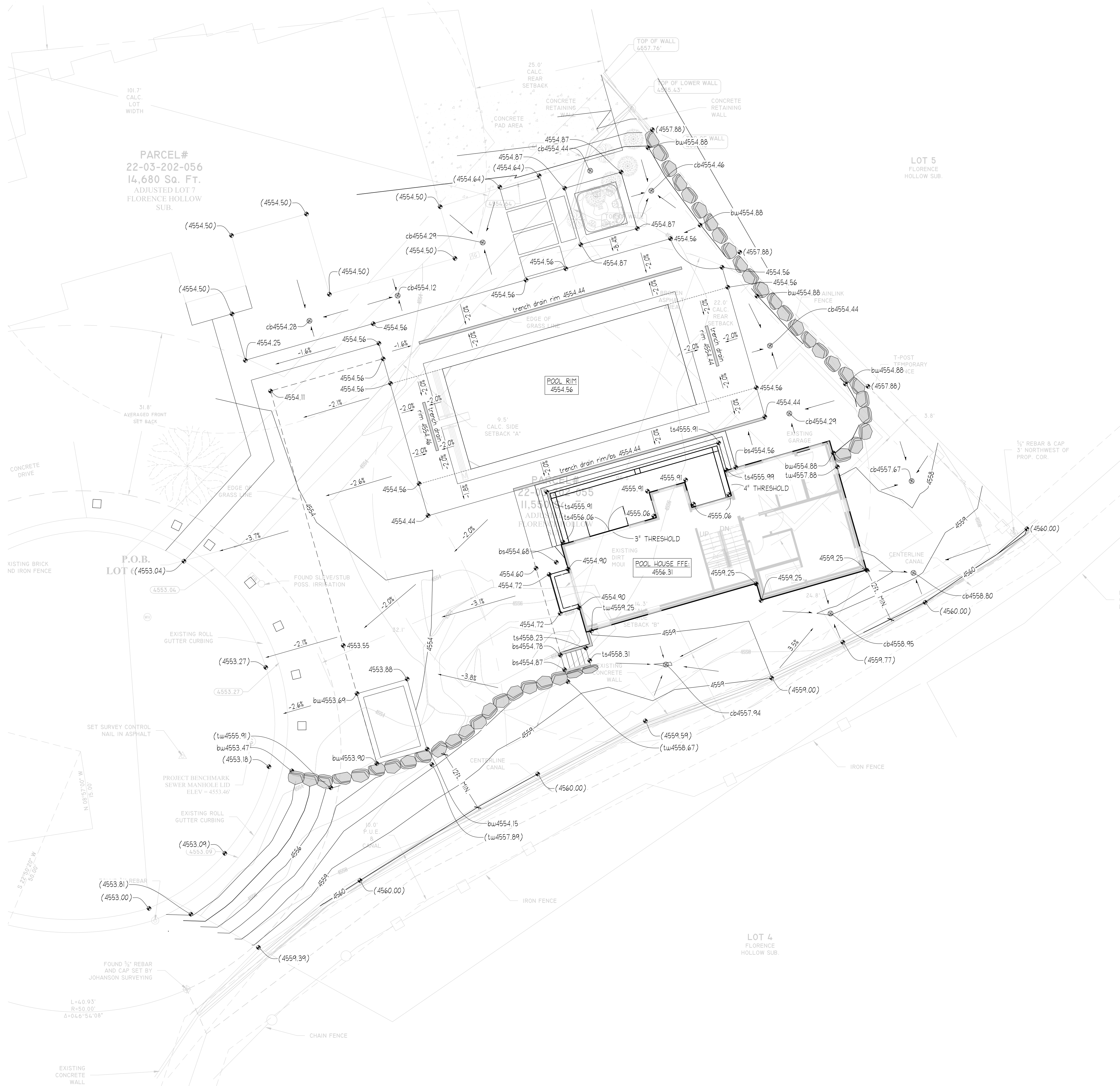
asd project no: 20063

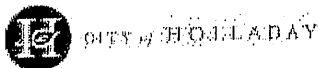
title

PRELIMINARY
GRADING PLAN

sheet

L101





CERTIFICATION OF PROTECTION OF EXISTING IRRIGATION, CANAL AND STORM DRAIN FACILITIES

Existing waterways including irrigation ditches, irrigation pipes, storm drain channels, storm drain pipes, and related facilities shall be preserved in function and capacity and a permit is required for any modification to any such waterway. Irrigation ditches, also known as "laterals", and canals were historically designed and used as open channel water conveyances; however, urban encroachment has created a need to pipe these facilities. Piping of existing open channel facilities is permissible subject to the following (13.76.100.B):

1. A permit is required for changing any irrigation canal or ditch. Applicant shall provide necessary details to the city engineer and certify that the proposed changes will not adversely impact the capacity or function of the canal or ditch, nor hinder the ability to deliver water to those with a water right.
2. The permit will be subject to the review and approval of the city engineer and as appropriate the city attorney.
3. Current and future landowner(s) are responsible for the perpetual and continual maintenance and condition of the piping along and through their property.

Property Address:

2351 E HINTZE DR.

Property Owner:

KEVIN & LEAH MITCHELL

Part 1

(Check One):

☐ There are no existing canals, ditches, laterals, buried pipes, or other irrigation conveyances, or storm drain facilities running through or adjacent to my property and proposed improvements on my property will not result in additional storm water run-off entering existing irrigation facilities, nor alter same in any way.

☒ There is an existing canal, ditch, lateral, buried pipes, or other irrigation conveyance running through or adjacent to this property. The location of this irrigation facility(s) is accurately shown on the site mapping submitted with this subdivision or building permit application. Proposed improvements will not result in additional storm water run-off entering existing irrigation facilities.

(Check One):

☒ Existing irrigation facilities will remain in place and will not be impacted nor modified, but will be maintained and kept free from obstructions or debris. If a facility modification is required during construction, all costs associated with changes are the responsibility of developer, and any proposed alterations shall be approved by the City of Holladay.

☐ Existing irrigation facilities will be modified. COMPLETE PART 2 (Attach: description of proposed modifications. Provide design drawings. All alignment changes and modifications to existing irrigation facilities may require written approval of downstream users and ditch company to be submitted by applicant. Current and future landowner(s) are responsible for the perpetual and continual maintenance and condition of piping and/or modified ditches along or through this property.)

Owner Name (please print)

Signature

Date

9/23/2020

Part 2 IRRIGATION COMPANY APPROVAL OF MODIFICATION: attach designs

****To be completed by water provider.**

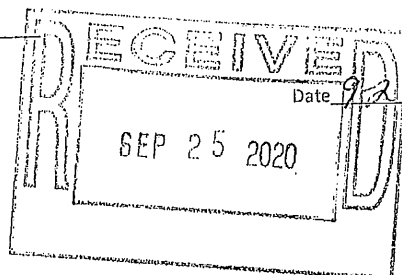
The canal/irrigation company has reviewed the proposed development and there are:

(Check one):

- ☐ No facilities on the property and construction can proceed as proposed; or
- ☒ Facilities on the property won't be affected by the modification, said facilities must be protected/preserved; or
- ☐ Facilities on the property that will be affected and improvements must be made as set forth in the approved plan.

Name of Canal/Irrigation Company and Manager/Ditch Master

Approval Signature:



Jonathan Teerlink

From: Jared Bunch <jbunch@forsgren.com>
Sent: Wednesday, September 23, 2020 2:36 PM
To: Lance Howell; Jonathan Teerlink; Paul Allred
Subject: RE: Mitchell poolhouse revised plan.pdf

Thanks Lance. This looks good by me. I'll need to get the canal protection letter signed by the property owner first, then the Upper Canal. Do you have a copy?

Jared

From: Lance Howell <lancehowell@comcast.net>
Sent: Wednesday, September 23, 2020 2:16 PM
To: Jared Bunch <jbunch@forsgren.com>; Jonathon Teerlink <jteerlink@cityofholladay.com>; Paul Allred <PAllred@cityofholladay.com>
Subject: Mitchell poolhouse revised plan.pdf

Jared,

Please find attached the revised plan for the Mitchell project.

The following changes have been made:

- vertical retaining wall removed from cup-de-sac property line
- rock retaining wall has been shifted to the north to allow maintenance traffic to access the canal
- steps have been narrowed and garden boxes removed
- building structure has been shifted north to 12' clearance to the canal

Let me know what else you may need.

Thanks,

Sent from my iPhone

Lance Howell
The Biltmore Company, LLC
lancehowell@comcast.net
801.201.6263

Sent from my iPhone