



**PLANNING COMMISSION
MEETING AGENDA**
August 20th 2019
City Council Chambers – 4580 S 2300 E

PRE MEETING ITEMS

- 5:30 PM SITE VISITS** – Planning Commissioners and City staff may visit any locations listed on this agenda. The public is welcome to attend using their personal vehicle for transportation
- 6:30 PM WORK SESSION** - All agenda items may be discussed during a light dinner. No voting or decisions will be made during this portion of the meeting.
- 7:00 PM CONVENE REGULAR MEETING** – Public Welcome & Chair Opening Statement

ACTION ITEMS

- 1. Schreyer Residential Site Plan Review, Reconstruction near Spring Creek – (R-1-10 zone)**
Property owner Stan Schreyer requests site plan review for rebuilding a single-family home within the waterway protection areas as per Holladay Ordinances 13.08.140, .150A & 13.76.400.
- 2. Wildflower Preschool – 3210 E 3925 S - (R-1-8 zone)**
Applicant, Ashley Janke is requesting land use approval to operate a licensed, home-based preschool, as per Holladay Ordinance 13.76.720.
- 3. Approval of Planning Commission Meeting Minutes – 07/16/2019**

DISCUSSION ITEMS

- 4. Draft Ordinance Review - Holladay Cross Roads (HCR) Zone – Revised draft review**

ADJOURN

On _____ at 2:00 pm a copy of the foregoing notice was posted in conspicuous view in the front foyer of the City of Holladay City Hall, Holladay, Utah. A copy of this notice was faxed 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 faxed or emailed to the Salt Lake County Council, Cottonwood Heights City and Murray City. The agenda was also posted at city hall, Holladay Library, city internet website at www.cityofholladay.com and state noticing website at <http://pmn.utah.gov>.

Reasonable accommodations for individuals with disabilities or those in need of language interpretation service can be provided upon request. For assistance, please call 801-527-3890 at least 48 hours in advance.

TTY/TDD users should call 7-1-1

The Chair shall call the meeting to order at the appropriate time, greet the people, and read the following statement:

- *The City of Holladay Planning Commission is a volunteer citizen board whose function is to review land use plans and other special studies, make recommendations to the City Council on proposed zoning map and ordinance changes, and approve conditional uses and subdivisions.*
- *The Planning Commission does not initiate land use applications; rather acts on applications as they are submitted. Commissioners do not meet with applicants except at publicly noticed meetings.*
- *Commissioners attempt to visit each property on the agenda, where the location, the nature of the neighborhood, existing structures and uses related to the proposed change are noted.*
- *Decisions are based on observations, recommendations from the professional planning staff, the City's General Plan, zoning ordinance and other reports, by all verbal and written comments, and by evidence submitted, all of which are part of the public record.*
- *Meeting procedure can be found on the back of the agenda.*

Rules of the City of Holladay Planning Commission for Public Hearings

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

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

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

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



Request(s): **SPECIAL EXCEPTION TO WATERWAY PROTECTION STANDARDS
(H.C.C. § 13.76.400)**
Project: Schreyer Single-Family Residence Construction Permit
Property Location: Addressed as 2806 E. Kentucky Avenue, Holladay, UT 84117 being also identified as County
Assessor Parcel/Acct. # 22023540100000 – hereinafter the “Property”
Zoning District(s): R-1-8
Applicant(s): Stan and Jennifer Schreyer Family Trust
File No(s): 19-9-11
Notice(s): (1 x) - Mailed 08/02/2019
Staff Analyst: Robert Hobbs

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

REQUIRED PLANNING COMMISSION ACTION(S)

Approve, Continue or Deny a Special Exception to Waterway Separation Distance: The Planning and Zoning Commission (hereinafter the “Commission”) shall determine if the proposed special (site plan related) exception made the subject of this report is appropriate or acceptable based upon [its] consideration of the general standards set forth in sec. 13.08.140.E. and F. of the City Ordinance as they relate to 13.76.400.A.

BACKGROUND & SUMMARY

History: On September 12, 2017, the City’s Administrative Appeals Officer granted approval of a package Variance application to Radd C. Berrett who sought relief from the front and side yard setback requirements associated with the Property. The sale of the Property to the current Applicants [Schreyers] was apparently made contingent on the Variance’s [substantial] approval as the application’s outcome was a precursor to the viability of future build-out on the Property of a single-family dwelling (i.e., a house) as planned by the Schreyers. In approving the Variance request, the Officer effectually reset the setback controls governing the Property as follows: A 16’, rather than 22’, front yard setback is authorized, a 6’ 6” eastern side yard setback rather than 9’ 3” is [now] allowed, and, a 4’ setback on the Property’s western side is approved vs. having to use a 14’ setback.

On July 16 of this year, the Applicants received Commission approval to emplace a retaining wall system as part of an effort to re-landscape and establish a more functional rear yard area for their [future] residence. The Applicants intent to replace a haphazard collection of materials (some of which have been employed to retain the current rear property slope) and in their place install a two-step terrace system using a pair of engineered walls eight-feet (8’) and four-feet (4’) high made of, apparently, landscape rock or masonry. A new stair case channel will be built into the retention system. The work is intended to harmonize with the finished grade(s) of neighboring properties.

During neither of those application processes was the issue of waterway proximity formally addressed -- although it was discovered during the time the retaining wall system was being reviewed by zoning Staff that a waterway exception was likely going to be needed to accommodate the Applicants’ house plan proposed for development on the Property. Holladay City Code § 13.76.400 requires that, “Any buildable area or portion of a buildable area, fence or structure shall not be closer than twenty feet (20’) to any manmade drainage, fifty feet (50’) to an ephemeral stream or natural drainage channel, or one hundred feet (100’) to a perennial stream. The planning commission may grant an exception to this requirement with the consent of the city engineer and the concurrence of any state or federal regulatory body with jurisdiction over such waterways.”

Comes now [again] before the Commission the Applicants seeking approval for limited intrusion of their proposed house plan into the 20' and 50' waterway offset distances (specifically ~ 1' and ~ 1-10' respectively [the latter span depending on point of assessment]) that appertain to the Property. The site plan being proposed for consideration by the Applicants is that which they used during the Commission's July meeting when their retaining wall system was reviewed and approved. Those plans are dated June 26, 2019. [FYI -- Staff's lineal measurement callout(s) that report the separation distance house to water body top of bank are from wall to waterway. Roof overhangs as shown on the site plan -- at the rear of the proposed home -- are known to be one-foot (1') in outboard span in some locations and assumed to be such in all back wall locations.]

APPLICABLE CITY STANDARDS (§ 13.76.700 .F. 8-9):

The intrusion of the Applicants' proposed house [plan] into the horizontal protective area offsets from an adjoining canal and ephemeral stream (Spring Creek lying basically south of the Property) are, as measured from top of bank, approximately ' and ' respectively. In order to seek relief from the City's offset standards as afore-noted, a Special Exception request must be submitted to the City and be approved by the Commission. Note, accordingly, that the application made the subject of this report is [thus] not a request for Variance approval as such is not *apropos* to the situation.

Criteria for Approval: The criteria for review and potential approval of a Special Exception request are found in Section 13.08.140.E. of the Holladay City Code. Planning Commission review and approval should be focused on the standards hereafter:

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

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

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

STAFF DISCUSSION/RECOMMENDATION(S)

Much of Holladay is topographically situated upon the foothills of the Wasatch Front with many neighborhoods developed on sloping grades. Flat or nearly flat areas for neighborhood development are rare east of Highland Drive. These areas have historically dealt with the topography, considered by some as less than ideal. The outcome is an organic development pattern of residential growth generally working with the topography, rather than against it. When earthwork that re-contours the earth disrupts this pattern, sometimes negative effects are fostered. Concerns with loss of privacy,

stormwater intrusion, and soil erosion often arise. The City of Holladay has enacted certain laws to help mitigate deforestation, earthwork and waterway impacts. Included in such regulations are codes governing construction near waterways [whether man-made or natural].

The Property, as noted in the original (i.e., 2017) Variance application Findings, Conclusions and Order [statement], “was subdivided...before the City was incorporated. The [Property] is irregularly shaped, and has significant grade change sloping from the east (**where a home is constructed**) [note: it has since been removed] to the relatively level building area to [sic] the west line.... At the rear of the buildable area, the grade drops steeply 20’ into the stream below, and precludes moving the structure [proposed house] to the rear [of the Property] because of the shallow depth [i.e., of the Property as measured from the street southward towards the back of the Property]. The statement further remarks on the Property’s wedge-like shape and its tendency, due to that shape and the Property’s shallow depth [compared to nearby parcels/lots] to suggest that home building should be done near the front of the Property – though that created perceived conflicts with front and side setbacks which were addressed via the 2017 Variance as already mentioned.

Emailed comments provided to Staff by the Applicants asked us to emphasize that the Applicants were unaware of the code suggested waterway buffer spacing requirement(s) until they were pointed out during the discovery phase of our reviewing their request for a retaining wall [special] exception earlier this summer. They indicate(d) that a neighborhood meeting was held and that they have provided a diagram that, “shows the footprint [of their proposed house]...using compliant setback[s] [for] the front and sides base[d] on the zoning [code’s requirements] and variance provided, the two-tier [retaining walls] requested [and already approved by the Commission] and the 20’ and 50’ setback[s] from the canal and stream respectively.”

There are no criteria/controls, standards or guidance in Holladay’s ordinances that directly address the appropriateness of any sought after exception to our waterway offsets regulations. Accordingly, and as suggested by code, we therefore use the Special Exception criteria (§ 13.76.700 .F. 8-9) to address the question of waterway buffer area intrusions. Having reviewed the Applicants’ proposal (i.e., their architect prepared site plan [with its attendant proposed building footprint scribed thereon]), Staff believes the Applicants’ petition has warrant for favorable consideration by the Commission. This opinion recognizes:

- a) That the prior Variance and Special Exception approvals afforded the Applicants used the Applicants’ site plan (with a building footprint shown thereon as part of their submittal materials) which were in turn reviewed by two City governing bodies; and,
- b) That the soon to be emplaced retaining wall system at the back of the Applicants’ Property will, upon its completion, establish a protective structural curtain that will curtail sloughing of slope material into the adjoining canal and will not allow polluting material to enter the stream that lies behind the canal relative to the Property either; and,
- c) That the retaining wall system is slated to be emplaced (at its toe), in the same place as an existing, old wall sits; and,
- d) That -- partly in relation to the backfill/yard lift that the new retaining wall system will create -- the Applicants’ proposed house will sit at a substantially different horizontal elevation than the waterways of concern; and, thus not be physically intruding directly into their channels; and,
- e) That the proposed house size and value that would be facilitated by approval of the waterway exception will expectedly add value to the Property compared to its former state and to the surrounding area; and, the house will not be positioned closer to the waterways than the approved retaining wall structures; and,
- f) That the proposed home will occupy a portion of the footprint of a house previously located on the Property which may have intruded into the waterway buffer area – if so, the house would have been in existence prior to enactment of the code that imposed waterway offsets; and,

- g) That the City Engineer concurs that the proposed development plan for the Property presents no concerns to the City or expected substantial impact on the waterways made the subject of this report...

It should be noted that Staff did receive one phone call from a neighbor expressing concern about the application, but an attempt to return that phone call garnered no call back to discuss the matter.

Attached are all of the relevant materials associated with the application made the subject of this report that were available to Staff by Wednesday August 14 at 5:00 pm together with copies of City department/outside agency/citizenry correspondence relating to the same. Advertising for the/this matter was conducted as requisite per City and State law.

RECOMMENDED CONDITION(S) OF APPROVAL

(Subject to Commission approval, revision or omittance)

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

1. Applicants shall allow perpetual access to the canal area, and flume associated therewith, to/for City inspector(s)/inspection(s) during and following site work related to home construction and retaining wall system construction/emplacement; and,
2. Applicants shall protect the canal from debris infiltration during the construction of their house and retaining wall system by emplacing plywood sheets, arranged side to side/abutting all along the length of the canal where it crosses their property; and,
3. Applicants shall sign a Certification of Protection (of existing irrigation and storm drain facilities) form and a Site Grading Management Agreement and submit the same to the City prior to commencing work on their house and/or retaining wall system.

ATTACHMENT(S)

- ✓ Copy of public hearing notice (page/Exhibit 5)
- ✓ Copy of Applicants' site plan (page/Exhibit 6)
- ✓ Copies of a Certification of Protection form and a Site Grading Management Agreement (pages/Exhibits 7-8)
- ✓ Copies of any department/agency/citizenry correspondence and any Property photos etc. (pages 9+)

NOTICE OF A PUBLIC HEARING for Conditional Use Permit

Date: August 20th 2019
Time: approximately 7:00 pm
Location: 4580 South 2300 East, Holladay City Hall, City Council Chambers,
Hearing Body: Planning Commission

Notice is hereby given that the City of Holladay Planning Commission will hold a public hearing regarding an application from property owner, Mr. Stan Schreyer for a conditional use permit for reconstructing and single-family home within the Spring Creek protection area located at 2806 E Kentucky Avenue, Holladay Utah. Pertinent ordinances may be found on the City of Holladay website as follows: 13.08.140, .150A and 13.76.400 "Development Near Waterways"

****No zone or ordinance change is proposed****

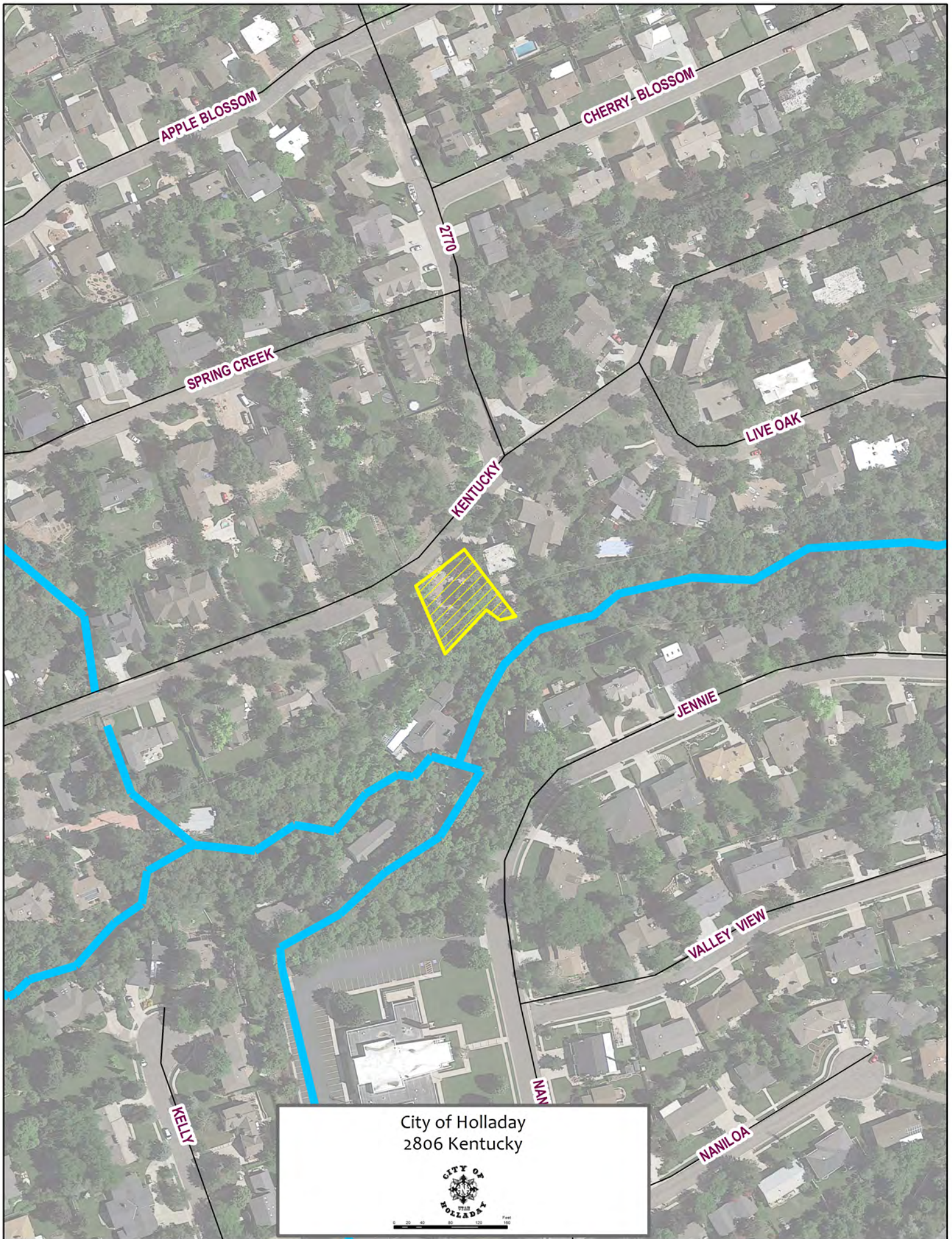
Project Name: Schreyer, Stream Exception
Applicant: Stan Schreyer, property owner
Location: 2806 E Kentucky Holladay UT
Request: Conditional Use Permit for SFD reconstruct with 100' study area of Spring Creek

Included with this notice is a zoning map showing the location of the parcel requesting Planning Commission action. If you have questions please contact either Robert Hobbs or Jonathan Teerlink at 801-527-3890 during regular business hours.

Mailed by order of the Community Development Department,
801-527-3890

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





City of Holladay
2806 Kentucky

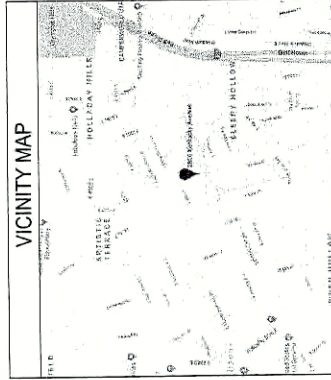
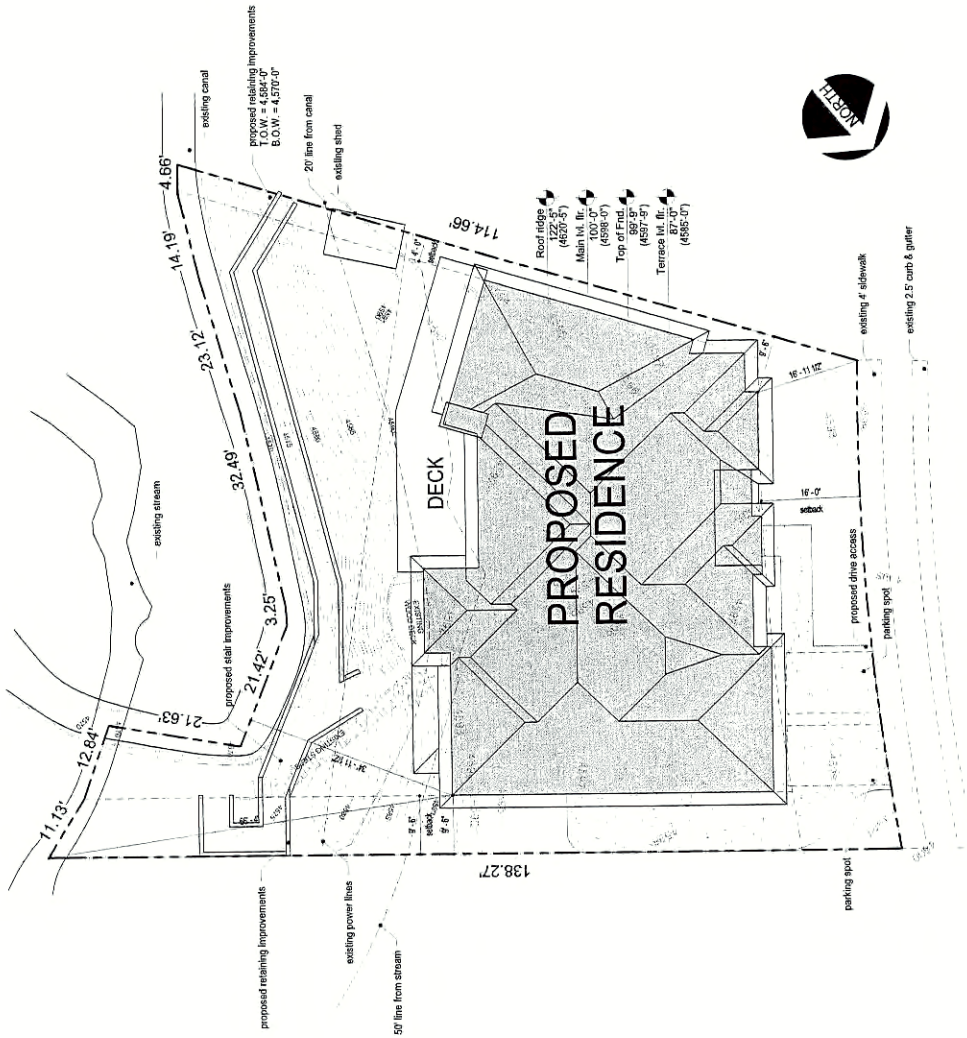


0 20 40 60 80 100 Feet

GENERAL & KEYED NOTES

Note: One residential unit to be built on one lot

	Square Ft.	% of Total
Total Area	10,253	100%
Total Building Area	4,367	43%
Total Impervious Area	5,331	52%
Total Landscaped Area	2,036	20%
Total Road Area	0	0%



SUBDIVISION INFORMATION	
City	Holladay
State	Utah
Address	2806 Kentucky Avenue
Zone	R-1-8

KENTUCKY AVE.



INOUE DESIGN
440 N 950 N 2000 Ave. Salt Lake City, UT 84107
801-403-4099
stem7390@gmail.com

Schreyer Residence

2806 Kentucky Ave.
Holladay, Utah
801-403-4099
stem7390@gmail.com

Contractor shall verify all dimensions and locations of existing structures and utilities prior to construction. These plans and documents are the property of Inouye Design and shall not be reproduced, copied, or used in any way without the written permission of the designer. It is the responsibility of the contractor to obtain all necessary permits and approvals from the appropriate authorities. © Copyright 2019 Inouye Design

12 x 18 (sheet size): 1"=20'-0"
24 x 36 (sheet size): 1"=10'-0"

Project 19019
26 June 2019

C2.1

SITE PLAN

CERTIFICATION OF PROTECTION OF EXISTING IRRIGATION AND STORM DRAIN FACILITIES

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

13.76.100.B-C):

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

Part 1

Property Address: _____

(Check One):

- ☐ There are no existing canals, ditches, laterals, buried pipes, or other irrigation conveyances, or storm drain facilities running through or adjacent to my property and proposed improvements on my property will not result in additional storm water run-off entering existing irrigation facilities, nor alter same in any way.
- ☐ There is an existing canal, ditch, lateral, buried pipes, or other irrigation conveyance running through or adjacent to this property. The location of this irrigation facility(s) is accurately shown on the site mapping submitted with this subdivision or building permit application. Proposed improvements will not result in additional storm water run-off entering existing irrigation facilities.

(Check One):

- ☐ Existing irrigation facilities will remain in place and will not be impacted nor modified, but will be maintained and kept free from obstructions or debris. If a facility modification is required during construction, all costs associated with changes are the responsibility of developer, and any proposed alterations shall be approved by the City of Holladay.
- ☐ Existing irrigation facilities will be modified. **(Attach description of proposed modifications. Provide design drawings if required by the City. All alignment changes and modifications to existing irrigation facilities may require written approval of downstream users and ditch company to be submitted by applicant. Current and future landowner(s) are responsible for the perpetual and continual maintenance and condition of piping and/or modified ditches along or through this property.)**

Owner Name (please print) _____

Signature _____

Date _____

Part 2

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

(PLEASE ASK THE BUILDING DEPARTMENT FOR AN UPDATED PHONE LIST OF ALL WATER COMPANIES)

(Check one):

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

Name of Canal/Irrigation Company and Manager/Ditch Master

Approval Signature: _____

Date _____

SITE GRADING MANAGEMENT AGREEMENT

In accordance with City of Holladay Ordinance, 13.76.700 B., 17.08.040 and 17.24 the undersigned acknowledges that a design for storm water retention system located at:

Property Address:			
Parcel No:		Lot #:	

has been reviewed and approved by the City of Holladay Engineering department FILE#_____.

The above listed person understands that all water runoff generated at this address must be conveyed to the approved drainage easement or the approved retention area.

The undersigned acknowledges: that grades shall not be changed, altered or modified in any way that would take away from the integrity of the designed drainage plan as part of conditional approval of the related construction permit. If for any reason the grades are to be changed or modified, current and or future owners are responsible to reinstate site grades to the permitted design and capacities.

The undersigned acknowledges: that no alteration to the land of any kind can obstruct or alter the path of flow of any drainage easement in use by adjacent or abutting neighboring lots; or if drainage is altered, then an alternate method of maintaining the flow and retention must be approved by the city.

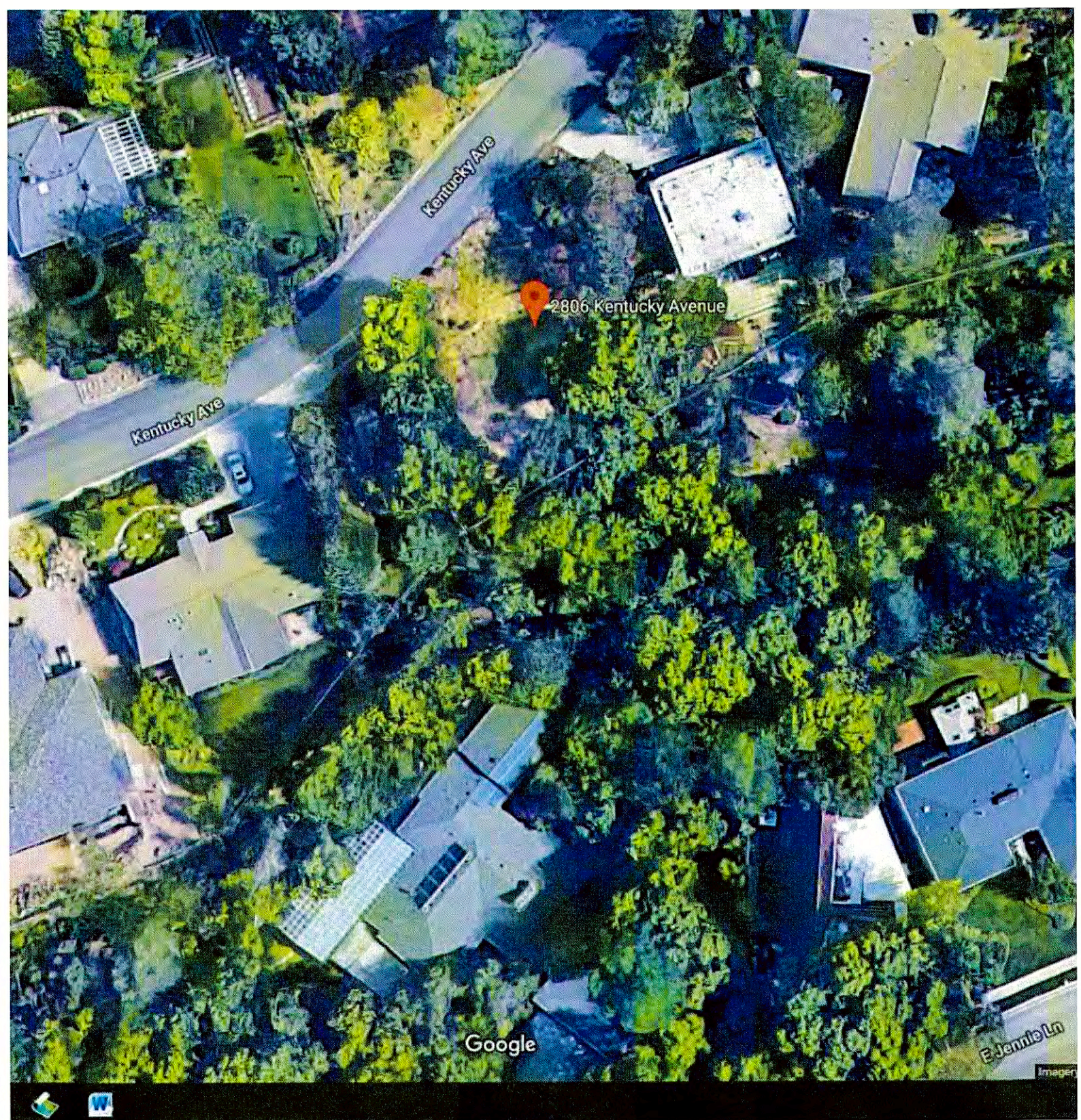
It is the responsibility of the owner and/or future owners to abide by this agreement throughout occupancy/ownership of the home.

OWNER: _____
Signature

State of Utah)
:ss
County of Salt Lake)

On this _____ day of _____, 20_____, personally appeared before me _____ and acknowledged to me that he/she signed the above agreement and the information contained therein is true.

NOTARY PUBLIC
Residing at Salt Lake County, Utah

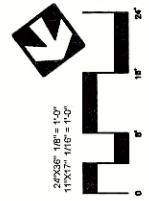
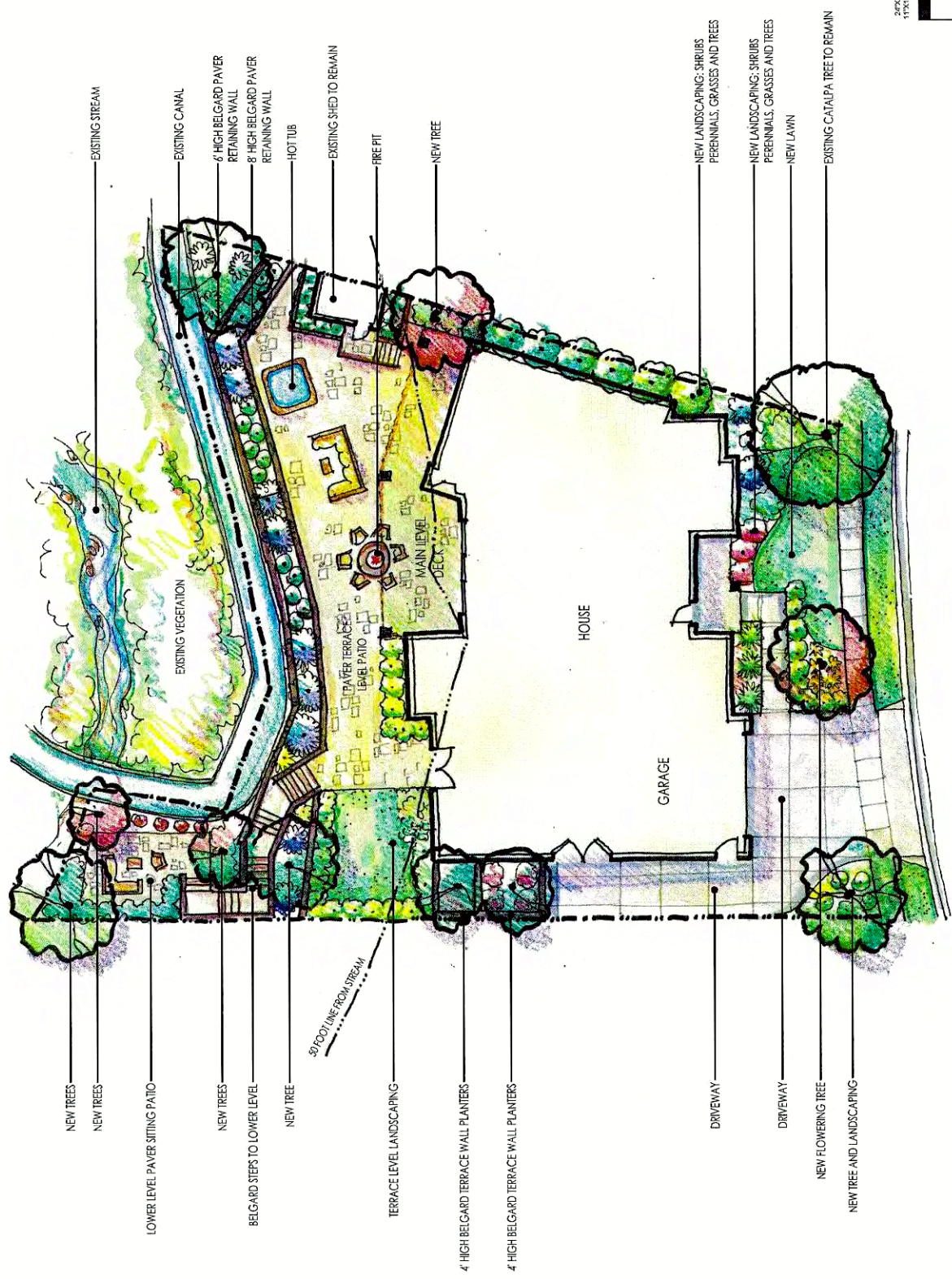


Schreyer Residence
Landscape Concept Plan

Concept
Landscape
Plan
SHEET NAME
CP
DATE: 8/15/2018

2806 Kentucky Ave
Holladay, Utah 84117

2806 Kentucky Ave
Holladay, Utah 84117





Request: **Home Based Preschool “Wildflower Preschool”**
Applicant: Ashley Janke
Address: 3210 East 3925 South
Zone: R-1-8 (Single family home per 8,000 sqft lot size)
File No: 19-9-10
Planner: Jonathan Teerlink

GOVERNING POLICIES/ORDINANCES:	13.76.720	Home Daycare/Preschool
	13.08.040	Conditional Uses
	05.54.010	Home Occupation (business)

EXECUTIVE SUMMARY

A Home Occupation is defined by Section 5.54.010 of the Holladay, Utah City Code as “any use conducted entirely within a dwelling and carried on by one person residing in the dwelling unit, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character of the dwelling or property for residential purposes.

Home-based preschools are defined as either a “Preschool” (no more than 12 children on the premises at one time) or “Preschool-small” (Maximum of 6 children on the premises at one time). Home-based daycare or preschools are an allowable accessory use (the primary use being the single family home) upon review and approval of the Planning Commission (PC). Applicants must provide evidence that their operation meet standards set forth in Holladay ordinance 13.76.720;

13.76.720: HOME DAYCARE/PRESCHOOL:

A home daycare/preschool may be approved by the planning commission if it meets all of the following standards:

1. *There shall be a maximum of twelve (12) children on premises at one time, including the caregiver's own children under the age of six (6) and not in full day school.*
2. *There shall be no more than one employee present at one time who does not reside in the dwelling.*
3. *The home daycare/preschool caregiver shall comply with all applicable licensing requirements under [title 5](#) of this code.*
4. *The use shall comply with all applicable noise regulations.*
5. *The play yard shall not be located in the front yard and only shall be used between eight o'clock (8:00) A.M. and seven o'clock (7:00) P.M.*
6. *The lot shall contain one available on site parking space not required for use of the dwelling, and an additional available on site parking space not required for use of the dwelling for each employee not residing in the dwelling. The location of the parking shall be approved by the community development director to ensure that the parking is functional and does not change the residential character of the lot.*
7. *No signs shall be allowed on the dwelling or lot except a nameplate sign.*
8. *The use shall comply with all local, state and federal laws and regulations.*
9. *Upon complaint that one or more of the requirements of this section or other city ordinance is being violated by a home daycare/preschool caregiver, the city shall review the complaint and, if substantiated, may: 1) set a hearing before the planning commission to revoke the conditional use permit; and/or 2) institute a license revocation proceeding under [title 5](#) of this code.*
10. *All property owners within a five hundred foot (500') radius of the caregiver's property shall be mailed notice concerning the licensing of a home daycare/preschool, at such property.*
 - a. Such notice shall not be a condition precedent to the legality of such license, and*
 - b. No such license shall be deemed invalid or illegal because of a failure to mail such notice.*

The applicant, Ashley Janke requests approval to license a home-based “Preschool” accepting 6-8 students twice a day (morning and afternoon session) at her home at 3210 E 3925 S, a single-family residence in the R-1-8 zone. (See Attached Site Location Map). Please see the applicant’s written narrative for a brief description of the proposed operation.

TECHNICAL REVIEW COMMITTEE RECOMMENDATIONS

The Technical Review Committee (TRC) finds that the application for a conditional use permit allowing a home-based preschool to be complete. Required local and state licensure is on hold until this application is considered and approved by the PC. The TRC recommends the PC to hold the required public hearing (as required 13.76720.J). Comments made should be considered as they pertain to the set approval standards set forth in 13.76.720 and mentioned above. Additional considerations or conditions, if any, should be applied carefully.

Recommended Findings:

1. A preschool is an allowed use for this location.
2. “Wildflower Preschool” is determined to be a small, low-impact use in a quiet area of the City.
3. Students will be dropped off/picked up, negating the need for large parking availability. It is not anticipated that traffic will be a problem due to the small-scale nature of the use.
4. There are no outside employees proposed or allowed with the use which will reduce the need for parking
5. The use provides a needed and desirable land use in the City.

Recommended Conditions of Approval:

1. All standards of a Home Daycare/Preschool are set forth in section 13.76.720 shall be maintained
2. Operational permits and licensure are subject to review and revocation upon finding of non-compliance.
3. Limited to; one morning and one afternoon session with a maximum of 8 children per session, Monday through Friday.
4. When additional, on-street parking is expected a courtesy notice shall be given to properties on the street prior to performances or special events at the preschool

COMMUNITY DEVELOPMENT DEPARTMENT
4580 South 2300 East
City of Holladay, Utah 84117



NOTICE OF A PUBLIC HEARING for Conditional Use Permit – Home-Based Preschool

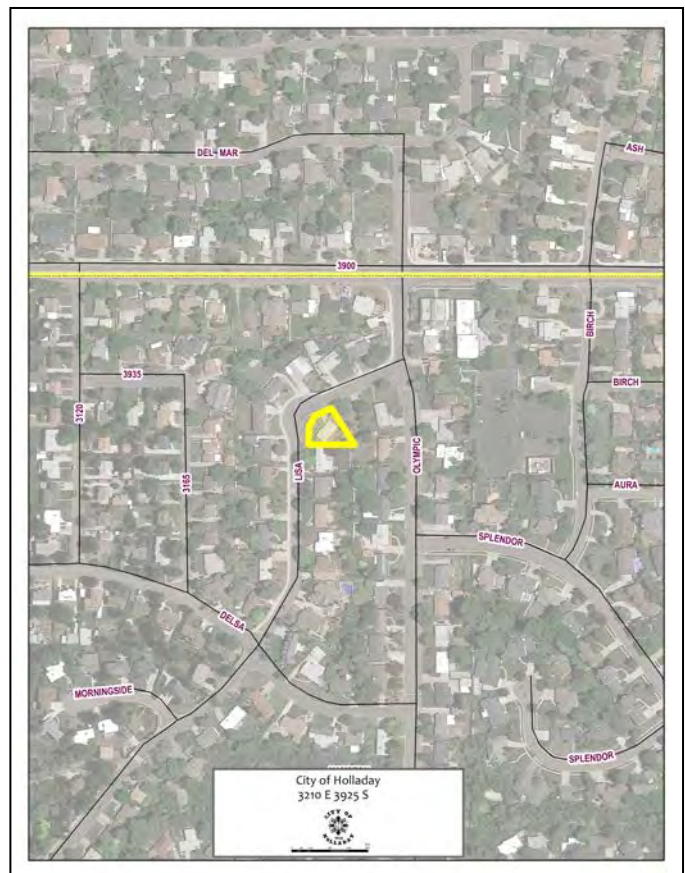
Date: August 20th 2019
Time: approximately 7:00 pm
Location: 4580 South 2300 East, Holladay City Hall, City Council Chambers,
Hearing Body: Planning Commission

Notice is hereby given that the City of Holladay Planning Commission will hold a public hearing to receive comments regarding a request from Ashley Janke who is seeking an approval permit to license and operate “Wildflower Preschool” from her residence located at 3210 E 3925 S, Holladay Utah as per Holladay Ordinance 13.76.720

****No zone or ordinance change is proposed****

Project Name: Wildflower Preschool
Application #: 19-9-10
Applicant: Ashley Janke
Location: 3210 East 3925 South,
Holladay Utah 84124
Request: Conditional Use Permit for
an Home based Preschool

Included with this notice is a zoning map showing the location of the parcel requesting Planning Commission action. If you have questions please contact either Paul Allred or Jonathan Teerlink at 801-527-3890 during regular business hours.



Mailed by order of the Community Development Department, Paul Allred, Director

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



DEL MAR

ASH

3900

3935

3120

3165

LISA

OLYMPIC

BIRCH

BIRCH

AURA

SPLENDOR

MORNINGSIDE

DELSA

SPLENDOR

City of Holladay
3210 E 3925 S



0 25 50 100 150 200 Feet

USA

City of Holladay
WILDFLOWER PRESCHOOL



0 10 20 30 40 Feet

Ashley Janke Wildflower Preschool July 16, 2019

I am planning on having a half-day Preschool in my home. I will have a Morning Session and an Afternoon Session. Parents will drop off their children at 9:00am and pick them up at 11:30am. The afternoon group will be dropped off at 12:30pm and picked up at 3:00pm. I will have 6-8 children in each session. The children ~~will~~ be 3-5 years old and must be potty trained. Monday - Friday only.

During the time that the kids are with me we will do curriculum activities that meet Developmentally Appropriate practice as well as the standards expected by Care About Childcare. We will play in the backyard sometimes but food will not be provided. I also will not be administering medications.

I have wanted to have my own half day Preschool since I was 20 years old and now my own kids are old enough that it's possible! ☺

Daily Curriculum

Circle time

Math + Science

Language

Dramatic Play

Music

JUL 16 2019



State of Utah

DEPARTMENT OF COMMERCE
Division of Corporations & Commercial Code

File Number: 11380850

Business Name Registration / DBA Application

Requested Business Name: **WILDFLOWER PRESCHOOL**
Entity Number: 11380850
Application Date: 07/15/2019
Approved Date: 07/16/2019
Expiration Date: 07/15/2022
Filer Electronic Signature: Ashley Janke

Business Information

Purpose: Other Schools and Instruction
Address: 3210 E 3925 S
Salt Lake City, UT 84124
Female Owned: Yes
Minority Owned: No

Registered Agent

Name: Ashley Janke
Type: Regular
Address: 3210 E 3925 S
Salt Lake City, UT 84124

Applicant / Owner(s):

Name: Ashley Janke
Entity Number:
Address: 3210 E 3925 S
Salt Lake City, UT 84124



State of Utah
Department of Commerce
Division of Corporations & Commercial Code

This certifies that this registration has been filed
and approved on 16, July 2019 in the office of the
Division and hereby issues this Certification thereof.

Jason Sterzer
Division Director

WILDFLOWER PRESCHOOL

[Update this Business](#)**Entity Number:** 11380850-0151**Company Type:** DBA**Address:** 3210 E 3925 S Salt Lake City, UT 84124**State of Origin:****Registered Agent:** Ashley Janke**Registered Agent Address:**

3210 E 3925 S

Salt Lake City, UT 84124

[View Management Team](#)**Status:** Active[Purchase Certificate of Existence](#)**Status:** Active as of 07/15/2019**Renew By:** 07/31/2022**Status Description:** Current

The "Current" status represents that a renewal has been filed, within the most recent renewal period, with the Division of Corporations and Commercial Code.

Employment Verification: Not Registered with Verify Utah

History

[View Filed Documents](#)**Registration Date:** 07/15/2019**Last Renewed:** N/A

Additional Information

NAICS Code: 6116 **NAICS Title:** 6116-Other Schools and Instruction[<< Back to Search Results](#)

Search by:

Business Name

Number

Executive Name

Search Hints

Business Name:

DRAFT

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

Tuesday, July 16, 2019

7:00 p.m.

**Holladay Municipal Center
4580 South 2300 East**

ATTENDANCE:

Planning Commission Members:

Marianne Ricks, Chair
Jan Bradshaw
Chris Layton
Alyssa Lloyd
Ann Mackin
Troy Holbrook

City Staff:

Jonathan Teerlink, City Planner
Robert Hobbs, City Planner

WORK SESSION

The Work Session was called to order at 6:47 p.m.

The agenda items were reviewed and discussed.

Chair Ricks moved to adjourn the work session. Commissioner Bradshaw seconded the motion. The motion passed with the unanimous consent of the Commission.

The Work Meeting adjourned at 7:04 p.m.

CONVENE REGULAR MEETING – Public Welcome and Chair Opening Statement.

Chair Marianne Ricks called the Regular Meeting to order at 7:05 p.m. and read the Commission statement.

PUBLIC HEARINGS

1. Residential Grading Site Permit – 2812 East Kentucky Avenue – (R-1-10 Zone).

City Planner, Robert Hobbs presented the staff report and stated that the City has adopted standards and regulations in the zoning code pertaining to retaining walls. Exceptions to those standards are handled by this body. Staff reviewed the request and finds that there are reasonable grounds on which to grant approval. He referenced a portion of the site where the applicants are about to begin removing the retaining wall system that already exists. The current application includes areas that are new that they would like to blend in with what exists.

The applicant, Matthew Sterbenz want to minimize the disruption on their street. They want to meet the standards while minimizing the impact on their neighbors. He stated that they are proposing to

1 have a walkout basement due to grade issues. Mr. Sterbenz reported that here is a distance of 15 feet
2 from the edge of the creek to the first retaining wall.

3
4 It was suggested that the stairs be strengthened. With regard to the retaining walls, the applicants are
5 proposing to replace what exists, extend it slightly, and move the staircase to better support the land.
6 The neighborhood meeting was held and no concerns were raised. It was clarified that the applicants
7 intend to keep the existing home.

8
9 Chair Ricks opened the public hearing. There were no public comments. The public hearing was
10 closed.

11
12 Commissioner Lloyd commented that she grew up on Kentucky Avenue and stated that while the
13 property is a difficult build on, the natural area behind the property is priceless. She was very
14 supportive of the proposal.

15
16 (19:15:08) *Commissioner Mackin moved that the Planning Commission approve the Special*
17 *Exception to the grading standards for the Sterbenz Retaining Wall at 2812 East Kentucky Avenue*
18 *based on the standards of approval set forth in the staff report. Commissioner Lloyd seconded the*
19 *motion. Vote on motion: Troy Holbrook-Aye, Jan Bradshaw-Aye, Ann Mackin-Aye, Chris Layton-*
20 *Aye, Alyssa Lloyd-Aye, Chair Marianne Ricks-Aye. The motion passed unanimously.*

21
22 **2. Residential Site Grading Permit- 2806 East Kentucky Avenue – (R-1-10 Zone).**

23 Mr. Hobbs presented the staff report and stated that the property consists of a vacant lot and a retaining
24 wall with two-tiered with masonry.

25
26 The applicant, Stan Schreyer reported that they purchased the property two years ago with the intent of
27 building on it. The home that was previously on the site was town down long before they purchased
28 the property. They went through the rezoning process prior to purchasing the lot and defined the
29 building envelope. At that time they were told that they would have to retain the hill. The topography
30 of the site was discussed. The Schreyers are proposing to replace the existing stairs with 12 to 14 feet
31 of retaining. Renderings showing what was proposed were displayed.

32
33 In response to a question raised by Alyssa Lloyd, Mr. Schreyer stated that the wall will begin at the
34 water and the hill runs to the edge of the canal. They are proposing to have it start where it does
35 currently and be near vertical at 12 to 14 feet. A fence is proposed on top. The difference between the
36 stream and the canal were described. It was noted that they are to different water sources with the
37 canal being encased in a concrete viaduct that crosses over the natural stream. Chris Layton pointed
38 out that the subject property is 50 feet from the creek and 20 feet from the canal on the site plan. Mr.
39 Schreyer explained that the existing wall is at the canal and is much closer than 50 feet from the
40 stream. Their intent is to lower the elevation of the backyard, which is currently over 16 feet. They
41 are trying to reduce it to 12 to 14 feet. The wall will come back to roughly the same elevation as the
42 neighbors wall at that point. Mr. Schreyer stated that they are working with the neighbors.

43
44 Chris Layton asked about the required setback from the stream for construction of a dwelling. Mr.
45 Hobbs stated that distances of perennial and ephemeral streams are 50 and 100 feet and 20 feet off of
46 canals. That issue was to be addressed in more detail at a future meeting. Mr. Schreyer commented

1 that the existing retaining is raw earth or stacked cement rubble. Anything they do will have to be
2 engineered so that it is long-lasting and cosmetically appealing. Mr. Schreyer indicated that a
3 neighborhood meeting has not been held.

4
5 Chair Ricks opened the public hearing.

6
7 (19:32:57) Carolyn Bradley gave her address as 4679 South Kelly Circle and stated that her lot also
8 backs the stream. She has lived in Holladay for many years and has attended many meetings involving
9 stream exceptions. When they built their home, they were told that nothing can be built so close to the
10 stream. They thought those rules had to be adhered to and as a result, built a very different home than
11 they would have had they known they could have requested an exemption. She estimated that this is
12 the 10th request that directly impacts the waterway. Mrs. Bradley hoped that the construction will be
13 supervised since it is so close to the waterways. She also suggested that the City be aware of the size
14 of the homes being built in Holladay. Overly large homes being constructed on undersized lots have
15 become of concern.

16
17 Candy Ridell, a nearby resident, supported the Schreyers being able to build a home on their property
18 and being able to construct a retaining wall.

19
20 There were no further public comments. The public hearing was closed.

21
22 Chair Ricks explained that the Planning Commission grants the stream exception but that will not be
23 done without the approval of the City Engineer. It was noted that the stream exception will only
24 impact the structure and not the retaining wall. The retaining wall will be where the existing wall is
25 and the stream exception will be for the structure.

26
27 Mr. Hobbs stated that if the Commission is willing to approve the request for the retaining wall system,
28 he suggested they grant to the maximum height allowed. He referred to the schematics showing a
29 retaining wall system that he considered to be more compliant with the allowances in the Code to
30 include exceptions. It is a two-tiered system with a maximum eight-foot wall. City Planner, Jonathan
31 Teerlink clarified that an eight-foot wall can be permitted without Planning Commission approval for
32 both cutting and retaining. Mr. Schreyer described the renderings that illustrate their proposal, which
33 involves lowering the existing wall to a maximum height of 12 to 14 feet and keep it as one wall. Mr.
34 Teerlink explained that the Planning Commission is restricted to only being able to approve eight-foot
35 retaining walls regardless of how they are used.

36
37 Chris Layton was of the opinion that any wall over eight feet is an attractive nuisance and not
38 aesthetically pleasing. He considered terracing with foliage to be a better solution.

39
40 (19:54:15) **Commissioner Mackin moved to approve the Special Exception to grading standards for**
41 **the Schreyer Retaining Wall Permit at 2806 East Kentucky Avenue noting that staff has recognized**
42 **that the request falls under City Standards 13.76.700.F(8-9). The specific criteria for approval are**
43 **set forth in the staff report. The Commission grants approval of an eight-foot retaining wall or**
44 **multiple retaining walls not to exceed eight feet in height contingent upon approval of the City**
45 **Engineer. Commissioner Layton seconded the motion. Vote on motion: Troy Holbrook-Aye, Jan**

1 **Bradshaw-Aye, Ann Mackin-Aye, Chris Layton-Aye, Alyssa Lloyd-Aye, Chair Marianne Ricks-Aye.**
2 **The motion passed unanimously.**
3

4 **3. Residential Site Grading Permit – 4067 South Lisa Drive – (R-1-10 Zone).**

5 Mr. Hobbs presented the staff report and stated that the intent is to shore up the landscaping on one
6 side of the home. By constructing a triangular-shaped retaining wall, the height will be one-foot on
7 one end and eight feet on the back end. It was noted that excavation next to the garage in the area of
8 the retaining wall has freed up a passage. The applicant intends to replace the wall with a three-foot
9 wrought iron or powder coated aluminum fence that will follow the boundary. It was clarified that the
10 fencing will comply with the Code. Mr. Hobbs referenced page seven and stated that the Engineer's
11 Report shows it as an eight-foot wall with a one-foot rise above seven feet of retaining.
12

13 The applicant, Taha Mahmood reported that he purchased the home about one year ago. At that time,
14 the driveway was failing and had it since been removed. Mr. Mahmood was proposing to construct a
15 retaining wall to replace the existing wall comprised of rock and pavers. On the north side of the home
16 there is an existing staircase that is crumbling. He was proposing to build a new staircase that is safe
17 and more manageable.
18

19 Chris Layton observed that there are many homes in the neighborhood of a similar style and each has a
20 naturally sloping grade. He assumed that Mr. Mahmood's intent for going to the expense of widening
21 the driveway was to accommodate a third vehicle space. Mr. Mahmood explained that he wants to
22 utilize wasted space. He also wanted to resolve a drainage issue.
23

24 Chair Ricks opened the public hearing.
25

26 Christopher Eppler identified himself as the owner of 4057 South and 4063 South Lisa Drive. He
27 stated that the improvements made by Mr. Mahmood have been done well. He was concerned,
28 however, about the safety of the retaining wall and the railing. He worked as a landscape contractor
29 for 25 years and questioned the zoning for a third driveway in terms of commercial vehicles, boats, and
30 RVs. Mr. Teerlink noted vehicles longer than eight feet must be stored in a side yard. It was
31 mentioned that because this is a permitted use, no neighborhood meeting was needed.
32

33 There were no further public comments. The public hearing was closed.
34

35 Ann Mackin visited the property earlier in the day and observed that all of the nearby homes have a
36 similar incline. She was concerned that a solid concrete wall ranging in height from one to eight feet is
37 incongruent with the streetscape.
38

39 Chris Layton agreed and considered it to not only be incongruent but unsafe. It is also inconsistent
40 with the look at feel of the neighborhood. He questioned how the neighbors feel about the potential
41 solution in terms of safety and aesthetics.
42

43 Troy Holbrook agreed that an eight-foot drop is extreme and liked the fact that the applicant is trying
44 to terrace the site. What is proposed will be out of character for the neighborhood. He suggested that
45 it be terraced so that it still retains but is not a solid wall. To place a railing on top of a solid wall

1 would be out of place. He was of the opinion that the applicant inherited a challenging situation and he
2 is attempting to make it safer and more functional.

3
4 Ann Mackin did not like the idea of having no road base with pavers.

5
6 Troy Holbrook commented that the applicant is trying to figure out how to resolve the water issue as
7 well as improve the access to the rear area.

8
9 Chris Layton commented that it would not be the right of the applicant to change the contours at the
10 corner of the neighbor's property. His thought was that it would be necessary to set a four-foot
11 retaining wall in from the property line enough that the earth could naturally slope at 1-to-1. Even if it
12 was four feet in, it would allow him to have access to his backyard. He was of the opinion that there
13 are other solutions.

14
15 Chair Ricks agreed that the request does not seem to be consistent with the neighborhood. She was
16 also concerned with the safety of the proposed wall.

17
18 Alyssa Lloyd's primary concern was the proximity to the lot line.

19
20 (20:19:20) ***Commissioner Mackin moved that the Planning Commission deny the request for a***
21 ***Special Exception to the grading standards for the Mahmood Retaining Wall at 4067 Lisa Drive due***
22 ***to several issues identified by the Planning Commission. It was suggested that perhaps the applicant***
23 ***revise the request or create something that is congruent with the streetscape and that may not***
24 ***require Planning Commission approval. Commissioner Lloyd seconded the motion. Vote on***
25 ***motion: Troy Holbrook-Nay, Jan Bradshaw-Nay, Ann Mackin-Aye, Chris Layton-Aye, Alyssa***
26 ***Lloyd-Aye, Chair Marianne Ricks-Aye. The motion passed 4-to-2.***

27
28 **4. Residential Grading Permit – 4940 South Waimea Way – (R-1-10 Zone).**

29 Mr. Hobbs presented the staff report and stated that the applicants are trying to lift their rear yard, keep
30 it in line with adjoining properties, and establish a flat, even surface area for their children to play on
31 and for use as a backyard.

32
33 The applicant, McKay Winkel reported that currently the backyard is not usable because of a steep
34 drop off. They feel that the proposed look is consistent with the neighborhood. They would like to
35 construct a fence to match what exists and align their property with the neighboring property. They
36 also intend to plant trees and relandscape their backyard. The proposed changes will greatly enhance
37 the safety and enjoyability of their backyard.

38
39 Chair Ricks opened the public hearing.

40
41 Kevin gave his address as 4964 South Waimea Way and stated that his lot is already level
42 with the trees. He commented that the leveling was of great benefit to him. He reported that the other
43 side of his leveled wall is beautiful. Neighborhood children play in each other's yards but it has been
44 unsafe for them to play in the Winkel's backyard, especially when it is snowy or muddy. He expressed
45 support for the proposal.

1 Rick Jensen gave his address as 4941 Naniloa Drive and stated that he lives directly behind the subject
2 property and will be the most impacted by what is proposed. The lot has been problematic for a
3 number of years because of erosion. It was not well cared for and in essence invaded his property.
4 Mr. Jensen stated that he physically has had to push a chain link fence back almost annually. He had a
5 retaining wall constructed to save his fence and ultimately installed a six-foot vinyl fence. He did not
6 object to the proposed height or a concrete wall as long as another fence is placed there that is
7 attractive. He expressed support for the proposal and stated that the applicants are trying to improve a
8 bad situation and create a functional area for their children. Once the project is underway, the integrity
9 of his fence could be jeopardized. The applicants were proposing to continue the existing Trex
10 fencing, which is supported by the neighbors. It was noted that the concrete retaining wall from top to
11 bottom that is above ground is six feet in height.

12
13 There were no further public comments. The public hearing was closed.

14
15 Jan Bradshaw did not object to what was proposed since the neighbor to the rear supports it. She
16 commented that this as a good neighborhood where the neighbors have come together and made a
17 decision. It was clarified that what is being approved is a six-foot wall and a six-foot fence. Mr.
18 Teerlink explained that in these types of situations, property owners try to retain their stormwater and
19 grades on their own property but sometimes they are unable to.

20
21 (20:40:39) ***Commissioner Bradshaw moved to approve the Special Exception to Grading Standards***
22 ***for the Winkel Residential Site Grading and Retaining Wall Permit at 4940 South Waimea Way and***
23 ***look at the analysis of the standards in Section 13.76.700.F.8-9 consisting of E. 1-7 and F.***
24 ***Approval was of a six-foot above grade concrete wall with a six-foot Trex fence on top on the west***
25 ***side and chain link on the north side. Commissioner Layton seconded the motion. Vote on motion:***
26 ***Troy Holbrook-Aye, Jan Bradshaw-Aye, Ann Mackin-Aye, Chris Layton-Aye, Alyssa Lloyd-Aye,***
27 ***Chair Marianne Ricks-Aye. The motion passed unanimously.***

28
29 5. **Bjorn Coffee Kiosk Conceptual/Preliminary Site Plan – 4681 South Highland Drive – (C-**
30 **2 Zone).**

31 (20:43:52) Mr. Teerlink presented the staff report and stated that the request is a site plan approval for
32 a permitted use in the C-2 zone. The rezone was approved a few years earlier for a retail pad. In the
33 meantime, the property owners negotiated an agreement with the property owner to take over a drive-
34 thru coffee shop. About one year ago, they explored the possibility of text amendments to the
35 approved parking standards for drive-thru coffee or beverage uses. The applicant is proposing a kiosk
36 with no indoor or patio seating, which has no parking standards beyond what would be needed for the
37 employees. It was recommended that one of the driveway approaches be illuminated. There are two
38 driveway approaches on the north side and the one nearest to Highland Drive seemed superfluous and
39 was only intended for access to the parking lot and for ease of queuing. Mr. Teerlink stated that the
40 queuing off of 4675 South would be safer if the drive approach were eliminated. Staff's primary issue
41 was traffic circulation and ensuring that the use is safely queued. In response to a question raised,
42 Mr. Teerlink stated that the queuing would be accommodated entirely in the parking lot.

43
44 The applicant, Paul Shupe gave his address as 5086 South 2050 East and thanked the Commission for
45 their hard work and dedication. He was grateful for staff for their help with the site plan. Project

1 Architect, Nolan Mendenhall was present as well as Frank Corbett who has a great deal of expertise
2 with coffee drive thrus. Staff identified five possible concerns consisting of:

- 3
- 4 • Circulation and queuing;
- 5 • Parking;
- 6 • Traffic control on Highland Drive and 4675 South Streets;
- 7 • Landscaping; and
- 8 • Menu board noise.
- 9

10 Chair Ricks opened the public hearing.

11
12 Frank Corbett gave his address as 1068 South Alton Way and stated that the queuing proposed is more
13 than adequate compared to their Foothill location, which is a drive thru with patio seating. They
14 typically have 13 cars in the queue on a busy morning. There are two drive thru lanes that run parallel
15 on one side of the building. The daily traffic count there is 43,000 cars. In front of this site there are
16 approximately 22,000. Their State Street location has a single drive thru and café with a traffic count
17 of 32,000. On a typical day, the Foothill location will see as many as 500 cars but no less than 350.
18 The State Street location is about 25% less with no more than 300 cars per day. Cars are served at a
19 rate of about 45 seconds per car. Jan Bradshaw commented that she visits the business during non-
20 peak hours and it takes far longer than 45 seconds to be served every time. Their anticipated hours of
21 operation are 5:00 a.m. to 6:00 p.m. On average, there are four to five employees on the premises at
22 any given time. Adequate employee parking was provided. Other key features of the site were
23 described.

24
25 Chair Ricks expressed concern with cars piling up on Highland Drive. Mr. Corbett described action
26 they have taken to prevent that from occurring. Because of her past experience, Jan Bradshaw was
27 concerned about the queuing off of Highland Drive. Ways of resolving queuing issues were identified
28 such as having a third lane. Mr. Teerlink stated that if there is queuing onto Highland Drive, the
29 business will be shut down until the issue is addressed.

30
31 *(21:14:20) Commissioner Bradshaw moved to approve the Permitted Use Site Plan – Conceptual*
32 *and Preliminary for the Bjorn Coffee Kiosk at 4681 South Highland Drive subject to the following:*

33
34 ***Findings:***

- 35
- 36 ***1. The site has been rezoned to C-2, specifically to allow for commercial uses. Drive thru as***
37 ***permitted accessory use.***
38
- 39 ***2. The proposal meets the use, building height, setbacks, parking, and other general standards***
40 ***for the zone traffic and standards of the zone.***
41
- 42 ***3. The queuing and circulation plan comply to recently approved regulations 13.80.140 and will***
43 ***provide for safe queuing and ingress/egress.***
44

- 1 4. *The employee parking, grading, drainage and other civil plans for the property will*
2 *accommodate the use and will not add an undue burden upon public infrastructure.*
3

4 **Conditions:**
5

- 6 1. *Provide location of garbage dumpster or plan for dealing with waste generated by this use.*
7
8 2. *Provide utility connection letters.*
9
10 3. *Provide “night sky” compliant lighting and operation plan/operation – if site lighting is*
11 *proposed.*
12
13 4. *Depict and describe how the menu boards will be operated to minimize the impact on*
14 *surrounding residential uses.*
15
16 5. *Provide landscaping plan to indicate trees and other vegetation on the site to enhance the*
17 *property and comply with the Code.*
18

19 *Final approval shall be delegated to the TRC. Commissioner Lloyd seconded the motion. Vote on*
20 *motion: Troy Holbrook-Aye, Jan Bradshaw-Aye, Ann Mackin-Aye, Chris Layton-Aye, Alyssa*
21 *Lloyd-Aye, Chair Marianne Ricks-Aye. The motion passed unanimously.*
22

23 The Commission took a short break.
24

25 **6. Hilton Land Use Ordinance Amendments.**

26 (21:31:45) Mr. Hobbs presented the staff report and stated that the applicant is trying to realize an infill
27 zone that would be applicable. Staff presented the Commission with the criteria pertaining to a rezone
28 as well as a text amendment. The matter will go on to the City Council for a final decision. The
29 criteria are subjective and at the discretion of the City Council. The request involves a single-family
30 property that is surrounded by single-family dwellings, multi-family housing, and commercial. Mr.
31 Hobbs explained that the RA zone is an infill zone and is between a high-density zoning and single-
32 family.
33

34 The applicant, Ron Hilton gave his address as 2394 Murray Holladay Road and stated that he and his
35 wife, Melissa have lived in Holladay for 13 years. They would like to downsize and desire single-level
36 living with a smaller yard. They were unable to find anything that fits that description in Holladay and
37 spoke with Community Development Director, Paul Allred about their plans. Mr. Allred suggested
38 they find property in a medium-density area of the City on which to develop. Mr. Hilton and his wife
39 ultimately found the subject property, which they purchased earlier in the year. With regard to the
40 General Plan Amendment, Mr. Hilton clarified that they are not proposing to amend the map and are
41 asking for a text amendment to the General Plan. He explained that their intent is to provide single-
42 family medium-density residential as a transition between the higher density multi-family and the
43 lower density single-family residential. The zoning of the surrounding properties were discussed.
44

45 Mr. Hilton stated that before they purchased the property, they submitted a potential subdivision
46 research request to the City with the maximum carrying capacity being six homes. That number had

1 since been reduced to five homes. They ultimately requested RN zoning because of the flexibility.
2 Throughout the process, they were in frequent contact with staff. In the end, they decided to pursue
3 the development of single-family homes. Each home will have at least a two-car garage with at a
4 minimum of two additional off-site parking spaces. One goal of the project is to provide walkability
5 given the proximity to Holladay Village. They expect the traffic impact to be minimal. Although a
6 public amenity is not required, they plan to provide a small park in the form of a common area along
7 Murray Holladay Road.

8
9 (21:55:47) Chair Ricks opened the public hearing.

10
11 Kevin Anderson gave his address as 2424 East Murray Holladay Road and stated that he moved to
12 Holladay to downsize but bought his home not to change it, but because he likes the neighborhood the
13 way that it is. He did not come to rezone his neighborhood, but to improve it. He disagreed with staff
14 on the order in which things should be done. He thought the first thing they should consider is the
15 effort to change the General Plan. Mr. Anderson intended to submit an application requesting a change
16 to the General Plan to remove his lot from the MDR-S and put back into the LDR-S to have it
17 maintained as a traditional residential neighborhood. He stated that there is a misconception that the
18 lots can be changed to a medium-density designation. That is not the case and the General Plan
19 specifically says that it is not to be implemented by rezoning but that the current zoning is to be taken
20 into consideration. Mr. Anderson did not see a need for more buffering and stated that there is much
21 within the current zoning or with minor variations that should be considered before looking at the
22 wholesale destruction of the neighborhood. He is new to the neighborhood but had heard from his
23 neighbors that they are discouraged that the City rubberstamps whatever is recommended by staff and
24 do not listen to the residents.

25
26 An unidentified neighbor to the south stated that he moved to Holladay from Sugarhouse to provide a
27 safe place to raise his young son. He likes the community and the lot sizes and wants Holladay to
28 remain unique. He expressed his opposition to the proposal and did not support additional density.

29
30 Ben Juell was present with his fiancé Liz Corrigan and gave their address as 2408 Murray Holladay
31 Road, directly to the east of Ron Hilton. After they purchased their home one year ago, they
32 discovered that there could be more condominiums built next to them. Mr. Juell pointed out that Mr.
33 Hilton has never discussed the proposal with him although he is the direct neighbor to the east. He
34 also never received a notice of the neighborhood meeting.

35
36 Ms. Corrigan stated that she contacted the City about a property across the street and was told that in
37 order to change the zoning for higher density housing is extremely difficult but later found that was not
38 the case. She did not think it should be easy to change the zoning. They purchased the home based
39 thinking their investment was secure. One year later, they were informed of the neighborhood meeting
40 by Kevin Anderson after not receiving notice. Ms. Corrigan attended the meeting and expressed
41 concerns with noise, density, ongoing construction, traffic, and property values. After the meeting she
42 was approached by someone who indicated that based on the anticipated sales price of the new units,
43 their property value will increase. She expressed her opposition to the proposal.

44
45 Chair Ricks commented that it is difficult to create a new zone and make a zone change. The Planning
46 Commission is a recommending body. After this hearing, the matter will go on to the City Council

1 with a recommendation from the Planning Commission. At that time, there will be another
2 opportunity for the public to comment before any action is taken.

3
4 Mark Nielson have his address as 2417 Murray Holladay Road and agreed with the comments made by
5 Mr. Anderson. Mr. Nielson was concerned that the property to the west of him is vacant and not well
6 maintained. He was aware that the property owner had passed away and expected that something will
7 be done with the property. He did not want to see further requests of this type and was in favor of
8 keeping the area residential.

9
10 Jill Harris gave her address as 2501 East Kentucky Avenue and expressed opposition to any changes to
11 the General Plan. She echoed the previous comments from the residents. Mrs. Harris stated that she
12 has a full-time residence in Indiana but has owned a home in Holladay since 2005. She and her
13 husband invested in the property because they like the area and plan to retire to Holladay. Ms. Harris
14 stated that she received notice of the neighborhood meetings but was unable to be present. She trusts
15 the City to ensure that a great deal thought is put into making a decision on the proposal.

16
17 Bob Commander gave his address as 2459 Murray Holladay Road and agreed with his neighbors. He
18 did not support changing the density. Holladay is special and he did not want to continue to see higher
19 density developments allowed in the neighborhood.

20
21 Clark Richards gave his address as 2470 Kentucky Avenue and was concerned about what is proposed.
22 He expressed strong opposition and considered this to be a defining moment. He commented that the
23 request is at odds with the 2017 General Plan, which states that, "Future growth should be
24 accommodated by the utilization of current zoning and densities and not rezoning." Moving forward,
25 it was his hope that the General Plan not be compromised as a result of hasty decisions, developmental
26 pressure, and inadequate information. If approved, Mr. Richards felt that granting the request will set a
27 precedent for others to follow and increase the density in the area.

28
29 Susan Lister gave her address as 2467 Kentucky Avenue and stated that her property borders the
30 subject property on the southeast corner. She was very concerned about the potential density on the
31 property. She has lived in her home for over 20 years and raised her family here. If approved, their
32 neighborhood will be targeted for higher densities, which will negatively impact her quality of life.
33 She expressed her strong opposition to what is proposed.

34
35 Robin Hough gave her address as 2465 Kentucky Avenue where she has lived for over 30 years. She
36 was strongly opposed to changing the General Plan in any way and did not support higher densities.
37 She did not consider five homes on .7-acre to be a buffer. She felt that the proposed amendments are
38 inconsistent with the General Plan and policies of preserving the existing development patterns. She
39 was also concerned about the absence of restrictions around the R-1 zoning. Future developers will
40 leverage any change and development will continue to be more and more dense.

41
42 David Wilson gave his address as 4661 South Clearview Street and echoed the opposition expressed to
43 the basis of density. When he purchased and developed his property three years ago, he considered it a
44 single-family neighborhood and wanted to see it preserved as such.

1 Shawndra Kirkham gave her address as 1984 Quail Estates Way and reported that she is a realtor who
2 has worked heavily in Holladay and the surrounding areas. Her opinion was that what is proposed is in
3 line with the City's vision. The subject property is rundown and has been for some time with a tiny
4 900 square-foot home on .78 acre. In its current state, it does not enhance the neighborhood. She
5 expressed support for improving the lot and recognized the need for single-level housing in Holladay.

6
7 Holly Richards gave her address 2470 Kentucky Avenue and stated that there are one-level homes
8 west of the Cottonwood Mall. She was opposed to the request and stressed the need for neighborhood
9 preservation, which is important in older residential areas where there is pressure to densify.

10
11 Steve Doxey gave his address as 2430 East Kentucky Avenue and indicated that he submitted a letter
12 to the Planning Commission. He urged the Commission to continue the matter to fully explore the
13 implications of what the applicant is requesting. What is envisioned is the creation of a new zone. He
14 trusts the Hiltons to develop a nice project but was worried about the next developer. He was
15 concerned that what is being created is 30-foot width frontage. He was troubled by various aspects of
16 the zone and suggested the Commission read his letter, examine the General Plan, and look at the
17 zoning ordinance in order to make a decision that is good for the City as a whole and that is compatible
18 with the neighborhoods. Mr. Doxey was concerned that what is being requested is a new zone that is
19 more liberal than the R-1-4 in the middle of an R-1-10 neighborhood. He did not consider that to be
20 consistent with the existing development patterns. He expressed opposition to the project.

21
22 Julie Fox gave her address as 4648 South Fortuna Way where she has lived for 20 years. She was
23 concerned about older homes being torn down and mansions being built in their place. She is an
24 empty nester and has a single-level home that is too large for her and her husband. When she heard
25 about the proposed development she was excited about it and would be interested in living there. Mrs.
26 Fox was in favor of a development that caters to two people being able to live in a community like
27 Holladay in an area that is walkable.

28
29 Debbie Petilos gave her address as 2415 Kentucky Avenue and was opposed to the rezone. Her
30 understanding was that currently Mr. Hilton is allowed to build three small homes on the lot. She
31 asked that he be limited to what he is entitled to and no more.

32
33 There were no further public comments. The public hearing was closed.

34
35 Chris Layton was of the opinion that the R-1-10 zone should remain in place and that three reasonably
36 sized homes could be developed on the property. He was not in favor of five homes on the property.

37
38 Alyssa Lloyd agreed with Commissioner Layton that five homes are too many.

39
40 Troy Holbrook concurred and did not support creating a new zone. He agreed that three homes would
41 be suitable as a maximum in this location.

42
43 Jan Bradshaw agreed and thought three homes were adequate. He considered the existing zoning to be
44 adequate and saw no reason to change it for this piece of property.

1 Ann Mackin concurred with her fellow Commissioners and thought it was incumbent on the
2 Commission to listen to the input and take it into consideration.

3
4 Chair Ricks appreciated the input and agreed with the other Commission Members. Her opinion was
5 that this area has enough density and she saw no reason to create a buffer zone in this case since there
6 is reasonable growth allowed within the zone. She wanted to protect the citizens and neighborhoods
7 and saw no reason for a new zone.

8
9 (22:35:30) **Commissioner Bradshaw moved to forward a negative recommendation to the City**
10 **Council on the Zoning Ordinance Text Amendment to allow for the creation of a new Residential**
11 **Infill RI Zone based on the following:**

12
13 **Finding:**

- 14
15 **1. A New Residential Infill zone is not appropriate in the City.**

16
17 **Commissioner Mackin seconded the motion. Vote on motion: Troy Holbrook-Aye, Jan Bradshaw-**
18 **Aye, Ann Mackin-Aye, Chris Layton-Aye, Alyssa Lloyd-Aye, Chair Marianne Ricks-Aye. The**
19 **motion passed unanimously.**

20
21 (22:37:10) **Commissioner Bradshaw moved to forward a negative recommendation to the City**
22 **Council on the General Plan Map Amendment for Medium-Density Residential-Stable (MDR-S) to**
23 **Medium-Density Residential-Transitional (MDR-T) to be placed in the City's General Plan.**
24 **Commissioner Lloyd seconded the motion.**

25
26 Commissioner Bradshaw did not think it was appropriate to change the General Plan, which is only
27 two years old.

28
29 **Vote on motion: Troy Holbrook-Aye, Jan Bradshaw-Aye, Ann Mackin-Aye, Chris Layton-Aye,**
30 **Alyssa Lloyd-Aye, Chair Marianne Ricks-Aye. The motion passed unanimously.**

31
32 (22:38:10) **Commissioner Bradshaw moved to forward a negative recommendation to the City**
33 **Council on the Rezone Request from R-1-10 to RI for a project at 2394 East Holladay Boulevard.**
34 **Commissioner Mackin seconded the motion. Vote on motion: Troy Holbrook-Aye, Jan Bradshaw-**
35 **Aye, Ann Mackin-Aye, Chris Layton-Aye, Alyssa Lloyd-Aye, Chair Marianne Ricks-Aye. The**
36 **motion passed unanimously.**

37
38 **7. Davis Residential Site Plan Review, Reconstruction Near Big Cottonwood Creek – 5050**
39 **South 2100 East (R-1-21 Zone).**

40 (22:40:11) Mr. Teerlink presented the staff report and stated that the site plan includes the highlighted
41 areas, one of which shows the proposed positioning of the new home. The issue is that the majority of
42 the property is within 100 feet of Big Cottonwood Creek. Usually, when looking at the redevelopment
43 of property, setbacks prevail; however, in some cases, the setback could be closer to the stream than
44 what Salt Lake City or Holladay would look to protect. As a result, everything within 100 feet is
45 reviewed by the Planning Commission. The previous home sat as close as 35 feet to Big Cottonwood
46 Creek. Overall, the proposed home moves away from the stream even though visually it is oriented

1 closer because the stream makes a wide bend running north near the property. The addition of a pool,
2 decking, and heavy landscaping in the rear led staff to believe that the proposal will not harm the bank
3 of Big Cottonwood Creek or the water quality.
4

5 City Engineer, Jared Budge has analyzed the proposal extensively and recommended the exception be
6 granted as long as the buffer around the bend is maintained and the closest point remains 40 feet at the
7 eastern most point. Mr. Teerlink explained that the trees along the middle access of the property are
8 intended to be preserved and prevent the home from being moved any further south.
9

10 The applicant, Mark Davis gave his address as 5050 South 2100 East and stated that their proposal is
11 to demolish the existing home where they have resided for the last 15 years and build a new home in
12 the same location. They originally planned to remodel but after weighing the pros and cons, decided to
13 rebuild. Their goal is to preserve the trees and have asked their home designer to work around them.
14 They also chose a contractor based on his willingness to help preserve the trees.
15

16 (22:47:08) Chair Ricks opened the public hearing. There were no public comments. The public
17 hearing was closed.
18

19 ***Commissioner Lloyd moved to approve the Stream Extension for residential construction within 100***
20 ***feet of Big Cottonwood Creek for the Davis residence located at 5050 South 2100 East subject to the***
21 ***following:***
22

23 ***Findings:***
24

- 25 ***1. The proposal to reconstruct a single-family home is a permitted land use allowed in this***
26 ***zone.***
- 27
- 28 ***2. The applicant's proposal meets Salt Lake County Channel Maintenance Requirements: Salt***
29 ***Lake County Flood Control prefers a minimum setback from the top of bank of 20 feet for***
30 ***channel maintenance.***
- 31
- 32 ***3. The proposal will not impact, encroach on or cause erosion to, the bank of the creek, or***
33 ***direct runoff into a river or stream.***
- 34
- 35 ***4. The location of the new home will not result in loss of privacy to abutting properties.***
36
- 37 ***5. "Significant" trees are being kept. This consideration is ultimately guiding the placement of***
38 ***the new home.***
- 39
- 40 ***6. The south bank of Big Cottonwood Creek in this area is well defined. There are no steep***
41 ***slopes or other geotechnical concern.***
42

43 ***Requirements/Limitations:***
44

- 1 **1. Approval is for reconstruction activities associated to a single family home no closer than 60**
2 **feet to the high water mark of Big Cottonwood Creek – as water levels fluctuate with storm**
3 **water release facility operations.**
4
- 5 **2. Existing landscaping buffer, measuring 7 to 10 feet in width from the rear fence shall be**
6 **maintained for water quality purposes.**
7
- 8 **3. No direct or indirect runoff into the creek is allowed.**
9
- 10 **4. A 20-foot flood control access shall be maintained to accommodate of Salt Lake County**
11 **Flood Control.**
12
- 13 **5. Limit of disturbance/silt fencing shall be installed at a 20 foot distance from the black**
14 **wrought iron fence and maintained throughout the construction period.**
15
- 16 **6. Significant trees are to be protected as per Holladay Ordinance.**
17

18 **Commissioner Bradshaw seconded the motion. Vote on motion: Troy Holbrook-Aye, Jan**
19 **Bradshaw-Aye, Ann Mackin-Aye, Chris Layton-Aye, Alyssa Lloyd-Aye, Chair Marianne Ricks-Aye.**
20 **The motion passed unanimously.**
21

22 **ACTION ITEMS**

23 24 **8. Silver Hawk No. 2 Subdivision Final Plat Amendment – 3096 South Silver Hawk Drive** 25 **(R-1-21 Zone).**

26 (22:49:16) The applicant, Brandon Pehrson reported that when the plat was amended in 2018, the
27 original lot had an existing building site. The plat was amended in the Silver Hawk Subdivision and
28 one lot was added. They were asking for an increase to the building footprint on the plat.
29

30 Mr. Teerlink presented the staff report and stated that there was some metes and property and the
31 subdivision was created by adding the metes and bounds to an existing subdivision. At the preliminary
32 level, they added the building pad to it. The final plat was deferred to staff and with the building pad it
33 was discovered that it may not fit the home plan. As a result, it was narrowed and widened.
34 Mr. Teerlink noted that the subdivision is in the FCOZ, which does not have setbacks primarily
35 because the lots are so large. It prefers to maintain existing lots, topography, and grading in hillscape
36 rather than setbacks between properties. The proposed building pad is outside of the easements set
37 forth in the plat but does not disturb or disrupt anything steeper than 17%.
38

39 (22:52:59) **Commissioner Mackin moved to approve the final plat approval amending an approved**
40 **building pad for Lot 13A of the Silverhawk Number 2 Subdivision at 3096 and 3088 East Silver**
41 **Hawk Drive. The Technical Review Committee (TRC) reviewed the request and finds it acceptable**
42 **that the 40' x 60' building pad now be proposed at 35' x 75' to accommodate the home development.**
43 **Approval is subject to the following:**
44

45 **Findings:**
46

- 1 1. *Preliminary approval was granted in April of 2018 in compliance with the FCOZ.*
- 2
- 3 2. *Amending the building pad to roughly 35' x 75' does not violate FCOZ slope protection*
- 4 *standards.*
- 5
- 6 3. *The lot area shall be maintained at above the minimum one-half acre size requirement.*
- 7

8 **Conditions:**

- 9
- 10 1. *Submittal of a final plat to the TRC for final verification and approval to record.*
- 11

12 *Commissioner Bradshaw seconded the motion. Vote on motion: Troy Holbrook-Aye, Jan*
13 *Bradshaw-Aye, Ann Mackin-Aye, Chris Layton-Aye, Alyssa Lloyd-Aye, Chair Marianne Ricks-Aye.*
14 *The motion passed unanimously.*

15

16 **DISCUSSION ITEMS**

17

18 9. **Ordinance Amendments – Holladay Cross Roads (HCR) Zone – Revised Draft Review.**

19 Staff suggested that the Commission consider scheduling a Work Session to discuss the Holladay
20 Cross Roads and the HV zone on July 30. Commissioner Layton supported holding a Special Meeting
21 rather than discussing the matter at the end of a long meeting. The Commission supported holding a
22 Special Meeting.

23

24 **ADJOURN**

25 (20:55:23) *Commissioner Mackin moved to adjourn. Commissioner Bradshaw seconded the motion.*
26 *The motion passed with the unanimous consent of the Commission.*

27

28 The Planning Commission Meeting adjourned at approximately 10:55 p.m.

29

1 *I hereby certify that the foregoing represents a true, accurate and complete record of the City of*
2 *Holladay Planning Commission Meeting held Tuesday, July 16, 2019.*
3

4 Teri Forbes

5 Teri Forbes

6 T Forbes Group

7 Minutes Secretary

8

9 Minutes Approved: _____

DRAFT

Chapter 13.66

HOLLADAY CROSSROADS MIXED-USE ZONE

13.66.010: VISION STATEMENT:

- A. It is intended that the Holladay Crossroads zone (HCR) be an economically healthy, primary gateway mixed use and critical transportation node for the City of Holladay. The HCR is currently the second most valuable economic center in the City and contributes a sizable portion of all the city sales revenues. Future development in this area must not only provide economic benefits to the property and business owners but contribute to the city's overall desirability and quality of life. Arguably the City's most prominent gateway, the HCR redevelopment must create a sense of "arrival" to the unique community that is Holladay.
- B. The (HCR) zone offers a valuable opportunity for mixed-use and/or commercial development as reflected in the Holladay adopted Crossroads Small Area Master Plan (SAMP). The SAMP recommends future development that would result in a commercial district with a higher density residential component, or, mixed-use. The capacity of the roadways in the area can support this type of future development and traffic growth can be accommodated with the roadway enhancements proposed in the SAMP. This zone anticipates the blending of older strip commercial development with new, compatible mixed-use development through flexible yet consistent, building design. The HCR land uses will be influenced by the traffic volumes occurring in the area and design themes will be overseen by the City's Design Review Board (DRB). Rezones of property in the area will not be initiated by the City, but rather only from individual property owners when requested.

13. 66.020: PURPOSE:

- A. The purpose of this chapter is to identify and enhance the (HCR) zone to create a pattern for new development that is appropriately oriented and situated toward public rights of way, provides an opportunity for increased human interaction and protects and increases the economic vitality of the city. To achieve these goals, in part, for those properties that directly abut major public streets and that provide for the best opportunity for contributing to the commercial tax base of the City, street level floor space shall limited to commercial and service uses including restaurant and retail use only. (See Chart 13.66.1) Exception: Small street level lobby areas that lead to upper story uses. However, it is not the intent of this chapter to impair the rights of existing businesses and property owners. Depending on individual circumstances, some uses and structures existing at the time of adoption of this chapter may become nonconforming except as expressly stated herein. The provisions of this chapter allow lawfully established buildings and uses to continue but limits their expansion or modification unless brought into compliance with the requirements herein.
- B. It is intended that the Holladay Crossroads Zone become a place of diverse land uses within an aesthetically attractive, easily accessible and economically healthy environment. A range and mix of commercial, service, and residential land use is encouraged and desirable. High quality architecture and energy efficiency for all new structures with attractive site features will create dramatic, visual interest in the HCR zone. This will encourage greater bike and

pedestrian access to the site and enhance the economic vitality of the entire city. It is vital that new development is compatible with abutting land uses and that potential impacts are minimized for abutting residential property owners.

13.66.030: SCOPE:

The provisions of this chapter shall apply to any new construction or remodeling for a residential or nonresidential use, building, or structure located in the HCR zone. For the purpose of this section, "remodeling" means:

- A. Any proposed action that will increase the footprint of the building;
- B. Any exterior remodel which includes more than fifty percent (50%) of the structure; or
- C. Any change in use that requires a change of occupancy type under the applicable building or safety code. (Ord. 2012-15, 9-20-2012)

13.66.040: PRIMARY USES:

A. Permitted Uses: The permitted uses allowed in the HCR zone shall be as set forth in [chapter 13.100](#), "Appendix A - Allowed Uses", of this title.

B. Conditional Uses: Any use legally existing as a conditional use in the HCR zone on the effective date of this chapter, is allowed to continue and is subject to the requirements of the conditional use permit issued for such use. Except as otherwise set forth in section [13.71.060](#) of this chapter, each conditional use shall conform to the development standards and design guidelines of this chapter and other applicable requirements of this title.

C. Mixed Or Combined Uses: (See subsection [13.71.020B](#) of this chapter.) Any mixture or combination of allowed uses may be established within the same building or on the same lot or parcel. If any of the proposed uses are a conditional use, that use shall be reviewed and approved by the planning commission as required by section [13.08.040](#) of this title.

D. Prohibited Uses: Any primary or accessory land use not shown as a permitted or conditional use in [chapter 13.100](#), "Appendix A - Allowed Uses", of this title shall be prohibited.

E. Hours: None of the foregoing uses shall be open to the public between the hours of twelve o'clock (12:00) midnight and six o'clock (6:00) A.M. except for hotels and bed and breakfast uses and 24 hours gym facilities. (Ord. 2014-15, 8-21-2014) Uses that abut single family residential property shall close between the hours of 10pm and 7am.

13.66.050: ACCESSORY USES:

Permitted and conditional uses set forth in [chapter 13.100](#), "Appendix A - Allowed Uses", of this title shall be deemed to include accessory uses and activities that are necessarily and customarily associated with and incidental and subordinate to such primary uses allowed by [chapter 13.100](#), "Appendix A - Allowed Uses", of this title.

A. Accessory uses shall be subject to the same regulations that apply to permitted and conditional uses in the zone except as otherwise expressly provided in this title

B. No accessory use, building or structure shall be allowed on a lot or parcel unless a primary permitted or conditional use is currently established on the parcel except as allowed by section [13.09.020](#) of this Title.

C. Specific accessory uses allowed in the HCR zone are as set forth in [chapter 13.100](#), "Appendix A - Allowed Uses", of this title. (Ord. 2012-15, 9-20-2012)

13.66.060: NONCONFORMING DEVELOPMENT:

Notwithstanding any contrary provision set forth in [chapter 13.88](#) of this title, an existing permitted or conditional use which does not conform to the development standards and design guidelines set forth in this chapter may be continued; provided, however, that any expansion of such use which will not increase the floor area of the premises, any interior remodel which includes more than fifty percent (50%) of the structure; or any change in use that requires a change of occupancy type under the applicable building or safety code shall be subject to the development standards and design guidelines set forth in this chapter. (Ord. 2012-15, 9-20-2012)

13.66.065: RELOCATION OF EXISTING USES WITHIN THE ZONE:

A. For the purposes of redevelopment, existing uses established within the HCR zone may be allowed to relocate and continue the use on the same parcel or lot or on another parcel or lot within the HCR zone by approval of the Planning Commission and are exempt from the provisions of [Chapter 13.88](#) of this title.

B. Approval of the relocation or continued use does not exempt the use from the other provisions of the HCR zone. (Ord. 2013-26, 10-10-2013)

13.66.070: PROJECT APPROVAL PROCEDURES:

All project/site plans for new development and construction and/or remodeling of existing structures within the HCR zone shall be approved by the Planning Commission, including available recommendation from the DRB, as required by applicable sections of Title 13 of the Holladay Code.

A. Approval of any applicable land use application, as provided for in this chapter, within the zone, may only be given by the Planning Commission.

B. Appeals from decisions of the Planning Commission or where appropriate as set forth herein, shall be made to the City Council in accordance with the provisions of Section [13.08.040](#) of this title. (Ord. 2014-15, 8-21-2014)

13.66.080: DEVELOPMENT STANDARDS:

The following minimum development standards shall apply in the HCR zone.

A. Lot, Yard and Other Development Standards: Except as otherwise required by a provision of this section or section [13.71.090](#) of this chapter, the development standards shown on chart 13.71.1 of this section shall apply in the HCR zone. (Ord. 2012-15, 9-20-

128
129
130

2012; amd. Ord. 2013-26, 10-10-2013)

CHART 13.66.1

Development Standard	Amount
Front Setback (Build-to line) -- For property fronting on a public right-of-way.	Maximum setback from ROW line is 10 feet
Right of way encroachments	Exception: Ornamental architectural features such as arcades, canopies, awnings, light fixtures, balconies, cornices, etc., sitting areas, and subsurface intrusions such as footings and foundations may be allowed to protrude into the right of way, provided they do not interfere with the normal use of the right of way. This exception requires review and approval of the Planning Commission and may be subject to a license agreement approved by the City Council/Manager
Front setback, nonconforming	Expansion and remodeling permitted so long as nonconforming setback is not expanded
Side Setback	None except for property directly abutting residential property. For such property, the setback shall be the same as that of the abutting zone and including compliance with graduated height regulations.
Rear Setback	None except for property directly abutting residential property. For such property, the setback shall be the same as that of the abutting zone and including compliance with graduated height regulations.
Impervious surface coverage, maximum	None -- Subject to buffering requirements in 13.77 or as determined necessary by the Planning Commission.
Building width, maximum	No requirement
Building height. For property fronting on public streets Maximum height ¹ ,	65 feet – See applicable height allowances per height figure within this Section.

includes screened mechanical equipment but excludes: 1) chimneys of 6 feet or less; 2) architecturally compatible elevator shafts 10 feet or less; 3) gables 4 feet or less	Building height subject to graduated height illustration in Section 13.71. Some architectural elements may be exempt as defined in section 13.76.190 of this title.
Building Height. For property abutting directly residential uses.	No greater than the maximum allowed for the abutting residential zone.
Land use for floor space abutting major streets and plaza within the Holladay Crossroads (HCR)	The street level floor space fronting and abutting public streets as shown on figure 13.66.14 of this section shall be non-residential uses only. Exception: Small street level lobby areas that lead to upper story uses.

131

132

Notes:

133

1. To reasonably accommodate for grade and slope changes and as measured from the top back of curb of the nearest street, maximum building height for multi-story buildings may be averaged using 10 equal measurements over the length of the roofline facing the street but at no point may exceed 4 feet above maximum. (Ord. 2014-15, 8-21-2014)

134

135

136

137

138 FIGURE 13.66.1. INSERT BUILDING HEIGHT AREA MAP

139

140 FIGURE 13.66.2 Ground Floor Restaurant and Retail. – INSERT AREA MAP

141

142

143

144

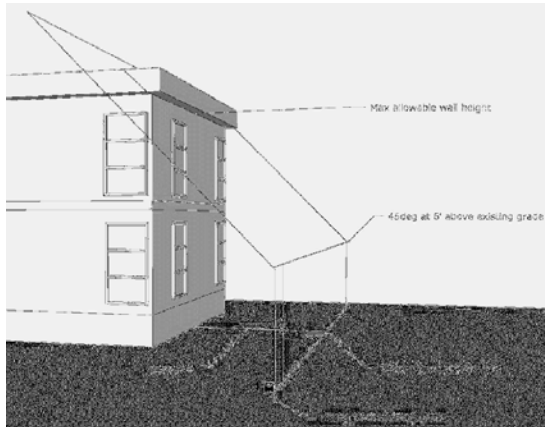
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148

FIGURE 13.66.3 GRADUATED HEIGHT ENVELOPE ILLUSTRATION



(Ord. 2014-15, 8-21-2014)

B. Parking Requirements: Due to the potential for future mass transit options for this property in proximity to I-215 and Highland Drive and Van Winkle Expressway and to allow for efficient parking and ample building footprints, the parking requirements for the HCR zone shall be allowed as at 125% of the allowance for the Holladay Village zone (HV) including allowances for shared parking analysis and parking partnerships.

C. Landscaping: Although landscaping is not required by the HCR zone standards except within the buffer areas where a property abuts a residential zone or property, all installed landscaping in the zone shall comply with the applicable planting and maintenance provisions governing landscaping and buffering in [chapter 13.77](#) of this title in addition to the Tree Canopy Sustainability Ordinance. (Ord. 2014-15, 8-21-2014)

D. Outside Display shall be allowed as per 13.71 of this title.

E. Signs. Monument, Building Use. The sign regulations for the C-2 zone shall be allowed with the exception that "crown" signs may be used for buildings, either single or multi-tenant, with three or more stories in height.

F. Outdoor Uses shall be allowed as per 13.71 of this title

G. Mechanical Service shall be allowed as per 13.71 of this title

H. Access, Service and Delivery shall be allowed as per 13.71 of this title:

1. Exception: Drive-through windows with corresponding driveways, curb cuts, etc., are allowed but are subject to design and site plan review. Trash Facilities shall be allowed as per 13.71 of this title.

I. Lighting:

-
- 176 1. Pedestrian scale light fixtures should be incorporated into the site design to give
177 visual variety from one building to the next and should blend with the architectural
178 style.
- 179 2. All lighting shall be LED only.
- 180 3. All building entrances should be appropriately lit to provide inviting access and
181 safety.
- 182 4. Building mounted lights and display window lights shall contribute to lighting of
183 walkways in pedestrian areas.
- 184 5. Parking area light fixtures should be limited in height and designed to confine
185 emitted light to the parking area.
- 186 6. Neon lighting may be used as a lighting element, provided that the tubes are
187 concealed and are an integral part of the building design. Neon tubes used to outline
188 the building are prohibited. (Ord. 2014-15, 8-21-2014)
- 189 J. Utility Lines: All new utility lines such as electric, telephone, CATV, or other similar lines
190 serving individual sites shall be placed underground. Where feasible, utility lines
191 necessary within the property shall be placed underground. All utility lines shall be placed
192 underground in new construction projects that require building permits and site redesign.
193 All junction and access boxes shall be located to the side or the rear of the building
194 unless public safety concerns dictate otherwise. All utility pads shall be shown on the
195 project plan. Any utility connections, meter boxes, etc., shall be integrated with the
196 architectural elements of the project plan. (Ord. 2012-15, 9-20-2012)
197
- 198 K. Buffer Standards for Proposed Development Abutting Residential Property Not In the
199 HCR Zone. (See Chart 13.66.1) Buffer standards of the HV zone, 13.71, shall apply
200 except as may be modified as necessary by the Planning Commission during site plan
201 review.
202
- 203 L. Fencing. A six-foot (6') high screening wall or fence shall be constructed along the
204 property line which is the boundary between the HCR and an abutting residential zone.
205 Such fence or wall should include design and other decorative elements consistent with
206 the design of the new building. This requirement may be waived, decreased, increased
207 or modified by the Planning Commission if it can be demonstrated that existing walls or
208 fences provide the desired buffering and aesthetic effect or can be altered to do so.
209
- 210 M. Façade. A primary or accessory building or structure shall not have a single, unbroken
211 façade longer than fifty feet (50').
212
- 213 N. Trash. No trash receptacle or storage area shall be located closer than fifty feet (50')
214 from a residence on an abutting property not in the HCR zone unless located within a
215 fully enclosed building.
216
- 217 O. Outdoor dining. Any are or facility for outdoor dining shall be constructed in a manner
218 which visually obscures the facility from abutting residential property and which protects
219 the property from noise and light emanating from the facility.
220

-
- P. Mechanical equipment and other apparatus. Mechanical equipment and other apparatus, including penthouses and elevator shafts, shall be screened and sound dampened so that its presence or operation does not violate the noise ordinance or create a nuisance for the occupants of any abutting residence. (Ord. 2014-15, 8-21-

13.66.090: DESIGN GUIDELINES:

A. Purpose: This section establishes design guidelines intended to improve the quality and compatibility of development in the HCR zone. Guidelines that employ the word "should" are intended to be applied as stated. However, an alternative measure may be considered if it meets or exceeds the intent of the guideline. Guidelines using the words "shall" are mandatory. Guidelines using the words "encouraged" or "discouraged" are desirable but not mandatory. Following are a series of design principles viewed as fundamental in achieving the design objectives of this zone.

B. Pedestrian Access: All new development should include:

1. Sidewalks, alleys, plazas, landscaping and appropriately scaled buildings that encourage and complement pedestrian activities.
2. Commercial buildings should include clearly defined primary entrances and large windows that display goods and services to create a visual unity both on the street and internally.

C. At least seventy-two (72") of the sidewalk width should be preserved for pedestrian movement in front of every building fronting on a public right of way.

D. All plazas, arcades and open-air seating shall provide handicapped access. (Ord. 2012-15, 9-20-2012)

E. Parking: Parking shall complement the pedestrian activities and visual character of the district. Negative impacts of parking lots and structures should be mitigated through sensitive design, location and configuration. The following should be integrated into the design on any new parking lot or structure:

1. Parking lots shall not be located on a corner facing an intersection.
2. The number of parking lot entrances, driveways and curb cuts shall be minimized in favor of combined driveways and coordinated parking areas among property owners.
3. Individual parking entrances and curb cuts on Van Winkle, Highland Drive and 6200 South shall be consolidated wherever reasonably possible to complement a coordinated parking strategy and promote walkability and to comply with the vision of the Holladay Crossroads Small Area Master Plan.
4. ADA compliant walk ways shall be constructed within a parking lot to connect the sidewalk and building entrances.
5. Parking structures visible from the public rights of way shall be architecturally integrated or designed with an architectural theme similar to the main buildings. The perimeter of each floor of a parking structure facing a public street shall have a screening mechanism designed to shield automobiles and any mechanical appurtenances from public view. An architectural treatment, landscaping and/or space for pedestrian oriented businesses along the street side edges of the parking structure should be provided. (Ord. 2014-15, 8-21-2014)

269
270 F. Streetscape: The streetscape in the urban landscape shall include elements such as
271 plazas, fountains, kiosks, public art, landscaping, signage, and other street fixtures such
272 as coordinated streetlights, decorative barriers/fencing, pedestrian benches and trash
273 receptacles. New development in the Holladay Crossroads Zone shall complement and
274 incorporate any design elements established by the city within abutting public rights of
275 way. (Ord. 2012-15, 9-20-2012)

276 G. Building Design: All new buildings in the HCR zone shall be composed of building facades
277 that are made of high quality finishes and materials. Buildings facing public streets, especially
278 on the ground floor level shall not “turn their back” to the street but instead provide ample
279 window openings, entrances and design features to create interest and calm traffic.

280 1. Compatibility of New Buildings: All new buildings should be designed with a unique
281 character compatible with the objectives of the Holladay Crossroads zone and
282 SAMP.

283 2. Building Mass: To avoid any large, continuous building mass of uniform height, no
284 portion of any multi-story building shall continue for more than one hundred feet
285 (100') horizontally along any street frontage without a break in the roofline. The
286 required break in the building height shall continue for a minimum of thirty feet (30')
287 along the horizontal plane.

288 a. Break in Roofline: A "break in the roofline" is defined as:

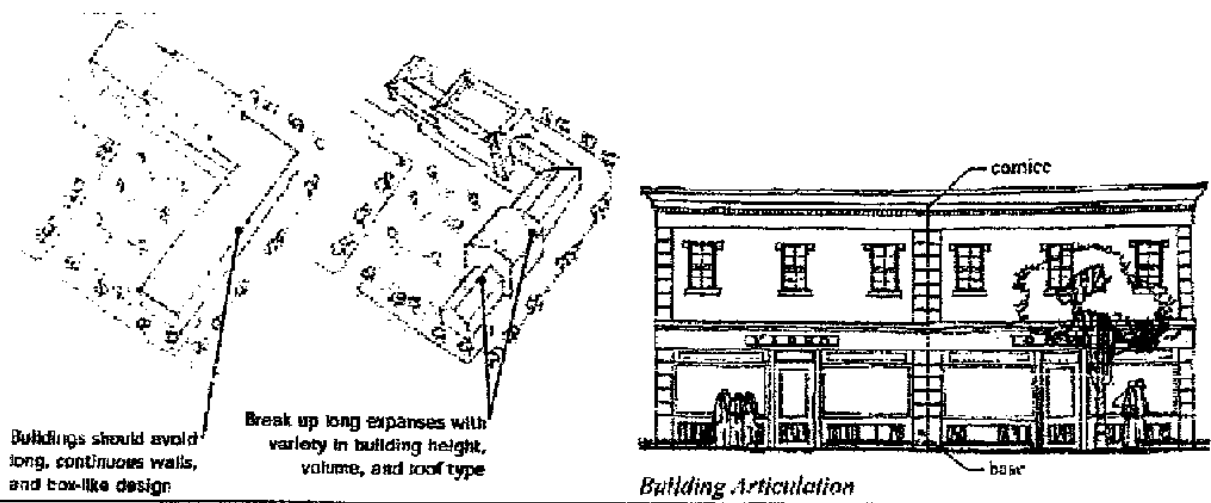
289 (1) A ten foot (10') minimum step back of the vertical plane of the building on
290 the third story, second and third stories, or all stories; or

291 (2) A reduction in stories of the entire building.
292



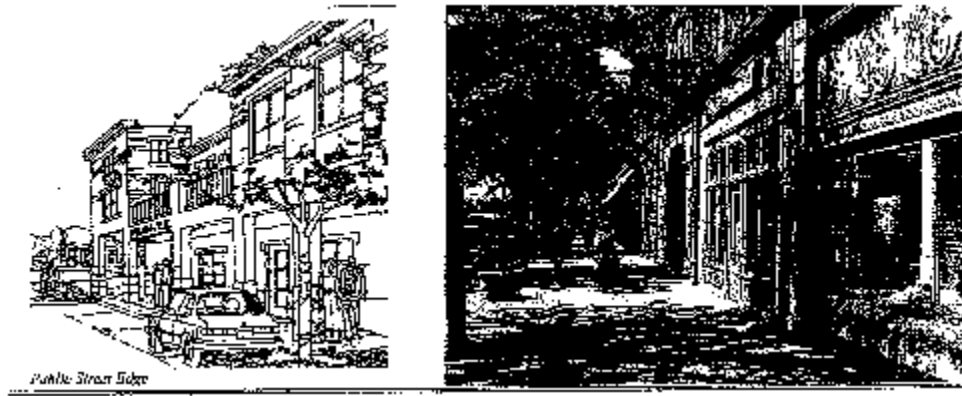
Typical Roofline Breaks

b. Structural Articulation: The vertical planes of a building shall be varied so that no continuous elevation is longer than seventy five feet (75') horizontally without a structural articulation which may include facade modulation, structural expressions, varied setbacks or heights, textural modulations and/or projections such as balconies, cornices, covered entrances, arcades or colonnades or other architectural element dividing the facade visually to provide relief to perceived building mass from the street elevation.

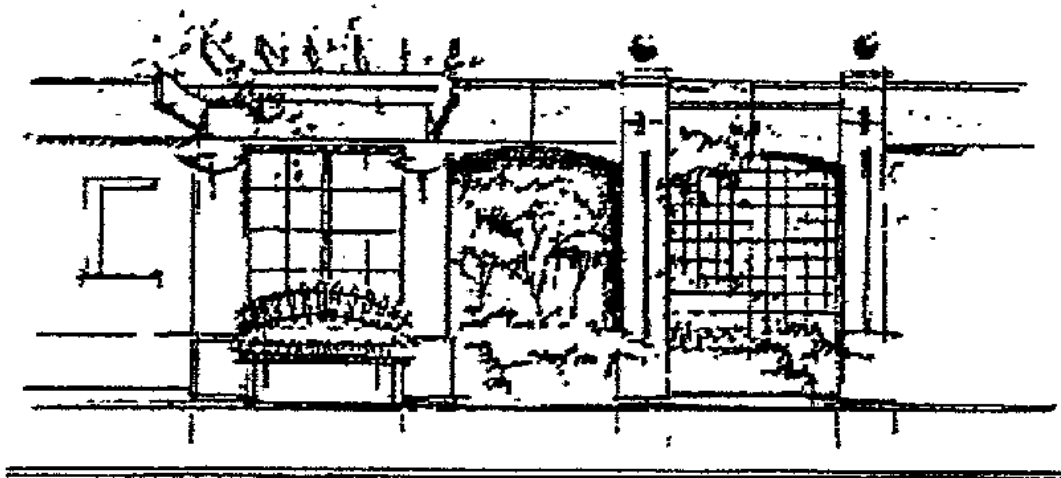


Building Articulation

3. Streetscape Perspective: All building fronts should provide features that are designed to be consistent with pedestrian activity and that provide a variety of architectural interest and detail that can be viewed from both vehicular and pedestrian perspective.



4. Facade Embellishment: All building elevations readily visible from public view shall provide consistency in architectural design elements/embellishments. In addition, a contiguous building wall (longer than 50 feet) shall have a building element, dividing the facade visually which may include windows, a recessed entrance or other appropriate variations.



5. Shading for Pedestrians: At least twenty percent (20%) of walls facing sidewalks or other pedestrian accessible space shall be architecturally treated with a shade/weather protecting element such as an awning, arcade, trellis, overhanging architectural feature consistent with the overall building architecture.

-
- 324 6. Primary Entrances: Primary entrances to commercial buildings shall be recessed,
325 providing a shaded area that helps to define doorways and provide shelter for
326 pedestrians. Repetition of recessed entries should also be used to provide a rhythm
327 of shadows along the street to help establish a sense of scale. Entrance doors
328 should be topped with transom windows to extend the vertical emphasis of these
329 openings.
- 330 7. Maintaining an Expression Line: Upper stories of buildings should maintain an
331 expression line along the facade such as a setback, change of material, or a
332 projection to reduce the perceived building mass.
- 333 8. Consistency of Architectural Style: All buildings should have an articulated base
334 course and cornice ornamented with details consistent with the chosen architectural
335 style. The middle section of the building is suggested to be divided either horizontally
336 or vertically in a manner consistent with the selected style. Buildings may have upper
337 story features which improve the relationship between the upper story and the street.
338 Such features include, but are not limited to, balconies, roof decks, bay windows or
339 upper story commercial activities.
- 340 9. Mixing of Styles: A compatible mix of architectural styles for the Holladay
341 Crossroads is acceptable providing that some basic design features which
342 complement each other are present throughout the site.
- 343 a. In order to encourage design consistency, all major new construction shall
344 include at least three (3) of the following elements on the street facing
345 facades:
- 346 (1) Window and door treatment which embellishes the facade.
- 347 (2) Decorative light fixtures.
- 348 (3) Unique facade treatment, such as decorative materials and design
349 elements.
- 350 (4) Decorative paving.
- 351 (5) Trellises, railings, gates, grillwork, or unique landscaping.
- 352 b. The DRB and TRC may recommend other elements in place of the above
353 for approval by the Planning Commission.
- 354 10. Oriented to The Corner: Buildings on corner lots should be oriented to the corner.
355 Corner entries and/or architectural treatment should be used to emphasize the
356 corner.
- 357 11. Emphasis of HCR Identity: Any main building located at the intersection of
358 Highland Drive and 6200 South should have prominent scale and iconic design to
359 emphasize the importance of this vital gateway of Holladay as indicated in the
360 SAMP.

12. Window and Door Designs: Windows and doors shall be used to define the character of buildings by giving scale to the building and providing visual interest to the composition of individual facades. Distinct window and door designs should be used to help define building styles. Articulated, transparent facades shall be created along vehicular and pedestrian rights of way, including display windows as a link between both vehicles and pedestrians and activities in the building.

a. In keeping with the intent of these design guidelines, the following shall apply to any street level building facade:

(1) Major new construction shall have at least fifty percent (50%) of the length of the ground floor facade between the height of two feet zero inches (2'0") and eight feet zero inches (8'0") devoted to windows and doors affording views into retail, office, or lobby space.

(2) Highly tinted or mirrored glass windows, shades, blinds or screens that prevent pedestrian view into buildings shall not be permitted.

b. Windows on the second or third level should be vertically proportioned and the design of surrounding window casing, the depth and profile of window sash element, and the material of which they are constructed should be distinctly associated with the specific building style.

c. Awnings and ground level canopies should contribute to the architectural theme and shall be integrated within the building design. Awnings should be constructed of traditional materials and located over windows and doors.

d. On multi-storefront buildings, separate awnings should be located within each storefront opening so that the building frame and details are revealed.

e. Retractable and fixed awnings are encouraged and allowed.

f. Under awning lights that are designed to specifically illuminate the sidewalk and storefront are permitted. (Ord. 2012-15, 9-20-2012)

13. Reinforcement of Design: Building design should reinforce the building's location abutting the street edge and public space. (Ord. 2015-02, 2-5-2015)

14. Use of Customized Components: Prototype design for franchises, formula or national chains shall use customized components consistent with the design requirements for the HC zone that reinforce visual consistency with other buildings in the Holladay Crossroads area.

a. Building Materials: Exterior finish materials selected should be part of a strong architectural theme and should not appear as a material foreign to the character of the building nor to the Holladay Crossroads area.

b. Building exteriors shall be constructed from high quality and durable materials. It is important that the materials and colors will weather well and need minimal maintenance. Acceptable exterior finish materials include the following:

-
- 400 (1) Painted, stained or weathered wood siding such as, 4-S shingles,
401 board and batten and clapboard;
- 402 (2) Artificial wood siding such as painted Cementous fiberboard;
- 403 (3) Brick or natural stone;
- 404 (4) EIFS (synthetic stucco) (not more than 50 percent of all exterior
405 finished surfaces);
- 406 5) Stucco, but as a minority material.
- 407 (6) Synthetic stone; and
- 408 (7) Architectural finish or decorative faced concrete masonry units
409 (CMUs). No portion of a building constructed of standard CMUs shall
410 be visible from an existing public right of way. Exposed concrete walls
411 should be architecturally treated. The enhancement must include joint
412 treatments, textured concrete such as exposed aggregate, sandblast
413 and/or colored concrete, or other decorative finishes.
- 414 (8). Beveled metal siding, mirrored glass, vinyl siding and backlit
415 awnings should not be used.

416 15. Roofs: The character of a roof is a major feature for a structure. The roof pitch, its
417 materials, size and orientation are all distinct features that should contribute to the
418 character of the building. Shadows created by traditional overhangs should
419 contribute to the perception of a building's scale. Roof designs should relate to the
420 building facade articulations.

421 1. A variety of roof types and configurations should be used to add
422 interest and reduce perceived building bulk.

423 2. Use of sidewalk porticoes and roof overhangs is allowed and
424 encouraged.

425 3. Roof materials should be in keeping with the character of the
426 architectural style of the building. Recommended roof materials
427 include slate shingles, asphalt and fiberglass shingles, metal standing
428 seam or tiles.

429 4. Crickets or other snow guard devices should be placed in such a
430 way that does not alter the form of the roof as seen from the street.

431 5. Decorative roof accessories such as cresting, ridge caps, and
432 finials may be used.

433 16. Building Color:

434 a. A harmonious range of colors should be used within the Holladay
435 Crossroads Zone.

436 b. Neon or very bright colors, which have the effect of unreasonably
437 setting the building apart from other adjacent buildings on the street
438 shall not be used.

439 c. Bright colors should be used only for trim and accents.

440 d. The TRC may recommend approval of bright colors if the use is
441 consistent with the building design and other design requirements.

442 17. Service Areas: See standards in 13.71.

443 18. Mechanical units, utility equipment, elevator equipment and telecommunication
444 receiving devices located on the roof should be grouped together, incorporated into
445 the roof design, thoroughly screened and not to exceed the height limits as allowed
446 in Chart 113.66.1 of this chapter. (Ord. 2012-15, 9-20-2012)

447