

FILE# 24-2-01

FISHER GUESTHOUSE FOOTPRINT CUP

ADDRESS:

4044 S. 2000 E

LEGAL DESCRIPTION: 16-33-479-019

BBEG 482.66 FT N FR SE COR SEC 33, T 1S, R 1E, S L M; N 7.3 RDS; S 88°45' W 205.13 FT; S 72.208 FT; S 0°23'37" E 48.23 FT; N 88°45' E 204.76 FT TO BEG LESS STREET 0.49 AC
4500-1121 4501-1183 4652-0129,0130 4675-0386,0387,0388,0394
4652-0131 8253-2683

APPLICANT/REPRESENTATIVE:

Charles Fisher

PROPERTY OWNER:

Richard and Vicki Greenwood

ZONING:

R-1-10

GENERAL PLAN DISTRICT:

Low Density Residential-Stable (LDR-S)

CITY COUNCIL DISTRICT:

District #2

PUBLIC NOTICE DETAILS:

Mailed 2/23/24

REQUEST:

Conditional Use Permit

APPLICABLE REGULATIONS:

13.14.030
13.08.040

EXHIBITS:

Zone map
Staff Report
Applicant Narrative
Applicant supporting doc.

STAFF:

Carrie Marsh, City Planner

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:



Request: **Conditional Use Permit; Guesthouse Footprint Size**
Applicant: Charles and Allison Fisher
Address: 4044 S 2000 E, Holladay Utah
Zone: R-1-10
File No: 24-2-01
Notice: Mailed 2/23/2024
Planner: Carrie Marsh

GOVERNING POLICIES/ORDINANCES:	13.14.030	Accessory Use(s) Regulations
	13.08.040	Conditional Uses

REQUIRED PLANNING COMMISSION ACTION: 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.

SUMMARY

Applicant Charles Fisher is requesting a conditional use permit to construct a guesthouse that exceeds the maximum allowed footprint size of 1,200 square feet on properties larger than .50 acre. The property is **.50 acres** and the proposed guesthouse **footprint size is 1470 square feet**, including covered patios/porches and balconies. The applicant is proposing to build the guesthouse on the south side of the property, within the required side and rear setbacks for a primary structure. Required side setbacks for the 120 foot wide lot are 12' and 18'. The required rear setback for a 21,780 sq. foot lot is 34 feet.

Chart 13.14.101 of the City of Holladay zoning code states that total footprint allowable for a permitted guesthouse on lots greater than 21,780 square feet is 1,200 square feet. 13.14.03 G.2 allows for a conditional use permit for a guesthouse with a footprint greater than 1,200 square feet.

In Utah, Conditional Use applications are presently viewed through a favorable lens such that they are considered as, basically, allowed uses to which may be assigned varying Conditions of Approval intended to mitigate where deemed necessary and reasonable aspects of their nature or operation. Section 13.08.040.F. affirms that, "A conditional use *shall be approved if* reasonable conditions are proposed by the applicant, or can be imposed by the land use authority, to mitigate the potential determinantal effects of the proposed use...". (italics added)

Accordingly, the Planning Commission should focus conversation on the proposed structure's potential impact(s) to neighboring lots and parcels that abut the Property whereupon the garage is proposed. As per 13.04.080, a Conditional Use should NOT:

1. Contribute to a detrimental concentration of existing nonconforming or conditional uses substantially similar to the use proposed within one-fourth (1/4) mile of the exterior boundary of the subject property;
2. Result in loss of privacy, objectionable views of large parking or storage areas; or views or sounds of loading and unloading areas; and
3. Encroach on or cause erosion of the bank of a river or stream, or direct runoff into a river or stream without approval by the appropriate storm water authority.

As over-sized accessory structures (whether singularly or collectively) proposed on properties in Holladay are reviewed in context of Conditional Use Standards (see H.C.C. § 13.08.040.F), any denial of the same requires careful and specific reasons(ing) to withstand court scrutiny.

TECHNICAL REVIEW COMMITTEE ABBREVIATED ANALYSIS & RECOMMENDATION(S)

The Technical Review Committee (TRC) finds that the application for a Conditional Use Permit allowing a **footprint size** increase to be complete.

The TRC recommends the PC to hold the required public hearing (as required 13.08.040). A neighborhood meeting is not required for this type of application. Public comments offered during the hearing should be considered within the context of the set approval standards mentioned above and may be used to form possible discussion points for generation of additional findings and/or conditions. Additional considerations or conditions, if any, should be applied carefully and reasonably as per 13.08.040.F. The Holladay TRC has provided their suggesting findings and conditions to consider....

Findings:

1. The desired structure meets the conditions included in 13.08.040
2. The proposed building will meet standards and regulations for use as an external dwelling unit.
3. The proposed guesthouse location does not violate setback or lot coverage standards for the property.
4. Staff has not received objections or concerns (written or verbally expressed) to-date regarding the CUP request.

Suggested Conditions of Approval:

1. The property owner is to submit a tree removal and replacement plan according to City of Holladay Tree Canopy Sustainability Ordinance; only trees in building area to be approved for removal.
2. The project is subject to height, setback, and lot coverage regulations for the property size
3. The Owner/Applicant shall obtain a building permit* for the proposed detached garage addition
4. *<Any other conditions as may be imposed by the Commission to promote the general health, safety and welfare of the neighborhood surrounding the Property...>*

* If the Commission approves the condition use for the accessory building, Staff will review the same during the building permit [plan] review process to ensure that plans of/for the contemplated structure comply with relevant and requisite “bulk regulations” (e.g., setbacks, height standards, lot coverage, etc.) that appertain to the project.

EXAMPLE MOTION:

“I __ move that the Holladay Planning Commission (approve / deny) the application for a guesthouse sized at 1,470 sq ft located at **4044 S 2000 E**, based upon the findings..... *<and any other Commission stated findings>*, contingent on Applicant’s compliance with the following condition(s)... *(see above for Staff suggested conditions)* ...



City of Holladay
COMMUNITY ECONOMIC DEVELOPMENT DEPARTMENT
4580 S 2300 E, Holladay, Utah 84117
Phone: 801-527-3890

CONDITIONAL USE: NEW OR EXPANSION OF BUILDING REQUIRED APPLICATION SUBMITTALS

for applications requiring a concurrent site plan review

Following Documents are Required for a Complete Submittal:

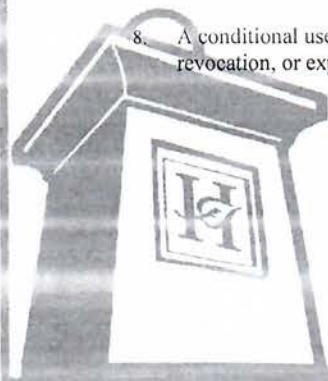
1. The following information shall be submitted to the Community Development Department:

- ☒ **Completed *General Development Application* Form**
- ☐ **Applicable fees as per 03.35**
- ☐ **Proof of Ownership – Signed Ownership Affidavit**
- ☒ **Narrative detailing the request;** to the Planning Commission and reasons or justifications for the granting of such use. This letter should explain the nature of the business, business hours, traffic impacts (if any), etc. to assist staff and the Planning Commission better understand the request. The letter should address why the Conditional Use will not be in contrast to the public interest and whether or not the proposed use will be in keeping with the character of the existing zoning of the area. Refer to the Home Occupation Ordinance and describe all sections that apply to your request. Review Holladay Ord. 13.08.040 for approval/denial standards.
- ☒ **Building floor plans showing all uses, Elevations showing architectural facades and proposed height**
- ☒ **Site plan layout and Landscaping Plan as per applicable sections of Ordinance 13.77**

2. The application should be filed no later than **3 weeks prior** to the desired public hearing date before the Planning Commission. The Planning Commission generally meets on the 1st and 3rd Tuesday of the month

Application Procedure and Process as per 13.08.040

1. The Community Development Director will notify you of the Planning Commission meeting date
2. The Community Development Department will publish a notice in required media and mail notice to all property owners within 500' meeting and will post notice on your property (do not remove this notice)
3. The agenda on which this item will be considered will be available/posted 24hours prior to the meeting
4. To mitigate the potential detrimental effects, the Planning Commission will consider all elements of 13.08.040F while reviewing your application, please review sections entitled:
 - a. *A conditional use shall..*
 - b. *A conditional use shall not...*
5. If the anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or by the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use permit shall be denied.
6. The Planning Commission will make a decision after the required public hearing.
7. If approved a conditional use permit shall not relieve an applicant from obtaining any other authorization, permit, or license required under this title or other title of this code.
8. A conditional use permit shall run with the land, unless otherwise specified and is subject to the provisions relating to amendment, revocation, or expiration of a conditional use permit





GENERAL LAND USE/DEVELOPMENT APPLICATION

Name of Proposed Project: Fisher Garage/Adu

Address of Project: 4044 S 2000 E Holladay Utah 84124

TYPE OF REQUEST: (mark all that apply)

ADMINISTRATIVE PROCEEDURES APPLY (ORD. 13.08)		LEGISLATIVE PROCEEDURES APPLY (ORD. 13.07)	
☒	SITE PLAN () PERMITTED of () CONDITIONAL	☐	REZONE of PROPERTY
☐	SUBDIVISION PLAT	☐	GENERAL PLAN AMENDMENT
☐	CONDOMINIUM PLAT	☐	CODE AMENDMENT
☐	CONDITIONAL USE PERMIT	☐	PUBLIC STREET: NAME CHANGE, VACATION /CLOSURE or DESIGNATION
☐	SPECIAL EXCEPTION	☐	HISTORIC SITE DESIGNATION
☐	NON-CONFORMING USE DECLARATION	☐	DEVELOPMENT AGREEMENT AMENDMENT
☐	OTHER:	☐	ANNEXATION

Applicant Name: (Please Print)

Charles Fisher

Property Owners Name: (Please Print) **ATTACH SIGNED "OWNER AFFIDAVIT"

Charles and Allison Fisher

Applicant's Mailing:

Address: 1364 E 4065 S

City: Salt Lake City

State: Utah

Zip: 84124

Applicant Phone:

() 801 278 7596

Applicant's Email Address:

charlesjfisher@gmail.com

Main Contact Person (Please Print):

Name: Charles Fisher

Phone: 801 278 7596

email: charlesjfisher@gmail.com

Brief summary of proposal / request:

Build an ADU above a garage. ADU floor plan is 1200sqFt +

FILING FEES: (ORD 3.35)

SITE PLAN REVIEW	\$600.00	REZONE of PROPERTY	\$900.00 + \$85.00/acre
SITE PLAN AMENDMENT	\$250.00	CODE AMENDMENT	\$600.00
SUBDIVISION: Final = 6% of the cost of improvements	\$2,000.00 + \$100.00/lot	GENERAL PLAN AMENDMENT	\$300.00 + \$50.00/acre
CONDOMINIUM	\$1,000.00 + \$100.00/unit	HISTORIC SITE DESIGNATION	\$600.00
CONDITIONAL USE PERMIT - COMMERCIAL	\$1,000.00 + \$35.00/acre	PUBLIC STREET:	\$300.00 - vacation \$500.00 - dedication \$250.00 - namechange
CONDITIONAL USE PERMIT - RESIDENTIAL	\$900.00 + \$50.00/unit	ANNEXATION	
CONDITIONAL USE PERMIT - HOME BUSINESS	\$100.00	DEVELOPMENT AGREEMENT AMENDMENT	
CONVERSION TO CONDOMINIUM	\$50.00/unit	LOT LINE ADJUSTMENT / COMBINATION:	\$75.00
SPECIAL EXCEPTION	\$600.00	OTHER:	
SUBDIVISION AMENDMENT	\$500.00		

FINAL TOTAL DUE:

OFFICE USE ONLY

FILE NUMBER _____
PARCEL NUMBER _____
COUNCIL FILE _____
ZONE _____ JURISDICTION _____
PC & TRAC _____ DATE _____
CC & TRAC _____ DATE _____
FILE DATE _____

NEXT STEPS:

1. To be considered COMPLETE, this form must be accompanied by all applicable "project tracking" checklist(s)/submittals or it will not be accepted.
2. Complete applications must be submitted 3 weeks prior to the desired Planning Commission date
2. Applications are reviewed every Tuesday by the Holladay TRC. You will be notified of any deficiencies, decisions and/or meetings dates at that time
3. Planning Commission convenes each month on the 1st and 3rd Tuesday. City Council convenes the 1st and 3rd Thursday of each month
4. Your Attendance at the Planning Commission and/or City Council meetings is required by the applicant or a representative of the applicant.



NOTICE OF A PUBLIC HEARING CONDITIONAL USE PERMIT – Guesthouse Size

Date: Tuesday, March 5th, 2024
Time: As close to 6:00 pm as possible
Location: City Hall – City Council Chambers
Hearing Body: Planning Commission

Notice is hereby given that the City of Holladay Planning Commission will review and consider a proposal by Charles Fisher for a Conditional Use Permit for a guesthouse on his property located at **4044 S 2000 E** in the R-1-10 zone. Proposal is in accordance with provisions in Holladay City Code Section 13.14.030.

****No zone or ordinance change is proposed in conjunction with the/this application. ****

Please submit comments via email by 5:00 pm 03/04/2024 to Carrie Marsh, cmarsh@cityofholladay.com Emailed comments received by the designated times will be forwarded to the Commission prior to the meeting.

Additional information regarding this item & instructions how to view this meeting remotely can be found on the City's website and on the posted agenda, prior to the meeting. Interested parties are encouraged to watch the video stream of the meeting on the City of Holladay webpage.

ATTENTION: This notice was mailed by order of the Community and Economic Development Director, Jonathan Teerlink, to all residents within 500 feet from the subject property. If you are not the owner of your residence, please notify the owner regarding this matter. Thank you.



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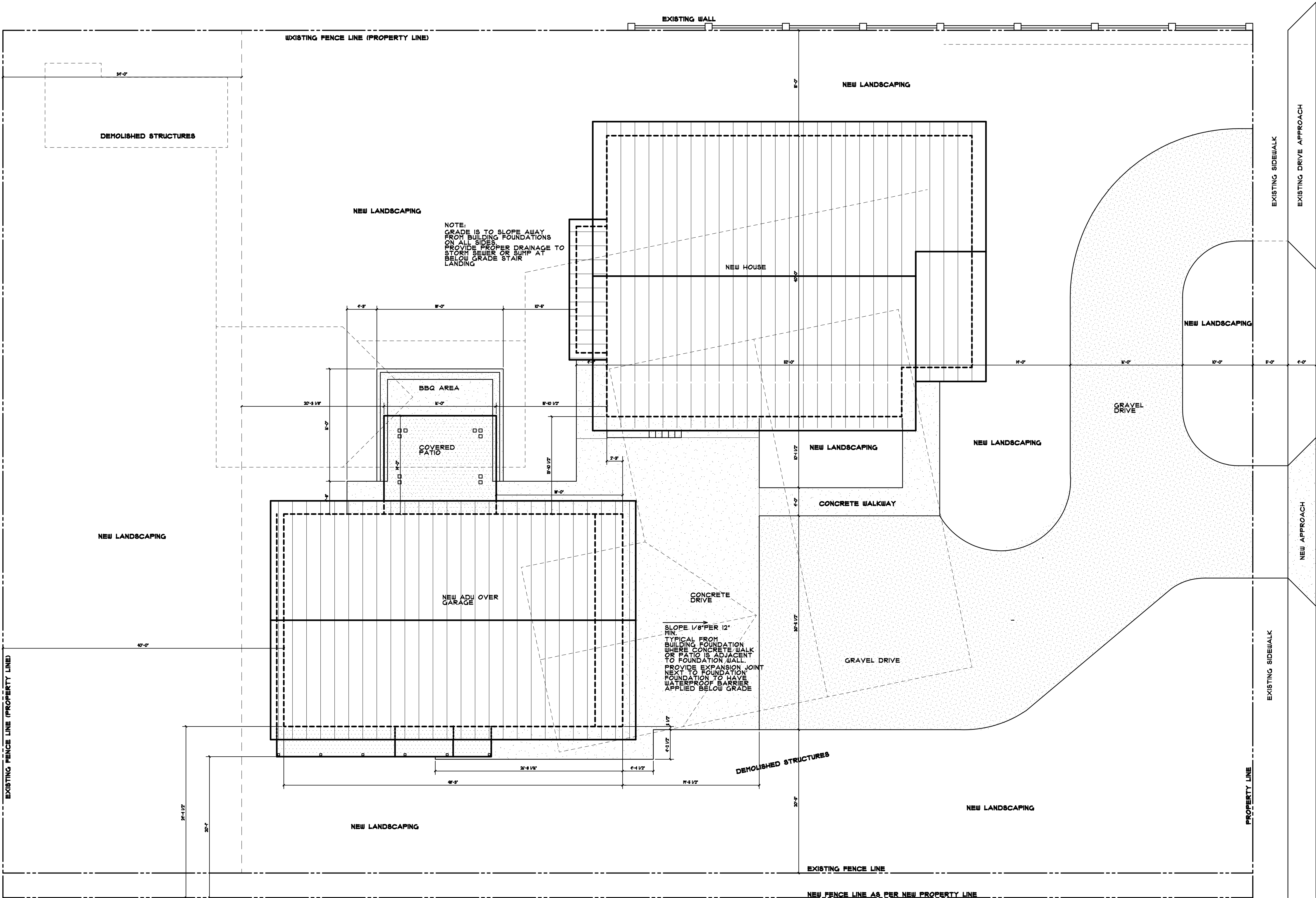
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SITE PLAN

SCALE: 1/8"=1'-0"

NORTH



2000 EAST STREET

SHEET INDEX	
NO.	TITLE
G100	INDEX, SITE PLAN
G101	GARAGE/ADU PLAN
G102	GARAGE/ADU ELEVATIONS
G103	GARAGE/ADU SECTIONS
A101	BASEMENT FLOOR PLAN
A102	MAIN FLOOR PLAN
A103	ATTIC FLOOR PLAN
A201	ELEVATIONS
A301	SECTIONS
	STRUCTURAL

NOTE:
MECHANICAL AND ELECTRICAL ARE TO BE INSTALLED AS PER
CURRENT MECHANICAL AND ELECTRICAL CODES FOLLOWING
MANUFACTURERS INSTRUCTIONS. ALLOW FOR REQUIRED
VENTILATION AND CLEARANCE FOR ALL FIXTURES AND
EQUIPMENT.

C:\USERS\WAYNE\DRAWBOX\04 PROJECTS AND DOCUMENTS\FISHER NEW HOUSE 2023 0801\DRAWINGS\G101 SITE INDEX 2023 1021AEG

SHEET NUMBER

INDEX
SITE PLAN

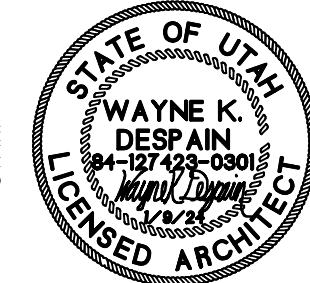
RESIDENCE FOR
CHARLES & ALLISON FISHER
4044 SOUTH 2000 EAST
HOLLADAY, UTAH 84124

DATE

ISSUE JAN. 9, 2024

PROJECT INFORMATION

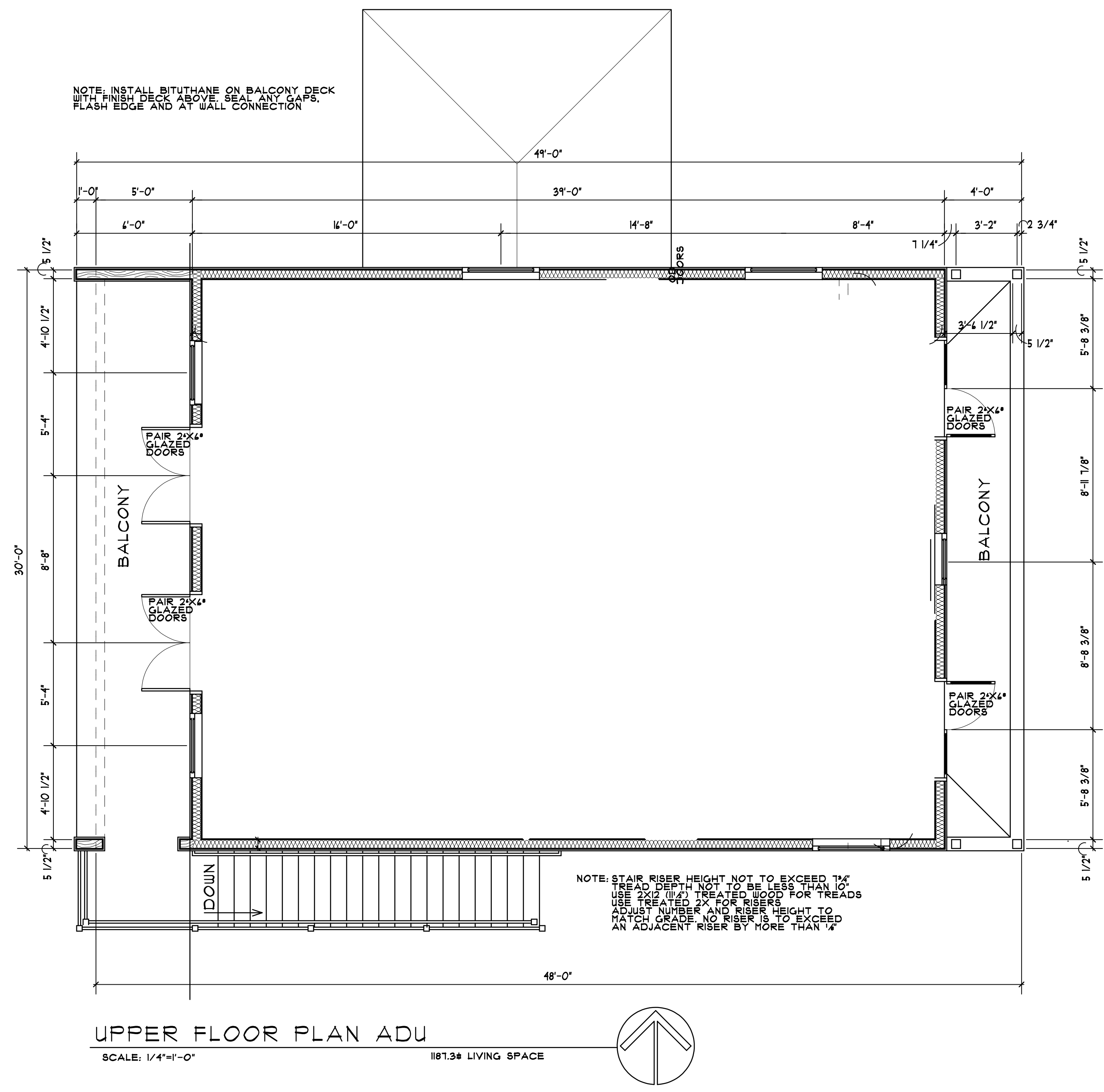
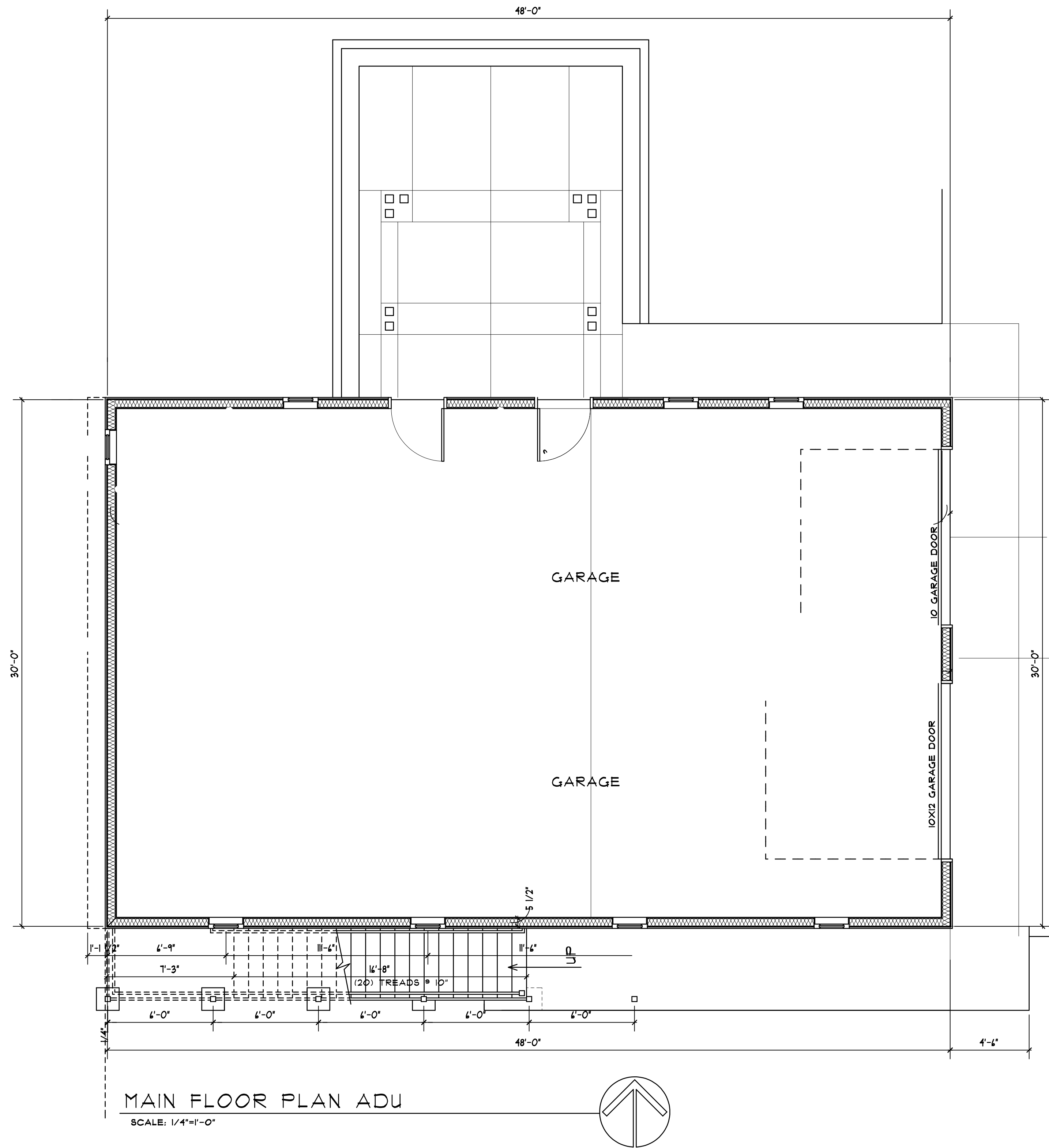
STAMP



CD ARCHITECTS PC

1714 EAST 3900 SOUTH
HOLLADAY, UTAH 84124
(801) 522-2800

PLOT: 1/9/2024 13:04



**MEMORANDUM OF UNDERSTANDING AND AGREEMENT FOR REAL ESTATE
PROPERTY EXCHANGE**

This Memorandum of Understanding and Agreement For Real Estate Property Exchange (hereafter "Agreement") is entered into this 31st day of October, 2023 (hereafter "Effective Date") by and between Holliday Water Company (hereafter "HWC"), a Utah non-profit mutual water company, with a mailing address of 1887 East 4500 South, Holladay, UT 84117, and Charles and Allison Fisher (hereafter "the Fishers"), residents of Salt Lake County, Utah, with a mailing address of 1364 East 4065 South, Holladay, UT 84124, (hereafter collectively "the Parties.")

WHEREAS, HWC own a real estate lot located at approximately 4044 South 2000 East, Holladay, UT 84124 with a house and other improvements thereon and more particularly described as follows (hereafter "4044 Property")

Commencing at a point 482.66 feet North from the Southeast corner of Section 33, Township I South, Range 1 East, Salt Lake Base and Meridian, and running thence North 7.3 rods; thence South 88°45' West 205.13 feet; thence South 72.21 feet; thence South 22° West 52.49 feet; thence North 88°45' East 224.76 feet to the beginning. Less the Street.

Less and Excepting: Beginning at the Northeast corner of Lot 6, Woodside Heights No. 3, a subdivision; thence South 22° West along the Easterly line of said Lot 6 52.49 feet; thence North 88°45' East 20.00 feet; thence North 0°23'37" West 48.23 feet to the point of Beginning.

APN: 16-33-479-019-0000; and

WHEREAS, HWC also owns a real estate lot at approximately 1993 E Gunderson Lane, Holladay, UT 84124, upon which is drilled a HWC water well and well house and more particularly described as follows (hereafter "HWC Well Site"):

COM AT E COR LOT 7 APOSHIAN SUB S 52°09' W 114.24 FT N 32°01'10" W 78.91 FT N 88°36' E 132.09 FT TO BEG

APN: 16-33-479-021-0000; and

WHEREAS, the Fishers own a real estate lot located at approximately 4060 South 2000 East, Holladay, UT 84124, with a house and other improvements thereon, including a shop building, (hereafter "4060 Property") and more particularly described as follows:

COM N 0°05' E 362.21 FT & 1.5 RDS W FR SE COR SEC 33 T 1S R 1E SL MER N
0°05' E 120.45 FT S 88°45' W 180.01 FT S 0°05' W 120.45 FT N 88°45' E 180.01 FT
TO BEG 0.50 AC. 5626-426 05626-0427 10673-5755

APN: 16-33-479-020-0000; and

WHEREAS, the 4060 Property is located between the HWC Well Site and the 4044 Property; and

WHEREAS, the HWC believes it is in their best interest to exchange ownership of the 4044 Property and the 4060 Property (hereafter "Properties") so the HWC Well Site can be adjacent to the property owned by HWC in the event that work, refurbishment or re-drilling of the water well and/or other water facilities as becomes necessary in the future.

NOW THEREFORE, in consideration of the foregoing, which is adopted by reference herein and of the respective covenants and agreements of the parties contained in this Agreement, the Parties hereby agree to sell/exchange and convey to each other the Properties described below, together with all (except for one (1) share of Holliday Water Company Stock, No. B 9170 and five (5) shares of the Upper Canal Irrigation Company, No. A 5748) the individual rights and interests therein including but not limited to all rights under the soil, and improvements to the Properties including all fixtures and appurtenances not otherwise expressly excluded herein:

1. THE PROPERTIES AND CONSIDERATION.

A. HWC represents that HWC has fee title to the 4044 Property and will convey marketable title to 4044 Property to the Fishers. Likewise, the Fishers represents that the Fishers have fee title to the 4060 Property and will convey marketable title to 4060 Property to HWC. Each party agrees to accept title subject to the title policy commitments provided to them in connection with Sections 2 and 3 of this Agreement.

B HWC shall obtain all necessary permits and is responsible at their own expense, to disconnect utilities and to demolish the house and other structures on the 4044 Property. HWC shall remove and haul away all trees, and fence between the two properties, and other debris (except the small tough shed and the carport structure) prior to closing.

C. The Fishers shall obtain all necessary permits and are responsible at their own expense to disconnect utilities and to demolish the house and other structures on the 4060 Property. The Fishers shall remove and haul away all trees and other debris and will clear the 4060 Property, with the exception of the Plum tree

currently located in the South-East portion of the 4060 Property. Prior to closing, the plum tree will be fenced off by the Fishers with a 3' tall temporary fence enclosing a large enough area to include a "drip line" of all branches. The Fishers will have the plum tree removed and any remaining depression or hole filled with dirt no later than November 1, 2024. Fishers will water and care for that tree until its removal in Fall 2024.

D. At closing, which shall occur no later than July 1, 2024, the parties agree that the following shall occur:

a. HWC shall convey by warranty deed, free and clear of all encumbrances and liens, the 4044 Property to the Fishers, as joint tenants, with any remaining property with understanding that the tough shed and carport, which shall be marked with 'caution tape' shall not be demolished and shall be conveyed as is with the 4044 Property.

b. Fishers shall convey (with the exception of the previously mentioned water shares) by warranty deed, free and clear of all encumbrances and liens, the 4060 Property to HWC, with all buildings, trees and other structures removed therefrom (excepting the plum tree);

c. To the extent there are any encumbrances or liens on the Properties, the Parties shall work together to ensure they are removed or secured by the Property owned by the party who incurred such encumbrance of lien. Without limiting the foregoing, and by way of example, if a mortgage exists on the 4060 Property, the Fishers shall transfer the same to the 4044 Property.

d. A boundary line agreement that will adjust the North Boundary of the 4060 Property/the South Boundary of the 4044 Property to the south by no less than 3 feet to place the exposed irrigation lateral in the bounds of the 4044 Property.

e. HWC shall pay the Fishers the sum of Two Hundred and Fifty Thousand and 00/100 (\$250,000.00) dollars in certified funds.

F. Within 30 days of Closing, HWC shall complete installation of a chain link fence (with the chain secured on the south side of the fence), with cement curb and privacy slats between the Properties on the new boundary line at their own expense. The fence shall extend 20 feet from the public sidewalk at a minimum height of 3 feet and from there shall be a height of 6 feet to the back of the Properties. The Fishers shall bear responsibility for communicating the

changes to the property lines to the Upper Canal Irrigation Company (hereafter "Irrigation Company") due to the presence of the irrigation ditch owned by the Irrigation Company along the fenceline. Fishers also have responsibility to block the flow of water from the lateral ditch from the 4060 Property to south.

G. Within 30 days of Closing, Fishers will use and apply excavated soil and rock from the construction on the 4044 Property to backfill the depression left from the demolition and removal of the foundations on the 4060 Property to approximately 2 feet below the existing grade. Any excavated soil and rock not used by the Fishers as backfill, as described herein, shall be hauled away from the 4060 Property by the Fishers.

2. **TITLE SEARCH REPORT.** Within twenty days of the execution of this Agreement, HWC will, with the authorization of the Fishers, order true and authentic Title Search Reports relating to the Properties, the cost of which shall be borne by HWC. HWC will provide copies of all Title Search Reports to the Fishers immediately upon receipt. Within 7 days from the receipt of the Title Search Reports, each Party must notify the other Party of any matter contained therein that the Party finds unacceptable ("Notice of Objections"). Failure to do so shall be deemed conclusively as acceptance of the title as stated in the Title Search Report. The Party receiving the Notice of Objections shall have 14 days after receiving the Notice of Objection to remedy all problems therein. In the event that problems are not remedied, the objecting Party, at the objecting Party's sole discretion, may accept the Title as it is and proceed with the exchange, or terminate this Agreement. Closing costs and title insurance will be paid for by HWC.

3. **TITLE INSURANCE.** HWC will purchase and provide to the Fishers an Owner's Title Insurance policy with reasonable endorsements requested by the Fishers on the 4044 Property. HWC may also purchase an Owner's Title Insurance policy on the 4060 Property. The Parties shall undertake to remove any encumbrance that will materially interfere with the procurement of a title insurance policy and will undertake, in good faith, to cooperate with and assist each other in order to obtain Title Insurance policies.

4. **INSPECTION CONTINGENCY.** HWC and the Fishers acknowledge and agree that in reference to the physical condition of the Properties, they are Exchanging Properties in their "As-Is" condition without expressed or implied warranties of any kind. Prior to Closing each Party shall have the right to inspect the Properties to determine if the terms and conditions of this Agreement have been complied with. The individual parties can choose to undertake the inspection themselves or to use a third party, the identity of whom shall be disclosed to the other Party. The costs of

any third-party inspector shall be borne by the party retaining the inspector. Dates and times of the inspection shall be communicated to the other party. In the event that upon completion of the inspection, a party is not satisfied with the state of the Property, that party shall notify the other party of the unsatisfactory conditions and request the other party to remedy the same. The other party shall then have 14 days after receiving such notice to remedy the same.

5. **SURVEY.** HWC shall conduct a survey of the Properties and shall make a copy of the same available to the Fishers. The Fishers shall have 7 days after receiving the survey to object to the survey and request their own survey, at their cost, to be undertaken. Otherwise, the survey obtained by HWC shall be controlling and used for preparation of deeds and other purposes, including but not limited to placement of fence posts preparatory to adjusting the boundary line between the 4044 Property and the 4060 Property.

6. **PRORATIONS AND ASSESSMENTS.** All prorations, including, but not limited to, property taxes for the current year, rents, and interest on assumed obligations, if any, shall be made as of the Closing, unless otherwise agreed to in writing by the parties. Such writing could include the settlement statement prepared by a title company. Any assessments by a municipality or special improvement district, prior to the Closing shall be paid for by the respective owner of property to which the assessment relates prior to Closing. The provisions of this Section 6 shall survive Closing.

6. **TAXES AND FEES.** Each party is responsible to pay their own taxes and fees that might arise from this transaction and neither party has made any representation as to the tax consequences of this transaction. Each party relies on their own legal and tax advisors in entering into this Agreement.

7. **APPRAISAL AND VALUE.** No appraisals of the Properties have been obtained and each party will consider the Properties being exchanged as equal in value at the time of closing. It is understood and agreed that for tax purposes the value agreed upon by each party as to 4044 Property and 4060 Property, respectively is \$600,000.

8. **1031 EXCHANGE.** HWC recognizes and understands that this transaction may be part of a contemplated "like kind" exchange for the Fishers under §1031 of the Internal Revenue Code (the "Exchange"). As such, HWC agrees to cooperate with the Fishers in effectuating the Exchange, which cooperation may include the execution of documents and the taking of other reasonable action, as is necessary in the opinion of the Fishers, to accomplish the Exchange; provided, however, that HWC shall not be required to assume any additional expense or liability in connection with, or as part of its cooperation with, the Exchange. If necessary, in the Exchange, HWC specifically

consents to the Fisher's assignment of its rights (but not its obligations) under this Agreement to a qualified intermediary (as defined in Treas. Regs. 1.1031(k)-1(g)(4)) in connection with a possible Exchange. The covenant contained in this Section 8 shall survive the Closing and shall not be merged into any instrument of conveyance delivered at Closing.

9. **BANKRUPTCY.** Should either Party, at any time during the period beginning on the effective date and ending on the Closing date, be named in bankruptcy petition as a debtor the other party may, at that party's sole discretion, proceed with the exchange under this Agreement, or terminate this Agreement.

10. **DISCLOSURES.** There are no attached addendums or disclosures to this Agreement.

11. **CLOSING.** The Parties agree that the "Closing Date" shall be July 1, 2024. Any extensions or modification to the Closing Date shall not be effective unless expressly agreed to by both Parties in writing. The Parties agree to deliver to the other Party all notices, certificates, releases and other documents necessary for the recording of the exchange of the Properties on or before the Closing Date. All costs attributed or related to Closing and all processes related hereto shall be borne by HWC.

12. **POSSESSION OF THE PROPERTY.** The Parties hereby agree that the exclusive possession of the Properties shall be delivered to each other no later than 24 hours after recording.

13. **DEFAULT.** Failure by either Party to close or otherwise perform all obligations that fall due or demandable on or before the Closing date shall allow the other Party to terminate this Agreement and recover all costs incurred or monies paid to the other Party by virtue thereof.

14. **GOVERNING LAW.** This Agreement shall be governed by and its terms and conditions be interpreted according to the laws of the State of Utah without regard to the conflicts of law principles.

15. **DISPUTE RESOLUTION.** This section shall apply to any and all disputes relating to or arising from this agreement:

- a. The Parties agree to submit any and all disputes arising from this agreement to mediation and in good faith attempt to resolve the same therein. Costs related to mediation shall be borne by the Parties equally.

b. In the event that a dispute remains unresolved after mediation in good faith, the matter will be resolved through action filed in the Courts and including an action for specific performance of the Agreement.

16. **NOTICES.** All notice or communication in relation to this Agreement shall be made in writing and delivered to the following addresses by hand, courier service, certified mail or registered mail with the return receipt requested, together with an email transmission of the same to the e-mail addresses noted herein:

To Holliday Water Company:
Holliday Water Company
Attn: Darren Shepherd, General Manager
1887 East 4500 South
Holladay, UT 84117
Email: management@hollidaywatercompany.com

To Charles and Allison Fisher
Charles and Allison Fisher
1364 E 4065 S
Millcreek, UT 84124
Email: charlesjfisher@gmail.com

With a copy to:
Paul W. Jones, Esq.
4766 S. Holladay Blvd.
Holladay, UT 84117
pwjones@halewoodlaw.com

17. **ASSIGNMENT.** The Parties acknowledge that this Agreement is not transferable and that a party may not assign the Agreement, any part of the Agreement of any of the rights or obligations herein without the prior express and written consent of the other party. Any such license, assignment or agreement in violation of this clause shall be null and void with no legal force whatsoever.

18. **BINDING EFFECT.** The terms, obligations, conditions and covenants of this Agreement shall be binding on HWC, the Fishers, their heirs, legal representatives and successors in interest and shall inure to the benefit of the same.

19. **MULTIPLE ORIGINALS.** The Parties may execute this Agreement in several copies or multiple counterparts, all of which shall collectively constitute this one Agreement binding on each of the Parties as such. Each copy or counterpart signed by both Parties shall be considered an original.

20. **SEVERABILITY.** Should any provision of this Agreement be found, for whatever reason, invalid or unenforceable, such nullity or unenforceability shall be limited to those provisions. All other provisions herein not effected by such nullity or dependent on such invalid or unenforceable provisions shall remain valid and binding and shall be enforceable to the full extent allowed by law.

21. **ENTIRE AGREEMENT.** This Agreement is the complete agreement between the Parties concerning the subject matter hereof. There are no oral agreements, understandings, promises, or representations between the Parties affecting this subject matter of this Agreement. All prior negotiations and understandings, if any, between the Parties hereto with respect to the subject matter hereof shall be of no force or effect and shall not be used to interpret this Agreement. No modification or alteration to the terms or conditions of this Agreement shall be binding unless expressly agreed to by the Seller and the Buyer in a written instrument signed by both Parties.

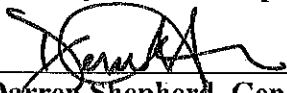
22. **RECITALS.** The recitals set forth above are hereby incorporated into this Agreement.

23. **ATTORNEY'S FEES AND COSTS.** In the event of litigation or binding arbitration arising out of the transaction contemplated by this Agreement, the prevailing party shall be entitled to costs and reasonable attorney fees. The provisions of this Section 23 shall survive Closing.

24. **TIME IS OF THE ESSENCE.** Time is of the essence regarding the dates set forth in this Agreement. Extensions must be agreed to in writing by all parties.

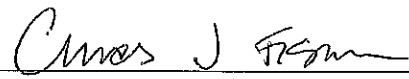
IN WITNESS HEREOF, the Parties have executed this Agreement in multiple originals as of the Effective Date

Holliday Water Company:



Darren Shepherd, General Manager

Dated: Oct. 31, 2023



Charles Fisher

Dated: 10/31/2023



Allison Fisher

Dated: 10/31/23

AMND & EXTND "4141 HIGHLAND..." SUB

ADDRESS:

4141 S Highland Dr.

LEGAL DESCRIPTION: 22-04-201-023

BEG E 73 FT & S 11¹/₂ E 130.53 FT FR N 1/4 COR OF SEC 4, T
2S, R 1E, S 1 L M; S 11¹/₂ E 262.54 FT; E 315.81 FT M O R L
TOW R OF W LINE OF JORDAN & SALT LAKE CANAL; N
8³/₄ S 70° W ALG SD W LINE 217.21 FT; N 0°02' E 42.16 FT; N
89°54'20" W 334.72 FT TO BEG. 1.9 AC M O R L. 5991-1933
5991-1933 6741-1249 7142-0346 9045-4398 9261-2016 10264-929
10392-3896

APPLICANT/REPRESENTATIVE:

Tucker Nipko

PROPERTY OWNER:

Highland 4141 LLC

ZONING:

PO

GENERAL PLAN DISTRICT:

?

CITY COUNCIL DISTRICT:

District #2

PUBLIC NOTICE DETAILS:

NA

REQUEST:

Subdivision Amendment

APPLICABLE REGULATIONS:

13.10

EXHIBITS:

Zone map
Staff Report
Applicant Narrative
Applicant supporting doc.

STAFF:

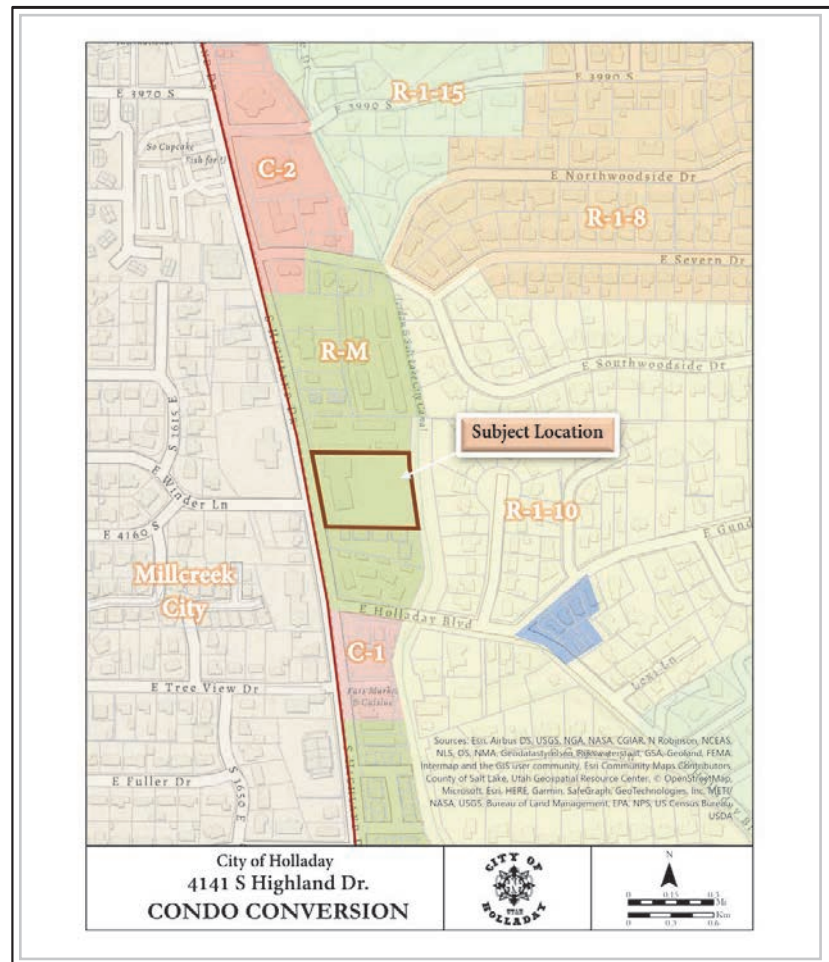
Carrie Marsh, City Planner

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:



Request: **RESIDENTIAL SUBDIVISION – AMENDMENT AND EXTENSION**
Project: “Highland 4141 Office Condominiums” Subdivision
Address: 4141 S Highland Dr, Holladay Utah 84124
Applicant: Highland 4141 LLC, Owner; Tucker Nipko, Agent
File No: 23-1-13-1
Notice: Mailed 2/23/2024
Planner: Carrie Marsh

GOVERNING ORDINANCES: 13.10 [SUBDIVISIONS](#)
13.10.070.D SUBDIVISION REVIEW PROCEDURES; VACATING, ALTERING, OR
AMENDING A PLAT

REQUIRED PLANNING COMMISSION ACTION: Administrative

Amending a subdivision plat requires review and approval by the Land Use Authority (Planning Commission). Decisions must be made during public meeting; Public hearing not required as outlined in [13.10.070.D2](#).

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](#)

SUMMARY

Applicant, Tucker Nipko, is proposing to amend and extend an existing subdivision of vertical property within an existing office building on a 1.9-acre (82,764 sq ft) parcel within the PO zone. The proposal involves subdividing an existing office suite on the third floor (Suite 303) into one additional office suite (creation of Suite 305). This proposal will create one additional unit for a total of 13 individual units within the building available for private, individual ownership.

TECHNICAL REVIEW COMMITTEE ANALYSIS and RECOMMENDATION

The Technical Review Committee has reviewed the application and associated final plat drawing associated with the amendment to the subdivision and found the application to be complete according to the standards for an amendment and extension of a subdivision within 13.10. The Technical Review Committee **recommends approval** of the PLAT AMENDMENT AND EXTENSION by the Planning Commission finding the following:

1. The development complies with the General Plan
2. The development complies with regulations within the Professional Office zone.
3. The division of one suite into two suites, creating one additional unit does not alter any other elements previously approved on the Final Plat.
4. Separate meters and shutoffs for utilities is not required for this application and are okay as addressed in the CC&Rs.
5. Modified suites meet fire code with adequate fire access.

SUGGESTED MOTIONS

“I ____ Motion to (deny / approve / continue for further discussion) the **AMENDMENT AND EXTENSION** of the subdivision application by **Tucker Nipko** for **Highland 4141 Office Condominiums, a 13-unit vertical subdivision, located at 4141 S. Highland Drive** in the **Professional Office Zone**, based upon the findings... (1-5 and any additional) subject to the following requirements ...

1. “Correct third floor suites to include amended suite numbers additional suite #305 on Building Sections Sheet #5



NOTICE OF A PUBLIC MEETING TO AMEND & EXTEND the “4141 Highland Office Condominiums” Subdivision

Date: Tuesday, March 5, 2024
Time: As close to 6:00 pm as possible
Location: City Hall – City Council Chambers
Hearing Body: Planning Commission

Notice is hereby given that the City of Holladay Planning Commission will conduct a public meeting to review and consider an amendment and extension to an existing subdivision, “4141 Highland Office Condominiums”, located at **4141 S Highland Drive**, in the PO zone. The subdivision being proposed by the applicant, Tucker Nipko, involves dividing an existing office suite into two separate suites, creating one additional office suite to be privately owned. This application will be reviewed by the Planning Commission for compliance with Holladay Ordinance 13.10

****No zone or ordinance change is proposed in conjunction with this application. ****

Additional information regarding this item & instructions how to join this meeting remotely can be found on the City’s website and on the posted agenda, prior to the meeting. Interested parties are encouraged to watch the video stream of the meeting on the City of Holladay Website.

ATTENTION: This notice was mailed by order of the Community and Economic Development Director, Jonathan Teerlink, to all property owners within 500 feet from the subject property. If you are not the owner of your residence, please notify the owner regarding this matter. Thank you.



NOTICE OF A PUBLIC MEETING TO AMEND & EXTEND the “4141 Highland Office Condominiums” Subdivision

Date: Tuesday, March 5, 2024
Time: As close to 6:00 pm as possible
Location: City Hall – City Council Chambers
Hearing Body: Planning Commission

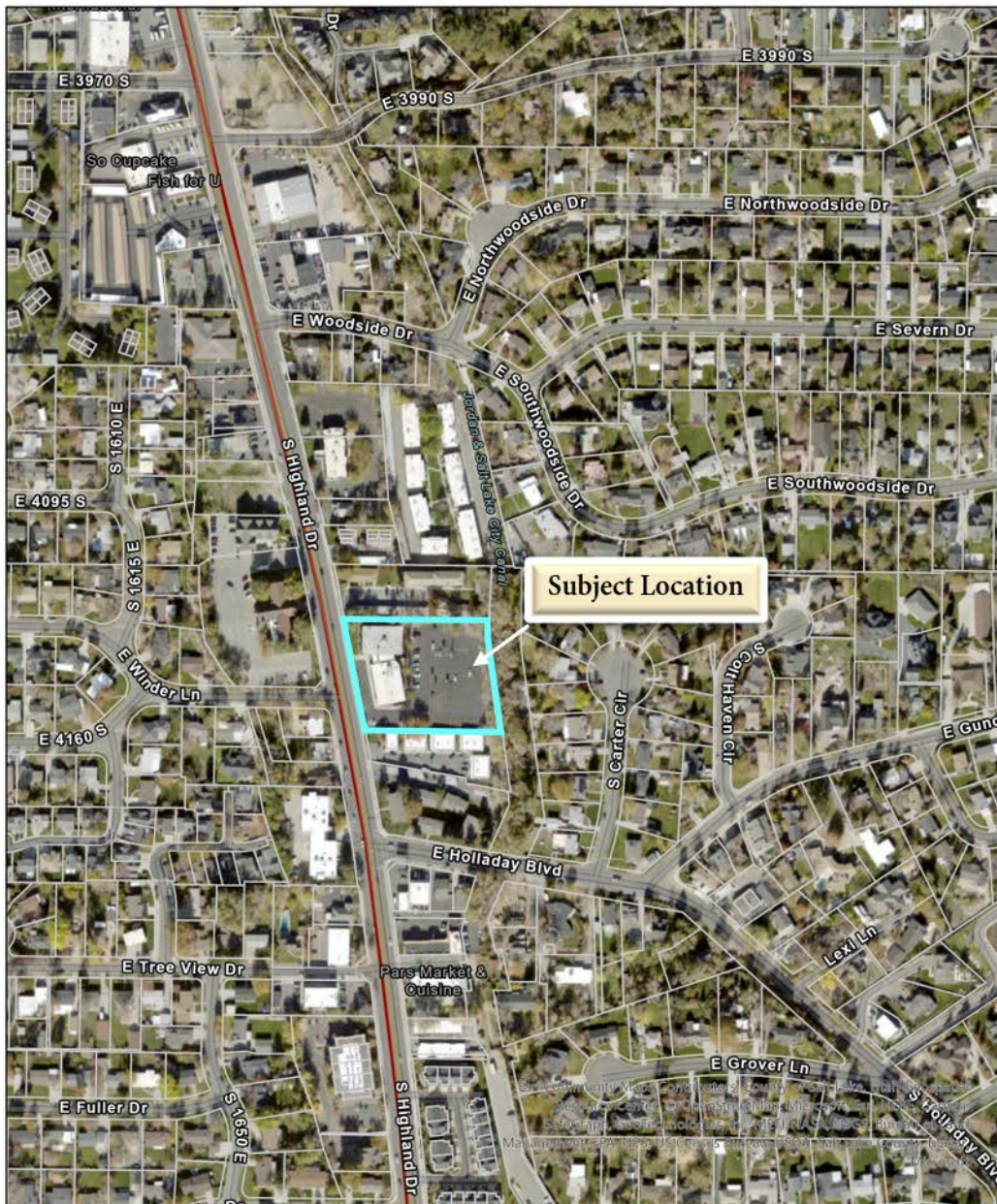
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****No zone or ordinance change is proposed in conjunction with this application. ****

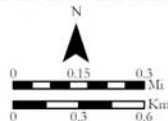
Additional information regarding this item & instructions how to join this meeting remotely can be found on the City’s website and on the posted agenda, prior to the meeting. Interested parties are encouraged to watch the video stream of the meeting on the City of Holladay Website.

ATTENTION: This notice was mailed by order of the Community and Economic Development Director, Jonathan Teerlink, to all residents within 500 feet from the subject property. If you are not the owner of your residence, please notify the owner regarding this matter. Thank you.





City of Holladay
4141 S Highland Dr.
CONDO CONVERSION





City of Holladay

Community Development

4580 S 2300 E, Holladay, Utah 84117

Phone: 801-527-3890 FAX: 801-527-3891

SUBDIVISION APPLICATION

Name of Project:	
Highland 4141 Office Condominiums	
Address of Project:	
4141 S Highland Drive, Holladay, UT 84117	
Applicant (Please Print)	
Tucker Nipko	
Applicant's Mailing Information	
Address:	City: State: Zip:
1086 W 3050 N	Pleasant View Utah 84414
Phone (Include Area Code):	FAX (Include Area Code):
(801) 388-3007	()
Contact Person (Please Print):	
Name:	Phone: Fax: Date:
Tucker Nipko	801-388-3007 February 20, 2024
Nature of Request:	
Subdivide Suite 303 into suites 303A and 303B	
PLEASE NOTE: Applications must be <u>COMPLETE</u> at the time of submittal or they will not be accepted.	

FILING FEES	OFFICE USE ONLY
Subdivision Plats	Project Manager: _____
Subdivision \$2000 + \$100/lot	Project Number <u>23-1-13-1</u>
Lot Line Adjustment \$200.00 + \$20.00/lot	Parcel Number _____
Plat Amendments \$500.00	General Plan Designation: _____
Appeals	Zone: _____
To the City Council \$150.00	
To the Planning Commission \$150.00	

RECEIPT		DATE <u>2/21/23</u>	No. <u>191016</u>
RECEIVED FROM <u>TJN Development, LLC</u>		\$ <u>500.00</u>	
<u>five hundred and no/100</u>		DOLLARS	
☐ FOR RENT			
☐ FOR <u>condo plat amendment</u>			
ACCOUNT		☐ CASH	
PAYMENT	<u>500.00</u>	☒ CHECK	
BAL. DUE		☐ MONEY ORDER	
		☐ CREDIT CARD	
FROM _____		TO _____	
BY <u>[Signature]</u>			

City of Holladay
AFFIDAVIT OF PROPERTY OWNERSHIP
for property located at

Address: 4141 S Highland Drive, Holladay, UT 84117

Subdivision Highland 4141 Office Condominiums Plat _____ Lot 1

PROPERTY OWNER

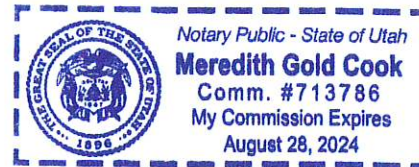
I (we), Tucker Nipko being duly sworn, depose and say that I (we) am (are) the owner(s) of the property identified in the attached application and that the statement herein contained and the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge.

Tucker Nipko
Property Owner

Property Owner

ACKNOWLEDGMENT

State of Utah)
County of Davis) ss.



The foregoing affidavit was acknowledged before me this 21st day of February, 2024, who duly acknowledged to me that he did execute the same.

My commission expires: 08/28/2024

Meredith Gold Cook
Notary Public

AGENT AUTHORIZATION

I (We), _____, the owner(s) of the real property described above, do authorize as my agent(s) _____ to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the City of Holladay considering this application and to act in all respects as our agent in matters pertaining to the attached application.

ACKNOWLEDGMENT

State of Utah)
County of _____) ss.

The foregoing affidavit was acknowledged before me this _____ day of _____, 20__, who duly acknowledged to me that he did execute the same.

My commission expires:

Notary Public

HIGHLAND 4141 OFFICE CONDOMINIUMS - 2ND AMENDMENT
AMENDING SUITE 302 & 303, HIGHLAND 4141 OFFICE CONDOMINIUMS
LOCATED IN THE NORTHEAST QUARTER SECTION 4, TOWNSHIP 2 SOUTH, RANGE 2 EAST,
SALT LAKE BASE AND MERIDIAN
HOLLADAY CITY, SALT LAKE COUNTY, UTAH
JANUARY 2024

Calculated North Quarter
Section 4, T.2S., R.1E.

Found Street Monument
Highland Drive / 4115 South
Round Top Brass 2"
(16334006)

Calculated Sandstone
Monument. Established from
Street Monument.

Found Street Monument
Highland Drive / 4115 South
Round Top Brass 2"
(16334006)

HINDS-PRESERVE, LLC,
PRESERVE HOMESTEAD LLC
322-04-201-032

POB
EAST 7.14'

EXISTING BUILDING
14,078 SQ. FT.

LOT 2
600 Sq. Ft.
0.013 Ac.
4121 S. Highland Dr.

LOT 1
82,387 Sq. Ft., or
1.891 Ac.
4141 S. Highland Dr.

2X6 Sign
Easement
E#6005469

Right of Way Easement
E#6372146

JORDAN & SALT LAKE CANAL

LEGEND

- Boundary Line
Adjacent Parcel Line
Road Right-of-Way
Road Monument Line
Lot Line
Easement Line
Private Ownership
Common Area

● Set Rebar and Cap stamped "CIR"

ADDRESS TABLE

LOT 1	4141 S. Highland Dr.
LOT 2	4121 S. Highland Dr.
SUITE 101	4141 S. Highland Dr. Suite 101
SUITE 102	4141 S. Highland Dr. Suite 102
SUITE 103	4141 S. Highland Dr. Suite 103
SUITE 201	4141 S. Highland Dr. Suite 201
SUITE 202	4141 S. Highland Dr. Suite 202
SUITE 203	4141 S. Highland Dr. Suite 203
SUITE 204	4141 S. Highland Dr. Suite 204
SUITE 301	4141 S. Highland Dr. Suite 301
SUITE 302A	4141 S. Highland Dr. Suite 302A
SUITE 303A	4141 S. Highland Dr. Suite 303A
SUITE 304	4141 S. Highland Dr. Suite 304
SUITE 305	4141 S. Highland Dr. Suite 305

PLAT NOTES:

- The purpose of this 2ND AMENDMENT is to amend Suite 302 and 303 from a multi-suite configuration (Suite 302, currently identified as Tax Parcel No. 220-42-100-120 and Suite 303, currently identified as Tax Parcel No. 220-42-100-130) to a multi-suite configuration (Suite 302A, 303A and Suite 305). All changes to the project's Common Areas as set forth in this 2ND AMENDMENT to Condominium Plat were approved by more than two-thirds of the project's suite owners as is required by Utah Code § 57-8-7(9).
- Offset pins to be set in top back of curb and 5/8"x24" rebar and cap stamped "CIR" to be set at all other lot and boundary corners.
- Utilities shall have the right to install, maintain, and operate their equipment above and below ground and all other related facilities within the public utility easements identified on this plat map as may be necessary or desirable in providing utility service within and without the lots identified herein, including the right of access to such facilities and the right to require removal of any obstructions including structures, trees and vegetation that may be placed within the PUE. The utility may require the lot owner to remove all structures within the PUE at the lot owner's expense, or the utility may remove such at the lot owner's expense. At no time may any permanent structures be placed within the PUE or any other obstruction which interferes with the use of the PUE without the prior written approval of the utilities with facilities in the PUE.
- No parking on Streets Dedicated as Emergency Access.
- Zoning Designation: Professional Office Zone (PO)
- Benchmark Elevation: 4374.47'
Street Monument at Approx. Highland or 4115 South
Round Top Brass Cap 2"
SL County Surveyor Mon. # 16334006
- ROS Filing No.: 62063-12-1026

OWNER / DEVELOPER:

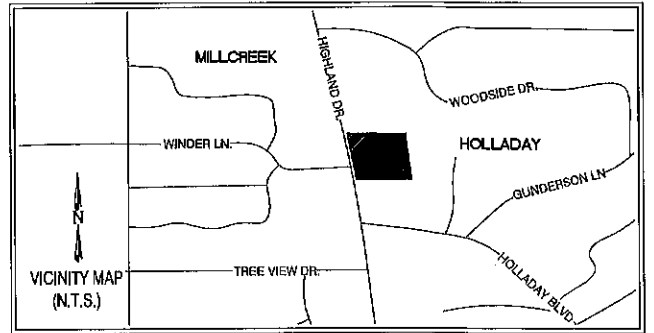
Highland 4141, LLC
1086 West 3050 North
Pleasant View, UT 84414
Tucker Nipko
Tucker Nipko Real Estate
Phone: 801-368-9007
Email: tucker@tuckernipko.com

PREPARED BY:

CIR

CIVIL ENGINEERING
& SURVEYING

10718 South Backstead Lane, Suite 102,
South Jordan, Utah 84095
Phone: 435-503-7841



SURVEYOR'S CERTIFICATE

I, BRIAN F. MITCHELL, do hereby certify that I am a Professional Land Surveyor in the State of Utah and that I hold License No. 6707971 in accordance with Title 56, Chapter 22, Professional Engineers and Land Surveyors Licensing Act; I further certify that by authority of the owners I have made a survey of the tract of land in accordance with Section 17-23-17 and have verified all measurements and that the description describes the land known as HIGHLAND 4141 OFFICE CONDOMINIUMS - 2ND AMENDMENT. I further certify that this condominium plat is accurate and has been prepared in compliance with the provisions of the Utah Condominium Ownership Act, and that the same has been surveyed and staked on the ground as shown on this map, and that the building dimensions are or will be as shown on this plat.

Signed this 31st day of January, 2024



BOUNDARY DESCRIPTION

An entire tract of land described in that Warranty Deed recorded April 27, 2022 as Entry No. 13941422 in Book 11333, at Page 2998 in the Office of the Salt Lake County Recorder, said entire tract is located in the Northeast Quarter of Section 4, Township 2 South, Range 1 East, Salt Lake Base and Meridian and is described as follows:

Beginning at a point on the easterly right-of-way line of Highland Drive and westerly extension of an existing East-West fence, which is 33.01 feet N. 77°09'15" E. to a calculated position of an old sandstone monument (not found) and 130.53 feet S. 11°12'00" E. and 7.14 feet East from a Round Top Brass Street Monument at approximately 4115 South / Highland Drive, said monument being S. 77°09'00" E. 36.00 feet from the North Quarter Corner of said Section 4; thence S. 89°54'20" E. 334.72 feet along said extension and existing East-West fence described in that Quit Claim Deed recorded December 1, 1983 as Entry No. 3676909 in Book 5511, at Page 1936 in the Office of said Recorder to a westerly right-of-way line of Jordan and Salt Lake Canal; thence along said westerly right-of-way line the following two (2) courses: (1) S. 00°02'00" W. 42.18 feet; (2) S. 08°30'00" E. 217.21 feet; thence West 315.61 feet to said easterly right-of-way line of Highland Drive; thence N. 11°12'00" W. 262.64 feet along said easterly right-of-way line to the Point of Beginning.

Said tract of land contains 82,987 sq. ft. in area or 1.005 Ac. more or less, 2 Lots.

OWNERS DEDICATION

Highland 4141, LLC, a Utah limited liability company the owner of the described tracts of land to be hereafter known as HIGHLAND 4141 OFFICE CONDOMINIUMS - 2ND AMENDMENT, does hereby dedicate for the perpetual use of the public, all streets and other property as reflected and shown on this plat to be dedicated for public use. owner(s) hereby consent(s) and give(s) approval to the recording of this plat for all purposes shown herein.

In witness whereof, I have hereunto set my hand this ____ day of _____, 2024.

Highland 4141, LLC

By: _____

Print Name: _____

By: _____

NOTARY ACKNOWLEDGMENT

State of Utah)
County of)

On this ____ day of _____, in the year 20____, before me, _____, a Notary Public, personally appeared _____, the person(s) whose name(s) is/are subscribed to in the foregoing owner's dedication and consent regarding the HIGHLAND 4141 OFFICE CONDOMINIUMS - 2ND AMENDMENT, and was signed by him/her on behalf of said and acknowledged that he/she/they executed the same.

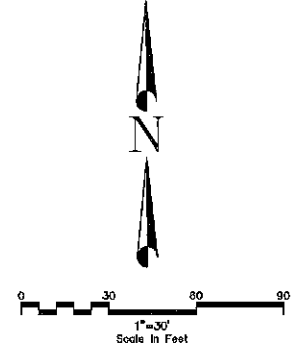
Commission Number: _____
My Commission Expires: _____

Signature: _____

Print Name: _____

A Notary Public Commissioned in Utah

HIGHLAND 4141 OFFICE CONDOMINIUMS - 2ND AMENDMENT
AMENDING SUITE 302 & 303, HIGHLAND 4141 OFFICE CONDOMINIUMS
LOCATED IN THE NORTHEAST QUARTER OF SECTION 4,
TOWNSHIP 2 SOUTH, RANGE 2 EAST, SALT LAKE BASE & MERIDIAN
HOLLADAY CITY, SALT LAKE COUNTY, UTAH



COMMUNITY & ECONOMIC
DEVELOPMENT

Approved this ____ day of _____, 2024

Community & Economic Development Director

CITY OF HOLLADAY

Approved and accepted this ____ Day of _____, A.D. 2024,

Attest: _____
Recorder

City Manager

PLANNING COMMISSION

Approved this ____ day of _____, 2024

Planning Commission Chair

CITY ENGINEER

Approved this ____ day of _____, 2024

City of Holladay Engineer

CITY ATTORNEY

Approved as to form this ____ day of _____, A.D. 2024.

City of Holladay Attorney

HEALTH DEPARTMENT

Approved this ____ day of _____, 2024

Salt Lake County Health Department

SALT LAKE COUNTY RECORDER

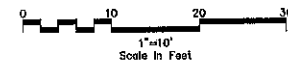
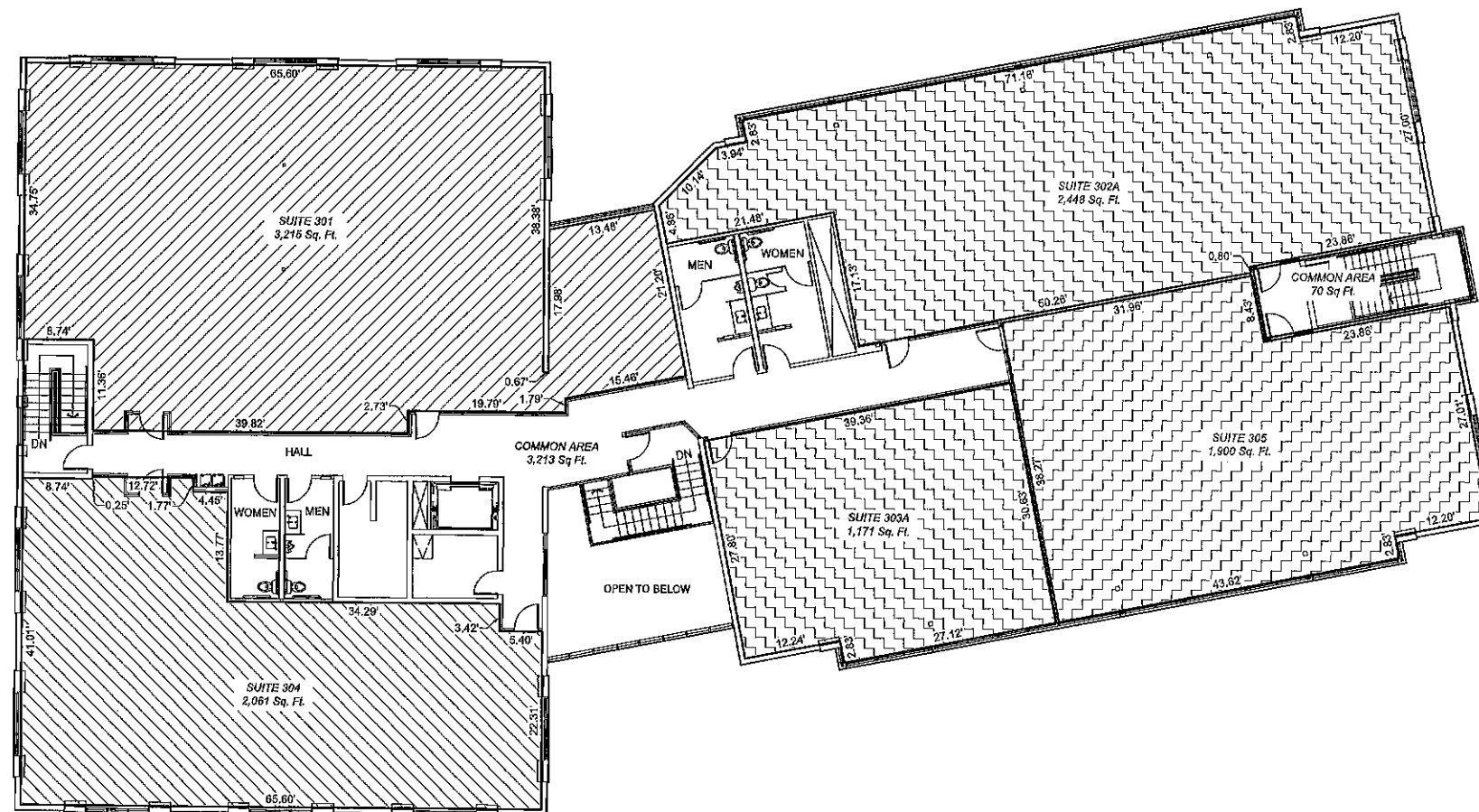
Recorded # _____
State of Utah, County of Salt Lake, Recorded and filed at the request of

Order: _____ Time: _____ Book: _____ Page: _____

Salt Lake County Deputy Recorder

HIGHLAND 4141 OFFICE CONDOMINIUMS - 2ND AMENDMENT
AMENDING SUITE 302 & 303, HIGHLAND 4141 OFFICE CONDOMINIUMS
LOCATED IN THE NORTHEAST QUARTER SECTION 4, TOWNSHIP 2 SOUTH, RANGE 2 EAST,
SALT LAKE BASE AND MERIDIAN
HOLLADAY CITY, SALT LAKE COUNTY, UTAH
JANUARY 2024

FLOOR PLAN LEVEL 3



LEGEND

- Boundary Line
- Adjacent Parcel Line
- Lot Line
- Easement Line
- Private Ownership
- Common Areas
- Condominium Area Amended with this map

SHEET
2
5

HIGHLAND 4141 OFFICE CONDOMINIUMS - 2ND AMENDMENT
AMENDING SUITE 302 & 303, HIGHLAND 4141 OFFICE CONDOMINIUMS
LOCATED IN THE NORTHEAST QUARTER OF SECTION 4,
TOWNSHIP 2 SOUTH, RANGE 2 EAST, SALT LAKE BASE & MERIDIAN
HOLLADAY CITY, SALT LAKE COUNTY, UTAH

PREPARED BY:

CIR CIVIL ENGINEERING
+ SURVEYING
10718 South Beckslead Lane, Suite 102, South Jordan, Utah 84085
Phone: 435-503-7641

SALT LAKE COUNTY RECORDER

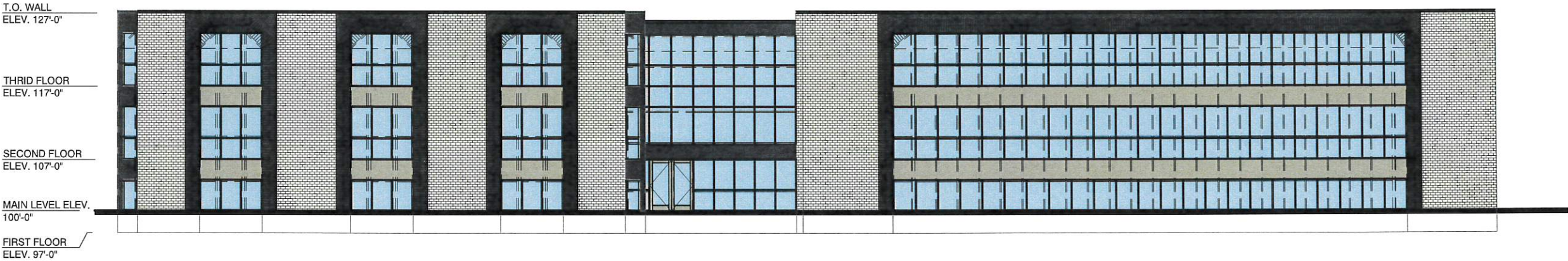
Recorded #
State of Utah, County of Salt Lake, Recorded and filed at the request of

Date: _____ Time: _____ Book: _____ Page: _____

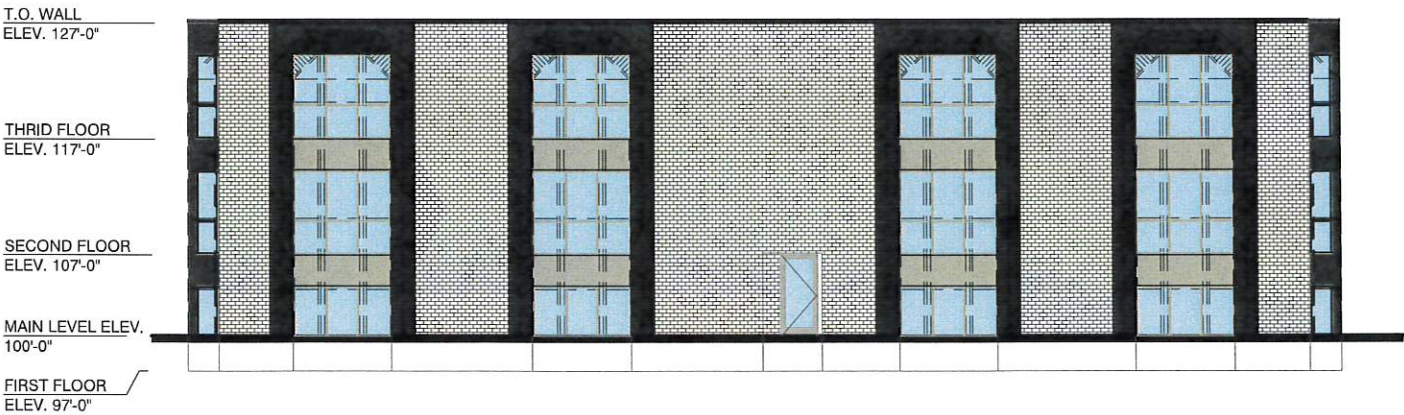
Fee \$ _____ Salt Lake County Deputy Recorder

HIGHLAND 4141 OFFICE CONDOMINIUMS – 2ND AMENDMENT
AMENDING SUITE 302 & 303, HIGHLAND 4141 OFFICE CONDOMINIUMS
LOCATED IN THE NORTHEAST QUARTER SECTION 4, TOWNSHIP 2 SOUTH, RANGE 2 EAST,
SALT LAKE BASE AND MERIDIAN
HOLLADAY CITY, SALT LAKE COUNTY, UTAH
JANUARY 2024

BUILDING
FRONT ELEVATION



BUILDING
NORTH SIDE ELEVATION



SHEET
3
5

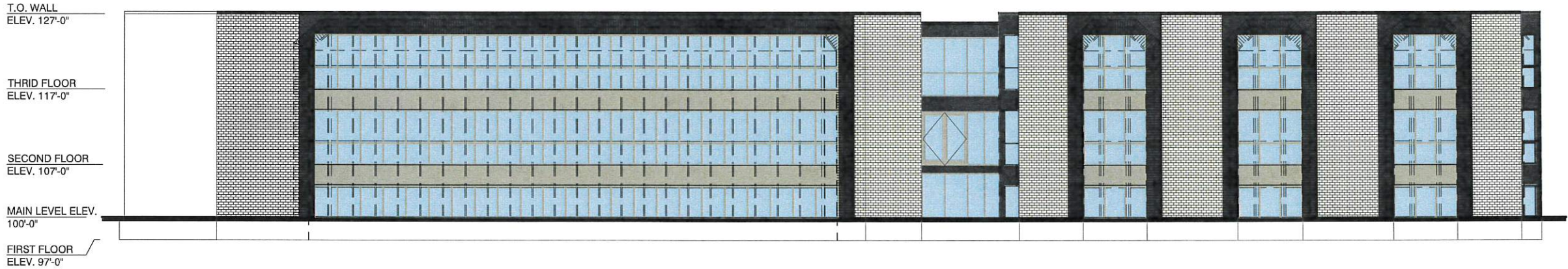
HIGHLAND 4141 OFFICE CONDOMINIUMS - 2ND AMENDMENT
AMENDING SUITE 302 & 303, HIGHLAND 4141 OFFICE CONDOMINIUMS
LOCATED IN THE NORTHEAST QUARTER OF SECTION 4,
TOWNSHIP 2 SOUTH, RANGE 2 EAST, SALT LAKE BASE & MERIDIAN
HOLLADAY CITY, SALT LAKE COUNTY, UTAH

PREPARED BY:
CIR CIVIL ENGINEERING
+ SURVEYING
10718 South Beckstead Lane, Suite 102, South Jordan, Utah 84095
Phone: 435-503-7641

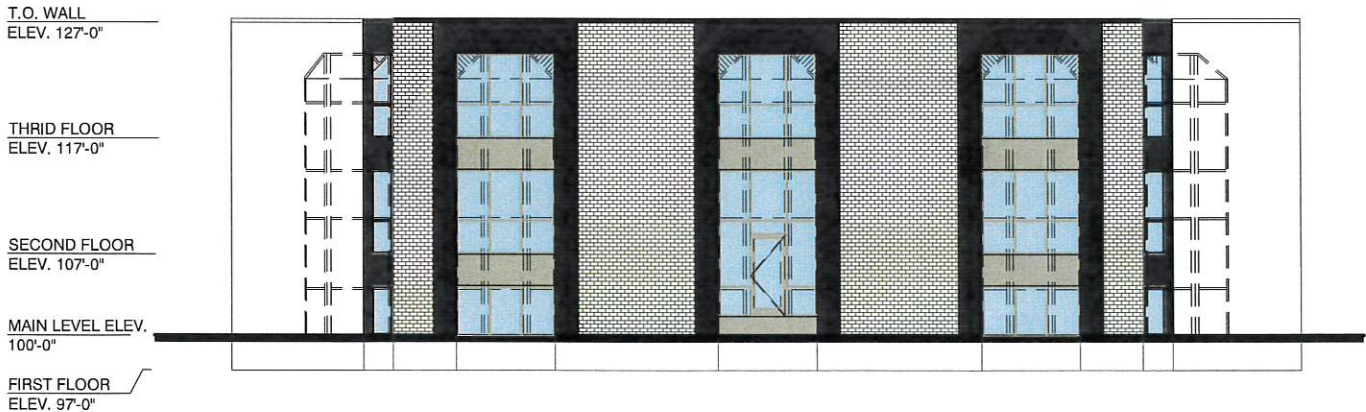
SALT LAKE COUNTY RECORDER
Recorded # _____
State of Utah, County of Salt Lake, Recorded and filed at the request of _____
Date: _____ Time: _____ Book: _____ Page: _____
Fee \$ _____ Salt Lake County Deputy Recorder

HIGHLAND 4141 OFFICE CONDOMINIUMS – 2ND AMENDMENT
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HOLLADAY CITY, SALT LAKE COUNTY, UTAH
JANUARY 2024

BUILDING
BACK ELEVATION



BUILDING
SOUTH SIDE ELEVATION



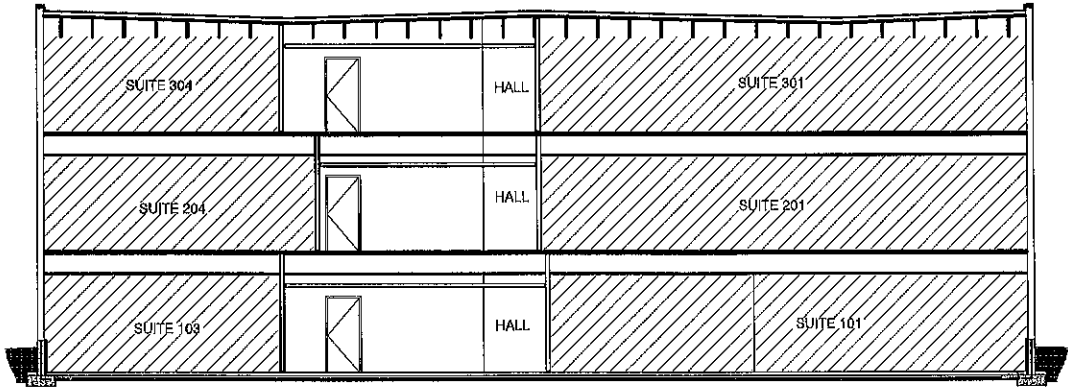
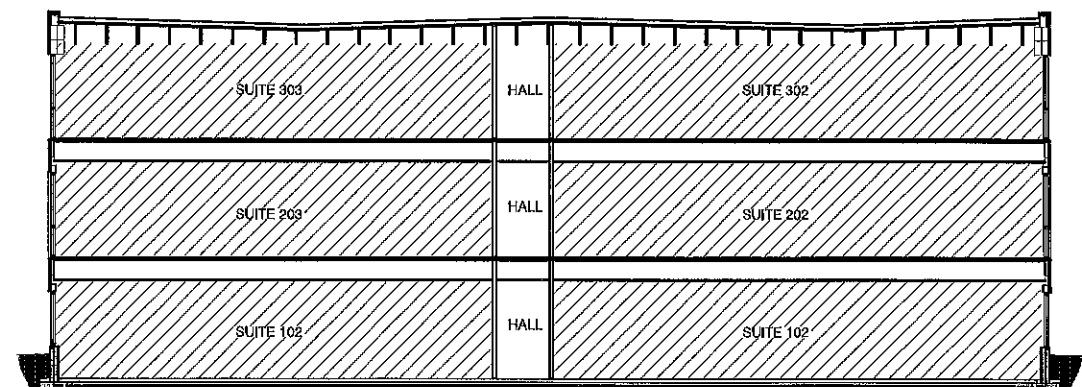
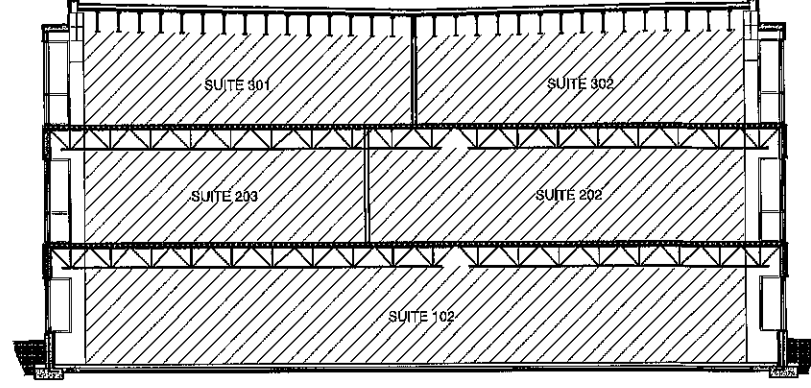
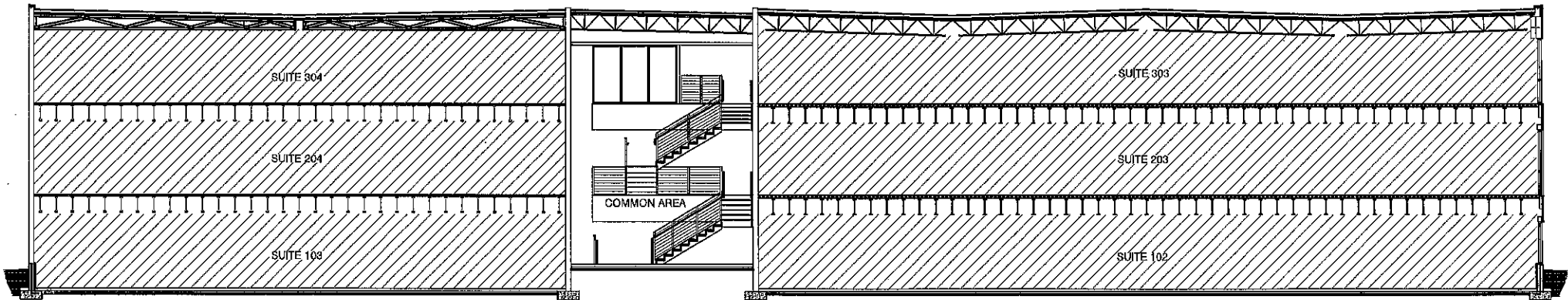
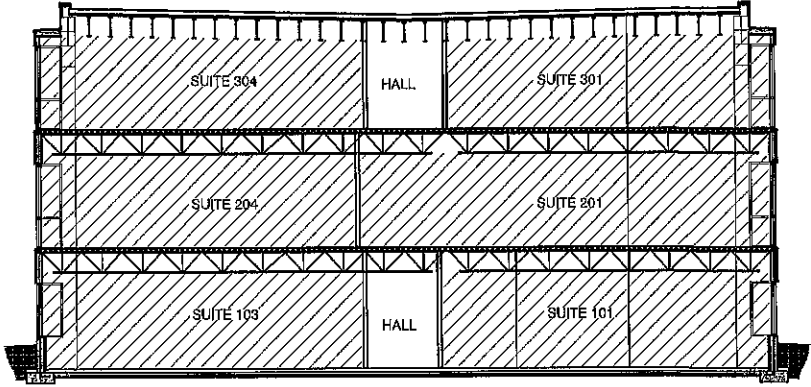
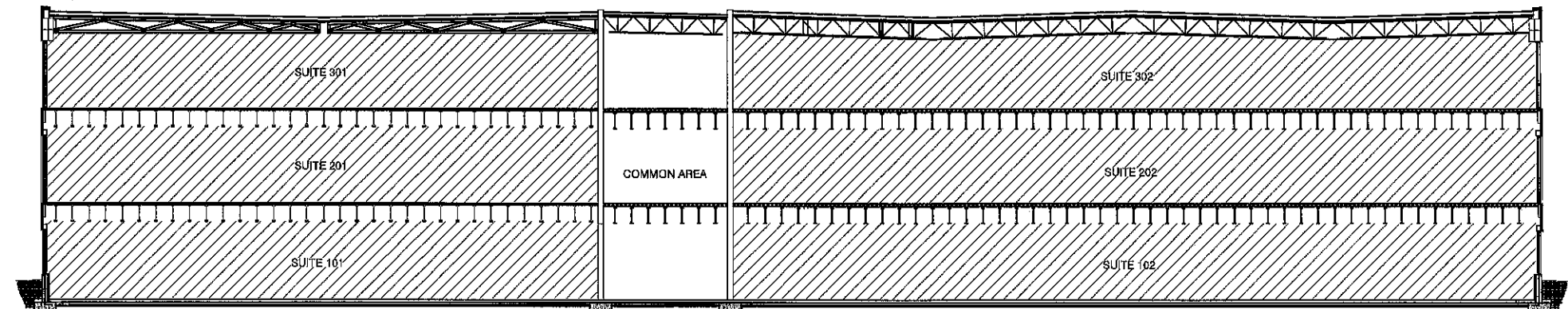
SHEET
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HOLLADAY CITY, SALT LAKE COUNTY, UTAH
JANUARY 2024



BUILDING SECTIONS

SHEET
5
5

HIGHLAND 4141 OFFICE CONDOMINIUMS - 2ND AMENDMENT
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Fee \$ _____
Salt Lake County Deputy Recorder



FILE# 22-1-11

"HIGHLAND PARK" EXTD DATE TO REC.

ADDRESS:

4880 S. Highland Circle

LEGAL DESCRIPTION: 22-09-254-004

COM S 46°32'20" W 228.28 FT; N 1°32'20" E 100.8 FT; N 56°02' W 720.4 FT; N 57°55' W 518.3 FT; N 38°43' W 518.1 FT; N 24°37' W 44.67 FT; S 86°39' W 35.41 FT FR SE COR OF NE 1/4 OF SEC 9, T 2S, R 1E, S L M; S 86°39' W 123.86 FT; S 89°21' W 110.43 FT; N 3° W 6.5 FT; N 89°05' W 122.26 FT; N 5°24' W 80.3 FT; N 85°58' E 7.3 FT, M OR L; N 3°27' W 9.86 FT; N 88°31' E 63.07 FT; N 83°11' E 28.25 FT; N 86°16' E 235.14 FT, MOR L; S

APPLICANT/REPRESENTATIVE:

Alec Moffit

PROPERTY OWNER:

Sequoia Development

ZONING:

RM

GENERAL PLAN DISTRICT:

?

CITY COUNCIL DISTRICT:

District #3

PUBLIC NOTICE DETAILS:

NA

REQUEST:

Special Exception

APPLICABLE REGULATIONS:

13.10

EXHIBITS:

Zone map
Staff Report
Applicant Narrative
Applicant supporting doc.

STAFF:

Carrie Marsh, City Planner

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:



CITY OF HOLLADAY
Planning Commission
March 5, 2024
Item #3

Request: **RESIDENTIAL SUBDIVISION –FINAL PLAT RECORDING EXTENSION**
Project: Highland Park Subdivision
Address: 4880 S Highland Circle
Zone: R-M
Applicant: Sequoia Development Inc.
File No: 22-1-11
Notice: N/A
Staff: Carrie Marsh

GOVERNING ORDINANCES:	13.08.010E	FINAL REVIEW & APPROVAL STANDARDS
	13.10.050C	SUBDIVISIONS SUBMISSION REQUIREMENTS – FINAL
	13.10.090	EXPERATION
	13.32	R-M MULTIPLE FAMILY RESIDENTIAL ZONES

REQUIRED PLANNING COMMISSION ACTION: Administrative

The extension of time to record a final plat may be extended beyond 1 year by the Land Use Authority (Planning Commission)
Concept Subdivision approval: *October 4th 2022*
Preliminary Subdivision approval: *January 10th 2023*
Final Subdivision approval: *February 22, 2023*

SUMMARY

- Approved Final subdivision is for three three-unit townhomes and one two-unit townhome, totaling eleven units, on .74 acres (32,234.4 square feet) of land. The development is to be accessed by a shared, 20' wide private drive and complies with unit density limits in the R-M zone.
- Approved CUP for Planned Unit Development layout designed to maximize open space and preserve trees.
- Various challenges with rates have delayed recording the subdivision.
- Applicant is waiting for subdivision name and street name approval from Salt Lake County, after which addresses will be assigned and a mylar could be printed by the applicant.

TECHNICAL REVIEW COMMITTEE ANALYSIS and RECOMMENDATION

The TRC has reviewed the final plat and request for extension. The applicant has not made any significant changes to the plat and is awaiting approval from Salt Lake County for a new subdivision name and private street name. The TRC recommends the approval of an extension in order for applicant to complete these minor details prior to recording.

Suggested motion format for the EXTENSION TO RECORD FINAL PLAT with potential findings:

"I _____ motion for approval to extend the recording date for the Final Plat for "**Highland Park**", a residential Planned Unit Development subdivision in the R-M zone located at 4880 S Highland Circle, to (date determined in meeting), finding that

1. No significant changes have been made to the plat
2. Reasonable circumstances for the extension have been presented



GENERAL LAND USE/DEVELOPMENT APPLICATION

Name of Proposed Project:	Highland Park
Address of Project:	4880 S. Highland Circle, Holladay, Utah 84117

TYPE OF REQUEST: (mark all that apply)			
ADMINISTRATIVE PROCEDURES APPLY (ORD. 13.08)		LEGISLATIVE PROCEDURES APPLY (ORD. 13.07)	
☐	SITE PLAN () PERMITTED of () CONDITIONAL	☐	REZONE of PROPERTY
☐	SUBDIVISION PLAT	☐	GENERAL PLAN AMENDMENT
☐	CONDOMINIUM PLAT	☐	CODE AMENDMENT
☐	CONDITIONAL USE PERMIT	☐	PUBLIC STREET: NAME CHANGE, VACATION / CLOSURE or DESIGNATION
☐	SPECIAL EXCEPTION	☐	HISTORIC SITE DESIGNATION
☐	NON-CONFORMING USE DECLARATION	☐	DEVELOPMENT AGREEMENT AMENDMENT
☒	OTHER: Final Plat Extension Request	☐	ANNEXATION

Applicant Name: (Please Print) Sequoia Development, INC		Property Owners Name: (Please Print) **ATTACH SIGNED "OWNER AFFIDAVIT"*** Highland Park Development, LLC	
Applicant's Mailing: Address: 9055 S. 1300 E. #104		City: Sandy	State: Utah Zip: 84094
Applicant Phone: (801)944-4469		Applicant's Email Address: alec@sequoiadevelopment.com	
Main Contact Person (Please Print): Name: Alec Moffitt Phone: 801-830-7560 email: alec@sequoiadevelopment.com			

Brief summary of proposal / request: To extend our preliminary plat approval to record our plat.

FILING FEES: (ORD 3.35)				OFFICE USE ONLY	
SITE PLAN REVIEW	\$600.00	REZONE of PROPERTY	\$900.00 + \$85.00/acre	FILE NUMBER	_____
SITE PLAN AMENDMENT	\$250.00	CODE AMENDMENT	\$600.00	PARCEL NUMBER	_____
SUBDIVISION: Final = 6% of the cost of improvements	\$2,000.00 + \$100.00/lot	GENERAL PLAN AMENDMENT	\$300.00 + \$50.00/acre	GENERAL PLAN:	_____
CONDOMINIUM	\$1,000.00 + \$100.00/unit	HISTORIC SITE DESIGNATION	\$600.00	ZONE:	_____ ACREAGE:
CONDITIONAL USE PERMIT - COMMERCIAL	\$1,000.00 + \$35.00/acre	PUBLIC STREET:	\$300.00 - vacation \$500.00 - dedication \$250.00 - namechange	PC ACTION:	_____ DATE:
CONDITIONAL USE PERMIT - RESIDENTIAL	\$900.00 + \$50.00/unit	ANNEXATION		CC ACTION:	_____ DATE:
CONDITIONAL USE PERMIT - HOME BUSINESS	\$100.00	DEVELOPMENT AGREEMENT AMENDMENT		FILE DATE:	_____
CONVERSION TO CONDOMINIUM	\$50.00/unit	OTHER:			
SPECIAL EXCEPTION	\$600.00	OTHER:			
SUBDIVISION AMENDMENT	\$500.00				
			FINAL TOTAL DUE:		

NEXT STEPS: 1. To be considered COMPLETE, this form must be accompanied by all applicable "project tracking" checklist(s)/submittals or it will not be accepted. 2. Complete applications must be submitted 3 weeks prior to the desired Planning Commission date 3. Applications are reviewed every Tuesday by the Holladay TRC. You will be notified of any deficiencies, decisions and/or meetings dates at that time 4. Planning Commission convenes each month on the 1st and 3rd Tuesday. City Council convenes the 1st and 3rd Thursday of each month 5. Your Attendance at the Planning Commission and/or City Council meetings is required by the applicant or a representative of the applicant.



February 26, 2024

RE: Highland Park PUD 4880 S HIGHLAND CIR – Final Plat Extension Request

Dear City Staff and Planning Commission,

This letter is regarding our Highland Park Subdivision preliminary approval on February 22, 2023. The plat didn't reach final approval with the staff and has not been printed to mylar. Sequoia Development, the applicant, is requesting an extension of this preliminary approval.

Because of the market downturn mostly due to high interest rates for buyers, this project was delayed with uncertainty. Highland Park is now ready to move forward. With a few final approvals from staff, the plat will be printed to mylar and recorded.

An extension would not only save the city staff time but would also accelerate the building process. It could save months in the schedule and additional housing would be available sooner to the community.

Thank you for your consideration,

A handwritten signature in black ink that reads "Alec Moffitt". The signature is written in a cursive, flowing style.

Alec Moffitt
VP of Development