

**NOTICE OF MEETING OF THE  
CITY OF HOLLADAY CITY COUNCIL  
THURSDAY, MARCH 3, 2016**

**COUNCIL CHAMBERS  
4580 S 2300 E  
HOLLADAY, UTAH 84117**

- 5:00 p.m.**      **Council Dinner** – *Council members will be eating dinner. No city business will be discussed.*
- 5:30 p.m.**      **Briefing Session** – *The Council will review and discuss the agenda items; NO decisions will be made*

**PUBLIC NOTICE IS HEREBY GIVEN** that the Holladay Municipal Council will hold a City Council meeting in the Council Chambers beginning at **6:00 p.m.** It is possible that a member of the Council will be participating by electronic means. The Council Chambers shall serve as the anchor location. *In an effort to conserve resources, the Council has gone paperless. Council Members will be using a variety of electronic devices during the meeting.*

**6:00 p.m.**      **Council Meeting**

**AGENDA**

- I.      *Welcome* – Mayor Dahle
- II.     *Pledge of Allegiance*
- III.    *Public Comments*  
*The public is invited to address the City Council on any subject for three (3) minutes, five (5) minutes for a group spokesperson, additional time allotted at the discretion of the Chair. Comments which cannot be made within these time limits should be submitted in writing to the City Recorder prior to noon the day before the meeting so they can be copied and distributed to the Council*
- IV.    *Presentation by Pam Roberts - Wasatch Front Waste & Recycling*
- V.     *Public Hearing on General Plan Adoption*
- VI.    *Public Hearing on Proposed Amendment to the Title 13 of the City Code to Include Cattery as a Permitted Use in the R-1 Zones*
- VII.   *Public Hearing on Proposed Amendment to Various Sections of Title 13 of the City Code to Clarify Noticing Procedures*
- VIII. *Public Hearing on Proposed Rezone for 1.5 Acres of Property Located at 5555 S Highland Dr. from R-1-10 to R-1-21 (three lots of the Pheasant Cove subdivision)*

- IX. ***Consent Agenda***
  - a. ***Approval of Minutes – Feb. 11 & 18, 2016***
- X. ***City Manager Report - Randy Fitts***
- XI. ***Council Reports***
- XII. ***Other Business***
- XIII. ***Adjourn City Council Meeting and Convene in a Work Meeting***
  - a. Discussion on City Hall Park
  - b. Discussion on Previous Public Hearings
  - d. Calendar – *schedule of upcoming meetings*
    - Meetings - March 17 & 31
    - ULCT Mid-Year Conf. – April 6-8
  - e. Other **Business** – *as may properly be introduced*
  - f. Discussion on Chapters 5 & 8 of the General Plan
- XIV. ***Closed Session pursuant to Utah Code Section 52-4-204 & 205 to Discuss Personnel Issues, Potential Litigation and Property Acquisition and Disposition – (If needed)***
- XV. ***Adjourn Work Meeting***

**All details regarding the agenda may be found online at [www.cityofholladay.com](http://www.cityofholladay.com)**

On Friday, February 26, 2016 at 9:30 am a copy of the foregoing agenda was posted in conspicuous view in the front foyer of the City of Holladay City Hall. The agenda was also posted at the Holladay Library, City website - [www.cityofholladay.com](http://www.cityofholladay.com) and State Public Notice website - <http://pmn.utah.gov>. A copy of this notice was emailed to the Salt Lake Tribune and Deseret News, newspapers of general circulation in the City by the Office of the City Recorder. A copy was also emailed to Salt Lake County Council, Cottonwood Heights City and Murray City.

*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*

Dated this 26<sup>th</sup> day of February, 2016.

Stephanie N. Carlson, MMC  
Holladay City Recorder



**Your role in Animal Control in our community**

*The role of Salt Lake County Animal Services is to provide customer service, information, education, and animal care within Holladay City and enforce all of the animal-related ordinances in Title 8.*

**Your opinion about and support for the ordinance change that takes regulation of the number of small, domestic animals out of the context of how much land one owns or the zone they are in, but rather focuses on how animals are maintained**

We would prefer to leave matters of zoning and business licensing to the Holladay City Mayor, Council, and Administration. The Holladay City ordinance currently does not limit the number of pets per household. Our emphasis would always be towards care and maintenance of animals, rather than land allowance. Our position regarding this issue is best explained by Salt Lake County Ordinance 8.04.190 which states: *“There is no limitation on the numbers of dogs and cats that can be owned by a resident, provided that all dogs and cats are properly licensed and cared for. Dog and cat owners must abide by all applicable sections of Title 8 of these ordinances including, but not limited to, ordinances regarding proper care and maintenance, medical attention, and animal cruelty. Owners are required to prevent their animals from causing, and shall abate, any nuisances caused by animals including, but not limited to, noise and odor.”*

**Also, that planning departments and even code enforcement officers may not be well equipped to handle animal matters and that Animal Control professionals are better equipped in licensing and regulating animal issues in communities**

*If the City of Holladay determines to grant Ms. Booth a business license for the operation of a cattery, Salt Lake County Animal Services will be able to issue Exotic Animal Permit, provided she meets the requirements of the ordinance and pays for the appropriate fees.*

***Robert A. Lewis***

**Field Operations Manager**

511 WEST 3900 SOUTH  
SALT LAKE CITY UT, 84123  
[RALewis@slco.org](mailto:RALewis@slco.org)  
385-468-6044

1 13.06.040: **PUBLIC NOTICE:**

2  
3 A. In General:

4 1. The city shall provide notice of any public hearing or meeting required for consideration of  
5 a land use application under this title.

6  
7 2. The agenda of any public hearing or public meeting required for consideration of a land  
8 use application under this title shall be posted at least twenty four (24) hours in advance of the  
9 public meeting:

10 a. In three (3) public places within the city;

11 b. On the city's internet website; and

12 c. On the Utah public notice website created under Utah Code Annotated section  
13 63F-1-701, as amended.

14  
15 3. Any additional notices as set forth in this chapter for a particular land use application shall  
16 be provided by the city as per this section.

17  
18  
19  
20  
21 B. Applicant Notice:

22 1. For a land use application, the city shall:

23 a. Notify the applicant of the date, time, and place of the public hearing or meeting  
24 to consider the application;

25 b. Provide to the applicant a copy of the staff report regarding the applicant or the  
26 pending application at least three (3) business days before the public hearing or meeting;  
27 and

28 c. Notify the applicant in writing of any final action on a pending application.

29 2. If the city fails to comply with the requirements of subsection B1a or B1b of this section,  
30 or both, an applicant may waive the failure so that the application may stay on the public hearing  
31 or public meeting agenda and be considered as if the requirements had been met.

32  
33  
34  
35  
36  
37  
38 C. Intent to Prepare General Plan Amendment:

39 1. Prior to the first work meeting of any subcommittee, task force, joint council/planning  
40 commission or other similar planning session regarding a proposed general plan or a general  
41 plan amendment, the city shall give ten (10) calendar days' notice of its intent, by mail to the  
42 following:

43 a. To all affected entities;

44 b. To the Automated Geographic Reference Center;

45 c. To the Wasatch Front regional council; and

46 d. On the Utah public notice website.

47 2. Notice under subsection C1 of this section shall:

48 a. Include a written description of the proposed amendment;

- b. Include a map or description of the geographic area that will be affected by the general plan amendment;
- c. Invite submission of information for the city to consider in the process of preparing, adopting, and implementing a general plan amendment concerning impacts that the use of land in the proposed general plan amendment may have;
- d. Include the address of the city's internet website, and the name and telephone number of a source from which more information can be obtained concerning the city's proposed general plan amendment.

D. Public Hearings for Legislative Procedures:

1. The city shall give notice of the date, time, and place of the first public hearing to consider the following legislative applications:

- a. The adoption of a general plan or general plan amendment;
- b. The adoption of a land use ordinance or text amendment to the adopted land use ordinance;
- c. The adoption of a zoning map or amendment to the adopted zone map; or
- d. Acceptance of a final plat or amended final plat which includes the creation, amendment or vacation of a public street.

2. At least ten (10) calendar days before the first public hearing, the notice required under subsection D1 of this section shall be:

- a. Mailed to all affected entities;
- b. Published in a newspaper of general circulation in the area;
- c. Posted on the city's official website; and
- d. Mailed to the record owner of:
  - (1) Land directly affected by the proposed general plan amendment and/or rezone;
  - (2) All lots within five hundred feet (500') of the subject property; and
- e. As required by subsections A and B of this section.

3. At least ten (10) calendar days before any subsequent public hearing on a legislative land use application as required under subsection D1 of this section, notice shall be given:

- a. As required by subsections A and B of this section, and
- b. Mailed to the record owner of:
  - (1) Land directly affected by the proposed general plan amendment and/or rezone;
  - (2) All lots within five hundred feet (500') of the subject property.

- 1  
2 E. Public Hearings For Administrative Or Quasi-Judicial Procedures: Before a public hearing or  
3 public meeting regarding an administrative or quasi-judicial land use application as required by  
4 ~~section 13.06.030 of this chapter~~ Chapters 13.08 and 13.09 of this title, the city shall provide  
5 notice of the date, time and place of the public hearing as required by subsections A and B of  
6 this section, and at least ten (10) calendar days prior to the meeting, the notice shall be mailed to  
7 the record owner of:  
8  
9 1. Land directly affected by the proposed land use application; and  
10  
11 2. All lots within five hundred feet (500') of the subject property.  
12  
13 F. Public Meetings:  
14  
15 1. The city shall provide notice of the date, time and place of the public meeting at which a  
16 land use application is to be considered by posting the agenda of the meeting twenty four (24)  
17 hours prior to the meeting:  
18  
19 a. On the city's internet website;  
20  
21 b. On the Utah public notice website; and  
22  
23 c. Physically posted in at least three (3) public locations within the city.  
24  
25 G. Notice Challenge: If notice given under the authority of this section is not challenged within thirty  
26 (30) days after the meeting or action for which notice is given, the notice is considered adequate  
27 and proper.

1  
2 Chapter 13.07: **DEVELOPMENT REVIEW AND APPROVAL FOR LEGISLATIVE PROCEDURES**  
3

4  
5 13.07.020: **GENERAL PLAN:**  
6

7 F. Review Procedure:  
8

9 1. When the application is determined to be complete, the community development director shall  
10 forward the application to the technical review committee for its review and recommendation.  
11

12 2. Upon receipt of a recommendation from the technical review committee, the community  
13 development director shall forward the application to the planning commission for its review and  
14 recommendation.  
15

16 a. The planning commission shall send notice and hold a public hearing on the  
17 proposed amendment as per Section 13.06.040 of this title.  
18

19 b. After the public hearing, the planning commission may modify the proposed  
20 amendment and shall forward the proposed amendment with their recommendation to the  
21 city council.  
22

23 3. Following receipt of the planning commission recommendation, the city council shall hold  
24 a public hearing on the proposed amendment as per subsection 13.06.040 D3 of this title.  
25

26 4. The city council shall act on the application as provided in subsection G of this section.  
27  
28

29 13.07.030: **TEXT AND ZONING MAP AMENDMENT**  
30

31 F. Review Procedure:  
32

33 1. After the application for a text or zoning map amendment is complete, the community  
34 development director shall forward the application to the technical review committee for its  
35 review and recommendation.  
36

37 2. Upon receipt of a recommendation from the technical review committee, the community  
38 development director shall forward the application to the planning commission for its review and  
39 recommendation.  
40

41 a. The planning commission shall hold a public hearing on the proposed amendment.  
42 Notice of the public hearing shall be given as required by section 13.06.040 D of this title.  
43

44 b. After the public hearing, the planning commission may modify the proposed  
45 amendment and shall thereafter forward the proposed amendment with a recommendation to the  
46 city council.  
47

48 3. Following receipt of the planning commission recommendation, the city council shall hold  
49 a public hearing on the proposed amendment. Notice of the public hearing shall be given as  
50 required in section 13.06.040 D of this title.

1 Chapter 13.08: **DEVELOPMENT REVIEW AND APPROVAL FOR ADMINISTRATIVE PROCEDURES**

2  
3 13.08.010: THREE-STEP REVIEW:  
4

- 5 A. Relevant Applications: The following land use applications as required by this chapter shall be  
6 submitted and reviewed in three (3) steps:  
7 1. Subdivisions,  
8  
9 2. Amendments to recorded subdivisions,  
10  
11 3. Site plans, and  
12  
13 4. Planned unit developments.  
14
- 15 B. Approval Process: The requirements associated with each step shall be reviewed by the  
16 community development director and the technical review committee before an application and  
17 recommendations are forwarded to, and considered by, the appropriate land use authority. The  
18 necessity of submitting revised and additional information, documents, and/or drawings shall be  
19 determined by the land use authority or by the community development director with advice from  
20 the technical review committee. The steps in the approval process are as follows:  
21  
22 1. Step 1: Conceptual (public hearing required),  
23  
24 2. Step 2: Preliminary, and  
25  
26 3. Step 3: Final.  
27
- 28 C. Conceptual Review and Approval:  
29  
30 1. The community development director shall review the application for compliance with  
31 applicable regulations. The community development director shall notify the developer of the  
32 staff recommendation of approval or denial (for noncompliance) of the application review findings  
33 and comments, and the need for other information that may assist the technical review  
34 committee to make its recommendation to the planning commission.  
35  
36 2. When the community development director determines, after review of the application,  
37 that one or more of the application requirements and procedural steps are not applicable to the  
38  
39 3. The applicant shall address identified items and resubmit the information to the  
40 community development director.  
41  
42 4. When the community development director determines the application is complete, the  
43 application shall be forwarded to the technical review committee for review and recommendation.  
44  
45 5. The community development director shall notify the developer of the recommendation of  
46 the technical review committee approval or denial (for noncompliance) of the application and the  
47 need for other information that may assist the technical review committee to make its  
48 recommendation to the planning commission.  
49  
50 6. Upon recommendation from the technical review committee, the community development  
51 director shall forward the application to the planning commission.  
52  
53 7. The planning commission shall hold a public hearing as per chapter 13.06 of this title.  
54 Notice of the public hearing shall be given as required by section 13.06.040 E of this title. After  
55 review of the application, the planning commission shall:  
56

- 1                   a.       Approve the application, with or without additional requirements or conditions,  
2                   b.       Continue review of the application pending further investigation, or  
3  
4                   c.       Deny the application.  
5  
6           8.       A conceptual decision by the planning commission does not carry appealable entitlement  
7           under the provisions of this title; instead, the planning commission's decision shall provide  
8           guidance for compliance with the requirements of this title and direction prior to a submission for  
9           preliminary approval.  
10  
11           9.       Except as provided in subsection F of this section, the applicant may apply for  
12           preliminary approval only after conceptual approval is granted. Conceptual plan approval shall be  
13           valid for one year from the date on which the conceptual plan was approved. Resubmission of  
14           the conceptual plan may be required by the planning commission prior to filing an application for  
15           preliminary approval.  
16  
17   D.       Preliminary Review and Approval: *(no changes)*  
18   E.       Final Review and Approval: *(no changes)*  
19   F.       Concurrent Review: *(no changes)*  
20

1 13.08.040: **CONDITIONAL USE PERMIT:**

- 2
- 3 A. Purpose: This section sets forth the procedure for review and approval of a conditional use permit. A conditional use permit shall be required for any use which is a conditional use in this title.
- 4
- 5
- 6
- 7 B. Authority: The planning commission is authorized to approve conditional use permits as provided in this section. The planning commission may delegate to the community development director the authority to approve, modify, or deny a conditional use permit as provided in this section.
- 8
- 9
- 10
- 11 C. Initiation: A property owner, or the owner's agent, may apply for a conditional use permit. An agent of a property owner shall provide a notarized authorization.
- 12
- 13
- 14 D. Submittal: An application for a conditional use permit shall be submitted as provided in chapter 13.03 of this title.
- 15
- 16
- 17 E. Review Procedures:
- 18 1. After the application for a conditional use permit is complete, the community development
- 19 director shall forward the application to the technical review committee for its review and
- 20 recommendation.
- 21
- 22 2. Upon receipt of a recommendation from the technical review committee, the community
- 23 development director shall forward the application to the planning commission for its review and
- 24 determination.
- 25
- 26 3. The planning commission shall hold a public hearing as per chapter 13.06 of this title.
- 27 After review of the application, the planning commission shall:
- 28 a. Approve the application, with or without additional requirements or conditions,
- 29
- 30 b. Continue review of the application pending further investigation, or
- 31
- 32 c. Deny the application.
- 33
- 34 ~~E.~~ Approval Standards: 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 detrimental effects of the proposed use in accordance with applicable standards set forth in this section.
- 35
- 36
- 37
- 38
- 39 1. A conditional use shall:
- 40 a. Be consistent with policies set forth in the city's general plan applicable to the site where the conditional use will be located.
- 41
- 42 b. Be allowed by the zone regulations where the conditional use will be located.
- 43
- 44 c. Be compatible with the character of the site, adjacent properties and uses, and existing development within the vicinity of the site where the use will be located.
- 45
- 46 d. Provide vehicular access to the site without materially degrading the existing level of service of the abutting streets.
- 47
- 48 e. Locate all driveways oriented to direct traffic to streets, major or local, without impacting the safety, purpose, and character of these streets.
- 49
- 50 f. Locate on site parking areas and structures, particularly those locations likely to encourage street side parking for the proposed use, in areas of the site that will not adversely impact the reasonable use of adjacent properties.
- 51
- 52 g. Accommodate peak traffic to the site without impairing the use and enjoyment of abutting properties.
- 53
- 54 h. Provide an internal circulation system designed to mitigate adverse impacts on adjacent and abutting property from motorized, nonmotorized, and pedestrian traffic.
- 55

- 1 i. Restrict hours of operation of the proposed conditional use in relation to the  
2 hours of activity or operation of other nearby uses to mitigate noise, light, odor, or other  
3 nuisances that unreasonably impair the use and enjoyment of abutting and adjacent properties.  
4 j. Demonstrate existing or proposed utility and public services will be adequate to  
5 support the proposed use at normal service levels and is designed in a manner to avoid adverse  
6 impacts on adjacent and abutting land uses, public services, and utility resources.  
7 k. Install appropriate buffering, such as landscaping, setbacks, and building  
8 location, to protect adjacent land uses from light, noise, and visual impacts resulting from the  
9 proposed use.

10  
11 2. A conditional use shall not:

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

19  
20 3. The proposed conditional use and associated development shall comply with all other  
21 applicable provisions of this title and this code.

22  
23 FG. Conditions Of Approval: Such conditions shall:

- 24 1. Be expressly set forth in the conditional use permit;  
25  
26 2. Not be used as a means to authorize a use intended to be temporary only;  
27  
28 3. Substantially further a legitimate public purpose;  
29  
30 4. Not require the applicant to carry a disproportionate burden in furthering the public  
31 purpose of the condition; and  
32  
33 5. In the case of land dedications and other contributions of property, be reasonably related  
34 and roughly proportionate to the use of the property for which the conditional use is authorized.

35  
36 GH. Denial: If the anticipated detrimental effects of a proposed conditional use cannot be  
37 substantially mitigated by the proposal or by the imposition of reasonable conditions to achieve  
38 compliance with applicable standards, the conditional use permit shall be denied.

39  
40 HI. Appeal: A person adversely affected by a final decision of the planning commission regarding  
41 approval or denial of a conditional use permit may appeal the decision to the city council.

42  
43 IJ. Effect Of Approval:

- 44  
45 1. A conditional use permit shall not relieve an applicant from obtaining any other authorization,  
46 permit, or license required under this title or other title of this code.  
47  
48 2. A conditional use permit shall run with the land, unless otherwise specified in the approved  
49 conditional use permit, and is subject to the provisions relating to amendment, revocation, or  
50 expiration of a conditional use permit.

51  
52 JK. Inspection: Following approval of a conditional use permit, the community development director  
53 shall ensure that development is undertaken and completed in compliance with the permit.

54  
55 KL. Amendment: The procedure for amending an approved conditional use permit shall be the same  
56 as the original procedure set forth in this section.

1  
2  
3  
4  
5  
6  
7  
8

LM Revocation: A conditional use permit may be revoked as provided in chapter 13.09 of this title.

MN Expiration: A conditional use permit shall expire and have no further force or effect if the building, activity, construction, or occupancy authorized by the permit is not commenced within two (2) years after approval. A twelve (12) month extension may be approved by the land use authority subject to payment of an extension fee equal to the original filing fee.

1 Chapter 13.09: **QUASI-JUDICIAL PROCEDURES**

2  
3 13.09.020: **VARIANCE:**

- 4  
5 A. Purpose: This section sets forth the procedure for review and approval of a variance to the  
6 provisions of this title. Variance procedures are intended to provide a narrowly circumscribed  
7 means by which relief may be granted from particular unforeseen application of the provisions of  
8 this title that create an unreasonable hardship.  
9  
10 B. Authority: The administrative appeals officer is authorized to hear and decide variances to the  
11 provisions of this title as provided in this section.  
12  
13 C. Initiation: Any person or entity desiring a waiver or modification of the requirements of this title as  
14 applied to a parcel of property that the person or entity owns, leases, or holds some other  
15 beneficial interest may apply to the administrative appeals officer for a variance from the  
16 provisions of this title as provided in this section. An agent of a property owner shall provide a  
17 notarized authorization.  
18  
19 D. Procedure: An application for a variance shall be considered and processed as provided in this  
20 subsection.  
21  
22 1. Submission of an application for a variance shall be as provided in chapter 13.03 of this  
23 title.  
24  
25 2. After the application is determined to be complete, the community development director  
26 shall forward the application to the technical review committee for its review and  
27 recommendation.  
28  
29 3. Upon receipt of a recommendation from the technical review committee, the community  
30 development director shall forward the application to the administrative appeals officer.  
31  
32 4. The administrative appeals officer shall hold a public ~~hearing~~ meeting as provided in  
33 section 13.06.030 of this title and after due consideration shall approve, approve with mitigation  
34 measures, or deny the application.  
35  
36 5. A copy of an affidavit of each variance granted shall be recorded with the Salt Lake  
37 County recorder.  
38  
39 6. A record of each variance shall be maintained in the community development  
40 department.  
41  
42 E. *(no changes)*  
43 F. *(no changes)*  
44 G. *(no changes)*

1 Chapter 13.10: **SUBDIVISIONS**

2

3 13.10.060: **NOTICING REQUIREMENTS:**

4

5 A. Conceptual Review: For conceptual plat review of a subdivision the city shall notify the applicant  
6 and any third party of the date, time and place of the public hearing as outlined in chapter 13.06  
7 of this title.

8

9 B. Preliminary Plat Review: For preliminary plat review the city shall notify the applicant and any  
10 third party requesting notice of the date, time and place of the public meeting as outlined in  
11 chapter 13.06 of this title.

12

13 C. Final Plat Review:

14

15 1. In cases where the planning commission shall approve a final plat at a public meeting as  
16 required by subsection 13.10.070C3 of this chapter, the city shall provide notice as required by  
17 chapter 13.06.040F of this title.

18

19 2. In cases where the city council shall approve a final plat at a public ~~meeting~~ hearing as  
20 required by subsection 13.10.070C4 of this chapter, the city shall provide notice as required by  
21 chapter 13.06.040D3 of this title.

22

23 D. Vacating, Altering, Or Amending A Plat With Or Without A Public Street: The city shall provide  
24 notice of all public hearings and public meetings regarding the amendment, alteration or vacation  
25 of a recorded plat, with or without a public street, as required by subsection C of this section.



## HOLLADAY CITY COUNCIL SUMMARY REPORT

**MEETING DATE:** March 3, 2016

**AGENDA ITEM:**

**TITLE:** Amendments to Title 13: Noticing

**SUBMITTED BY:** Planning Commission

### **SUMMARY:**

In the interim since the rewrite and reorganization of the first ten chapters of Title 13, several omissions or oversights have come to the attention of staff regarding the noticing and public hearing/public meeting requirements for several types of land use applications.

The attached draft text amendment addresses:

1. **Newspaper notices for legislative matters.**  
This amendment recommends that a public hearing be noticed in the newspaper only once and for the first public hearing held on the matter by the city; *i.e.* for the Planning Commission's hearing. City Council public hearings would only be noticed to the neighbors and by posting the agenda in the regular manner. (*Utah Code: 10-9a-204[1] & 10-9a-205 [1]*)
2. **Public meeting for a variance.**  
Currently the ordinance requires a public "hearing" for a variance before the Administrative Appeals Officer but should only require a public "meeting". This procedure is a hold-over from the Board of Adjustments actions but is no longer applicable when there is only the hearing officer who makes these quasi-judicial decisions based on the evidence presented in the application and not on public input.
3. **Conditional use permits procedures.**  
The sections regarding the procedure for hearing and noticing conditional use permits which were inadvertently left out of the text are included in this amendment.
4. **Public hearings for a final plat approval by the City Council.**  
The proposed text also clarifies that a public hearing is required when the City Council is the approving body for a final plat that includes a new or amended public street but does not require notice in the newspaper. (*Utah Code: 10-9a-207 & 10-9a-208*)

### **RECOMMENDATION:**

On January 19<sup>th</sup>, 2016 the Planning Commission held a public hearing on this matter. There were no public comments. They voted unanimously to recommend adoption of the proposed amendment.

### **EXHIBITS:**

Draft Text  
PC minutes (when available)



# CITY OF HOLLADAY

## City Council Summary Report

### March 3, 2016

**Request:** Rezone of three lots, 1-3, comprising approximately 1.5 acres of land within the Pheasant Cove Subdivision from R-1-10 to R-1-21/Z

**Meeting:** Public hearing

**Applicant:** City of Holladay

**Notice:** Mailed to all property owners within 500 feet of the parcels in question and published two weeks prior to the hearing

**Planner:** Paul Allred

---

#### **EXECUTIVE SUMMARY**

The Planning Commission unanimously recommended approval of the rezone of three lots from R-1-10 to R-1-21, approximately 1.5 acres of land, in the Pheasant Cove Subdivision on July 7, 2015. This rezone action was suggested by the City Council to reinforce the restrictions placed on the development by the Development Agreement (DA) approved a few months earlier in order to create a buffer to the larger, estate properties located to the east of this development. The DA required the developer to develop lots 1, 2, and 3 at no less than .50 acre each with an additional requirement that these lots 1-3 not be further subdivided. When approved by the Council, the rezoning of these lots from R-1-10 to R-1-21 adds an additional hurdle for any possible subdividing.

#### **ANALYSIS**

Although the DA is recorded against these parcels, it is possible that its restrictions might be overlooked by future city staff if and when a request is submitted to amend the Pheasant Cove subdivision by dividing lots 1-3 to create additional lots. Therefore, the Planning Commission and staff agree with the Council that a request to change the R-1-10 to R-1-21 will create a zone better suited to the lot sizes as already platted as well as add an additional layer of protection from any possible subdivision considerations and protecting the intent of the DA.

#### **RECOMMENDATION & WITH FINDINGS FOR MOTION:**

In the matter of rezoning the R-1-10 zone to R-1-21, for lots 1 through 3, of the Pheasant Cove Subdivision, the staff and Planning Commission are confident that no further research is necessary regarding this proposal and that the City Council should approve the rezone based upon the following findings;

- 1) The Pheasant Cove Subdivision was approved via Development Agreement between the development and the City.
- 2) The Development Agreement was created to uphold and ensure the off-site improvement needs of the City and the development standards regarding minimum lot sizes of the surrounding community.
- 3) The proposed rezone supports the Development Agreement's .5 acre minimum lot size requirement for lots 1, 2 and 3 by overlaying the property R-1-21 zone which requires a minimum lot size of .5 acre.
- 4) The proposed rezone will not create a non-conforming situation.

- 5) The Planning Commission held a public hearing where no public opposition to the proposed rezone was heard.
- 6) The Planning Commission unanimously recommended approval of the rezone.

## **EXHIBITS**

- **Minutes from 7-7-15 Planning Commission Meeting**

### **MINUTES OF THE CITY OF HOLLADAY PLANNING COMMISSION MEETING**

**Tuesday, July 7, 2015  
6:30 p.m.  
Holladay Municipal Center  
4580 South 2300 East**

## **ACTION ITEMS**

**1. Pheasant Cove Rezone – Amended – 5555 South Highland Drive – Rezone from R-1-10 to R-1-21 – Staff Planner – Paul Allred, Community Development Director.**

(19:04:28) City Planner, Jonathan Teerlink, presented the staff report and stated that the request was made by the City Council in early spring 2015. They expressed concern about the original Development Agreement between the City and the developer for Lots 1, 2 and 3. The plat was recorded and the City Council was concerned that in the future the Development Agreement may be lost in translation. They requested that the zoning map be amended to change the zoning from R-1-10 to R-1-21 to make the minimum lot size conforming and creating a situation where the property cannot be subdivided in the future.

(19:06:20) Chair Snow opened the public hearing.

Cory Chamberlain gave his address as 2064 Walker Lane and expressed his support for the rezone.

David Erickson, who resides at 2017 Pheasant Way, was curious as to why the matter was being discussed one year after the fact. Mr. Allred stated that the subdivision and development have been recorded. A Council Member expressed concern over the three lots being subdivided at a later date and recommended the property be rezoned R-1-21. There was no initiation of the zone change by the current owner and it was confirmed that the recommendation was made by the City Council.

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

Commissioner Bowthorpe expressed his support for the proposed rezone.

Commissioner Jensen explained that the proposed rezone is an effort to create a transitioning buffer between Pheasant Way and Walker Lane

(19:11:48) *Commissioner Jensen moved to forward a positive recommendation on the Pheasant Cove Subdivision rezone located at 5555 South Highland Drive from R-1-10 to R-1-21 to the City Council subject to the following:*

**Findings:**

- 1) *The Pheasant Cove Subdivision was approved via Development Agreement between the development and the City.*
- 2) *The Development Agreement was created to uphold and ensure the off-site improvement needs of The City and the development standards regarding minimum lot sizes of the surrounding community.*
- 3) *The proposed rezone supports the Development Agreement's .5-acre minimum lot size requirement for lots 1, 2 and 3 by overlaying the property R-1-21 zone, which requires a minimum lot size of .5 acre.*
- 4) *The proposed rezone will not create a non-conforming situation.*

*Commissioner Carter seconded the motion. Vote on motion: Jan Bradshaw-Aye, Jim Carter-Aye, Chris Jensen-Aye, Spence Bowthorpe-Aye, and Chair Matt Snow-Aye. The motion passed unanimously.*



1 13.04.040: DEFINITIONS OF TERMS:  
 2

3 For the purpose of this title the following terms have the following meanings:  
 4

5 SPORTSMAN'S KENNEL, CATTERY AND ANIMAL HOBBY PERMIT: A use, accessory to a single-  
 6 family dwelling unit in which three (3) but not more than five (5) dogs, cats or ferrets, at least four (4)  
 7 months old, are kept for the purpose of breeding, hunting, training, renting, buying, boarding, selling, or  
 8 showing which has a valid permit from the city department of animal services and is located on a lot of at  
 9 least one acre.  
 10

11 **13.100.010: TABLE OF ALLOWED USES:**  
 12

C	=	Conditional use	P	=	Permitted use
-	=	Not allowed	SDMP	=	Site development master plan

Use	All FR Zones	R-1-4, R-1-8, R-1-10, R-1-15	R-1-21, R-1-43, R-1-87	R-2-8, R-2-10	RM	O-R-D	P	R O	NC	C-1	C-2	HV	R/M-U	LU
Accessory Uses*														
Alcoholic beverage retail sales <sup>14</sup>													See SDMP	See chapter 13.63 of this title
Brewery	-	-	-	-	-	C	-	-	-	-	C	-		
Club, dining	-	-	-	-	-	C	-	-	-	-	C	-		
Club, equity	-	-	-	-	-	C	C	-	-	-	C	-		
Club, fraternal	-	-	-	-	-	C	-	-	-	-	C	-		
Club, social	-	-	-	-	-	C	-	-	-	-	C	-		
Off premises	-	-	-	-	-	-	-	-	P	P	P	P		
On premises banquet and catering	-	-	-	-	-	C	P	-	-	-	C	P		
On premises beer retailer	-	-	-	-	-	P	P	-	-	-	P	P		
Restaurant - full service	-	-	-	-	-	P	P	-	P	P	P	P		
Restaurant - limited service	-	-	-	-	-	P	P	-	P	P	P	P		
Special event permit	-	P	P	P	P	P	P	-	P	P	P	P		
Drive-through	-	-	-	-	-	P	-	-	-	C	P	-		
Family food production	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	-	-	-	-	-	-	-	-	-		
Flea market/farmers' market	-	-	-	-	-	-	P	-	-	P	P	P		
Guesthouse and/or caretaker quarters	C <sup>9</sup>	C <sup>9</sup>	C <sup>9</sup>	-	-	-	-	-	-	-	-	-		
Home daycare/preschool	C <sup>3</sup>	C <sup>3</sup>	C <sup>3</sup>	C <sup>3</sup>	C <sup>3</sup>	-	-	-	-	-	-	-		
Home daycare/preschool, small	C <sup>4</sup>	P <sup>4</sup>	P <sup>4</sup>	P <sup>4</sup>	P <sup>4</sup>	-	-	-	-	-	-	-		
Home occupation	C <sup>5</sup>	C <sup>5</sup>	C <sup>5</sup>	C <sup>5</sup>	C <sup>5</sup>	-	-	-	-	-	-	-		
Household pets	P <sup>10</sup>	P <sup>10</sup>	P <sup>10</sup>	P <sup>10</sup>	P <sup>10</sup>	-	-	-	-	-	-	-		
Livestock, large	P <sup>1</sup>	-	P <sup>1</sup>	-	-	-	-	-	-	-	-	-		
Livestock, small	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	-	-	-	-	-	-	-	-	-		
Merchandise vending machine, outside	-	-	-	-	-	-	-	-	-	P	P	P		
Mobile food trailer	-	-	-	-	-	P	P <sup>17</sup>	-	-	P	P	P		
Mobile food truck	-	-	-	-	-	P	P <sup>17</sup>	-	-	P	P	P		
Outside dining	-	-	-	-	-	C	C	-	C	C	C	C		
Outside display	-	-	-	-	-	-	-	-	C	P	P	P		

13

Use	All FR Zones	R-1-4, R-1-8, R-1-10, R-1-15	R-1-21, R-1-43, R-1-87	R-2-8, R-2-10	RM	O-R-D	P	R O	NC	C-1	C-2	HV
Outside storage	-	-	-	-	-	-	-	-	-	C	C	-
Permanent cosmetics	-	-	-	-	C <sup>14</sup>	P <sup>14</sup>	-	-	P <sup>14</sup>	P <sup>14</sup>	P <sup>14</sup>	P <sup>14</sup>
Resource recycling collection	-	-	-	-	-	P <sup>8</sup>	P <sup>8</sup>	-	P <sup>8</sup>	P <sup>8</sup>	P <sup>8</sup>	-
Seasonal sales	-	-	-	-	-	P <sup>13</sup>	P <sup>13</sup>	-	P <sup>13</sup>	P <sup>13</sup>	P <sup>13</sup>	P <sup>13</sup>
Short term rental	-	-	-	C <sup>6</sup>	C <sup>6</sup>	-	-	-	-	-	-	-
Sportsman's Kennel, Cattery, Animal Hobby permit	P <sup>11</sup>	P <sup>11</sup>	C <sup>44</sup> P <sup>11</sup>	C <sup>44</sup> P <sup>11</sup>	-	-	-	-	-	-	-	-
Stable, private	-	-	P <sup>1</sup>	-	-	-	-	-	-	-	-	-
Temporary buildings incidental to construction, including living quarters for security	C <sup>13</sup>	C <sup>13</sup>	C <sup>13</sup>	C <sup>13</sup>	C <sup>13</sup>	P <sup>13</sup>	P <sup>13</sup>	-	P <sup>13</sup>	P <sup>13</sup>	P <sup>13</sup>	P <sup>13</sup>
Temporary sales/use	-	-	-	-	-	-	P <sup>13</sup>	-	-	P <sup>13</sup>	P <sup>13</sup>	-

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20

Notes:

\* Includes accessory buildings and uses customarily incidental to a permitted or conditional use.

1. See section 13.76.240, "Animal And Fowl Restrictions", of this title.
2. See section 13.76.715, "Bed And Breakfast", of this title.
3. See section 13.76.720, "Home Daycare/Preschool", of this title.
4. See section 13.76.725, "Home Daycare/Preschool, Small", of this title.
5. See section 13.76.730, "Home Occupation", of this title.
6. See section 13.76.735, "Short Term Rental", of this title.
7. Reserved.
8. See section 13.76.750, "Resource Recycling Collection Facility", of this title.
9. See section 13.14.110, "Accessory Buildings", of this title.
10. Provided the area is not in a watershed area.
11. See title 8, "Animals", of this code.
12. See section 13.76.260, "Commercial Daycare/Commercial Preschool Facilities", of this title.
13. See sections 13.76.250, "Temporary Sales/Seasonal Sales Permit", and 13.76.501, "Temporary Uses", of this title.
14. When accessory to a permitted or conditional use.
15. Subject to well source protection ordinance.
16. May not exceed 10,000 square feet of gross floor area.
17. By contract with public entity only.