



CITY of HOLLADAY

## PLANNING COMMISSION MEETING AGENDA

*Tuesday January 21<sup>st</sup> 2020  
City Hall Council Chambers  
4580 South 2300 East.  
Holladay, Utah*

### AGENDA ITEMS

- 6:30 PM WORK SESSION** - All agenda items may be discussed during a light dinner. No decisions or voting will be made during this portion of the meeting.
- 7:00 PM CONVENE REGULAR MEETING** – Public Welcome & Chair Opening Statement

### PUBLIC HEARINGS

- 1. Continued - Residential Site Grading Permit – 4932 S Waimea Way – (R-1-10 zone)**  
Property owner Mr. Nicholas Tanga, requests review and approval of proposed grade alterations and retaining plans according to regulations and approval procedures set forth in Holladay Ordinance § 13.76.700.F
- 2. Conditional Use Permit – Home Occupation – 1860 E Frontier Rd – R-1-21**  
Applicant, Karina Luna, is seeking conditional approval permit to operate “Luna Cosmetic Artistry” a permanent makeup service from her residence as allowed in accordance with Holladay Ordinance § 5.54.010 & § 13.76.730
- 3. Residential Site Plan Review, construction near Upper Canal – (R-1-10 zone)**  
Property owner, Clayton Runnebohm requests site plan review and consideration for construction of a storage shed within the Upper Canal waterway protection area as per Holladay Ordinances § 13.08.140, .150A & § 13.76.400.

### ACTION

- 3. Approval of Meeting Minutes** – 9/17/2019

### DISCUSSION

- 4. Discussion** – Review of draft ordinance 13.66 Holladay Cross Roads (HCR) Zone.

### 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, Millcreek City, Cottonwood Heights City and Murray City. The agenda was also posted at Holladay City Hall, Holladay Library, City internet website at [www.cityofholladay.com](http://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

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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 GRADING STANDARDS (H.C.C. § 13.76.700)**  
Project: Tanga Residential Site Grading and Retaining Wall Permit  
Property Location: Addressed as 4932 S. Waimea Way, Holladay, UT 84117 being also identified as Lot 14, of Cottonwood Hill Subdivision No. 2; County Assessor Parcel/Acct. # 2211177190000 (hereinafter the "Property")  
Zoning District(s): R-1-10  
Applicant(s): Nicholas and Virgiline Tanga, Property owners  
File No(s): 20-9-01  
Notice(s): **ITEM CONTINUED FROM 1-7-21 FOR FURTHER PUBLIC COMMENT**  
Staff Analyst: Robert Hobbs

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|                              |             |                                                     |
|------------------------------|-------------|-----------------------------------------------------|
| <b>GOVERNING ORDINANCES:</b> | 13.08.080   | SITE PLAN                                           |
|                              | 13.08.140   | SPECIAL EXCEPTIONS                                  |
|                              | 13.76.700.F | FILL WORK AND LAND EXCAVATION; SPECIAL REQUIREMENTS |
|                              |             | (USE OF RETAINING WALLS) APPROVAL STANDARDS         |

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#### **REPORT ADDENDUM/UPDATE 1-21-20**

- During the Commission's January 07, 2020 hearing on the matter made the subject of this report, a vote was taken to continue the Special Exception request. The Commission asked Staff to communicate with Ms. Rita Wright, a backyard neighbor to the Applicants to ascertain her opinion regarding their application. The Director met with Ms. Wright who subsequently directed to him correspondence providing her opinion about the matter. Her comments are as follows:

"Dear Planning Commission,

For the part of my property (4931 Naniloa Dr.) that is indicated in the Nick Tanga proposal, I'd like to request the following:

\* That the proposed retaining wall stop within the 10' recess on the Jensen side of the fence. If it is stepped down to a lower height that does not exceed a 6' total (slightly negotiable) with the concrete retaining wall and fence combined, I would consider letting it extend onto my back property line. I realize also that the slope will need to rise toward the north to follow the grade, so that presumes a taller wall and fence as well.

\* The primary justification for my response is that a wall of that height would affect the view of Mt. Olympus I have from my back yard. My picture window in the living room and patio is far back on my property and the visual aesthetic of a large retaining wall would make the space feel confining and disrupt the view we have between homes. This has been my family home for over 50 years and was purchased for the lovely, natural views and sense of space Holladay is known for.

\* I spoke with an arborist last fall about removing unsightly brush and dying trees in my yard to take advantage of the view and make it more pleasing, as well as maintain the property value. I also spoke with a landscaping contractor about the redesign of my yard in the back to step the hillside in order to get more usable space. I am also planning a fence across the back to match what we have between my home and the

Jensens. The action to approve a large concrete wall would undermine the desire to improve the beauty and utility of my back yard. I would request that the Commission does not give approval for the unsightly and view-restricted retaining wall at the height indicated for both aesthetic and value-based reasons.

I appreciate the City working with us to find an agreeable solution for all parties.

Warm regards,  
Rita R. Wright”

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- Staff has noted since the report was prepared for the meeting of the 7<sup>th</sup> that our code does not normally allow a fence to top a retaining wall such that the cumulative height of the two structures exceeds eight-feet (8’). Exceptions to that height cap exist independently for rear yard fences (by obtaining consent from an adjoining property owner) and to retaining walls in setbacks areas (by obtaining consent from the Planning and Zoning Commission). While a fence is not part of what the Commission is being tasked to evaluate in this matter, it bears mentioning for the Applicants’ sake.
- Ms. Wright’s narrative suggests that a portion of the wall being six feet (6’) tall [presumably with a future fence proposed for emplacement thereon] should not be allowed to be any closer than ten-feet (10’) from the intersection of her southern side property line with Tanga’s Property, and, that any portion of the wall and any fencing proposed thereon approaching and running behind her property from that point should be scaled down (in height in reaction to the existing, ascending grade -- south to north) so as to not exceed six-feet (6’) as measured at and along back property line.
- Given retaining wall and code requirements, and the spirit/intent by which it was written, Staff has no objection to Ms. Wright’s request (i.e., tapering the wall to follow grade and dropping its height as it approaches within 10’ of her property) as it is reflective of code standards.

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## **1-7-20 STAFF REPORT**

### **REQUIRED PLANNING COMMISSION ACTION(S)**

*Approve, Continue or Deny a Special Exception to Grading Standards (Administrative):* The Planning Commission shall determine if the proposed special (site plan related) exception made the subject of this report is appropriate in the location [and form] proposed 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 13.76.700.F.(8-9).

### **BACKGROUND & SUMMARY**

In October of 2018, the City Council approved an amendment to 13.76.700, a section of the Supplementary Regulations dealing with grading activity, specifically on residential property. This amendment included a requirement to submit to the Planning Commission for approval any retaining wall details designed to hold backfilled grades within a required setback.

The Applicants are currently planning on re-landscaping their backyard. Part of their intent in so doing is to raise the level of their land to a height commensurate with those of certain properties (3) along Waimea – including the immediate next door [to the south] Winkel family (4940 S. Waimea Way) who just last summer received approval from the Commission to do the same as proposed by the Tangas. The Applicants cite as perceived benefits of altering the terrain to be: an increase of safety in using and tending the yard, plus an ability for the west end of the lot to receive more natural light to support Mrs. Tanga’s gardening efforts (see attached letter). While exploring requirements to authorize and emplace their improvements, the Applicants learned of the City’s requirement that their project (given its nature and

scope) would require zoning pre-authorization and a building permit with appropriate structural engineering review. The Applicant has submitted, and the City accepted, a complete application – a copy of which is hereto attached. The Applicants have also, already, submitted an application for a Building Permit with associated engineering details of the wall system proposed for emplacement on the Property.

Essentially, the Applicants propose to have a contractor install a six foot (6') high retaining wall along the back of their property at the rear property line and then back-fill against the same. (However, only just over  $\sim \frac{1}{2}$  of the lateral width of the rear yard (from side to side of the property) will be spanned by the proposed retaining wall and the associated yard grading to be done in conjunction therewith.) The wall would, effectually, be an extension of a wall system already used on [at least three] neighboring properties. Once emplaced, the Applicant proposes to thereafter top the same with a six-foot (6') fence. The net effect would be to cause the majority of their lot's rear yard to appear as, and be flush in form with, the three neighbor's lots to the south. The colored pictures attached to this report illustrate the current condition of their rear yard and that [by/for comparison] of the Winkels' next door (for the Commission recently granted approval to do exactly what the Applicants seek permission to carry out).

#### **PROJECT STANDARDS IN § 13.76.700 .F. 8-9:**

*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 those standards as iterated hereafter – to wit:

*“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.”*

*Fencing:* As afore-noted, a fence is proposed for installation atop the finished grade once the fill work is done after the retaining wall is installed. However, per code, fencing is required to be installed at a maximum height of six-feet (6') from existing grade(s). Installation of a six-foot (6') wall, effectively removes the allowance to have a six-foot (6') tall fence on the same. Yet, it is probably assumed by most property owners that fencing height is calculated off of finished grade – regardless of the level of the land prior to their fencing. Certainly that seems to be the situation with the property(ies) to the south of the Applicant's lot as attested to, and photo(s) evidenced, by the Applicants. As the retaining

wall, if approved as proposed, will have to have, per the [adopted] International Building Code, a fall barrier in the form a fence, the City is left with the realization that we are compelling land owner compliance with two competing or contradicting rules unless the wall is reduced below the standards required for a fall barrier (i.e., ~36"). As it is easier to grant exceptions to zoning code in some cases than building code, and, given both existing conditions next to the Property as well as the safety concern of not having a fall barrier, Staff believes the wisest course is to allow the Applicants to employ the [6'] fencing if the wall is approved as proposed.

#### **STAFF ANALYSIS/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 earthwork impacts. Included in such regulations are codes governing retaining walls, cut and fill.

In the case of the matter at hand, since: a) the Property and at least three neighboring lots that front Waimea Way are already on a higher grade than the lots to their west along Nanilola Drive and they are attempting to bring their rear yard grading into level with the average grade of the three adjoining lots that have established retaining walls at the rear property line area like unto that proposed by the Applicants; and, b) the recently Commission approved a six-foot (6') rear yard retaining wall for the property immediately next door to the Applicants at 4940 S. Waimea Way; and, c) given that the Applicants' intent is to provide for a more usable/safer rear yard space for themselves with safe enclosure of that space being of paramount interest; and, d) neighboring lots on the same side of Waimea as the Property also have fences along the tops of the their elevated/retained rear yards; and, e) there is a lack of [to date] stated/expressed opposition to the Applicants' proposal by neighbors to the Property; and, f) given, generally, the presence of significant landscape screening between the lots along Nanilola vs. those on Waimea, Staff believes it reasonable for the Commission to consider approving the Applicant's request(s), howbeit that there are no review standards in code appertaining specifically to retaining walls to guide exception considerations.

Review criteria standards that appertain to Special Exceptions have been determined to be of use with applications such as that made the subject of this report. Said standards are listed above.

#### **RECOMMENDED CONDITION(S) OF APPROVAL:**

Should the Commission vote to approve the Special Exception request sought by the Applicants, then Staff recommends that the Commission consider imposing the following Condition(s) of Approval:

<1. Any conditions as may be applied by the Commission...>

[The Applicants have already applied for a Building Permit for the retaining wall which would have been Staff's only suggested Condition of Approval (coupled with submittal of engineering details for the wall).]

#### **ATTACHMENT(S) (as originally numbered with prior report):**

1. Copy of Applicants' Special Exception Application (page/Exhibit 4)
2. Copy of Public Hearing Notice (page/Exhibit 5)
3. Copy of Applicants' narrative/justification letter (page/Exhibit 6)
4. Copies of photos of the retaining wall system's area of effect on the adjunct Property and an aerial photo of the Property and surrounds (pages/Exhibits 7-10)
5. Copy of Building Permit Application Form, associated engineer's site plan and wall assembly/structure details (pages/Exhibits 11-13)
6. Copies of any agency/department/citizen correspondence (pages/Exhibits 14+)

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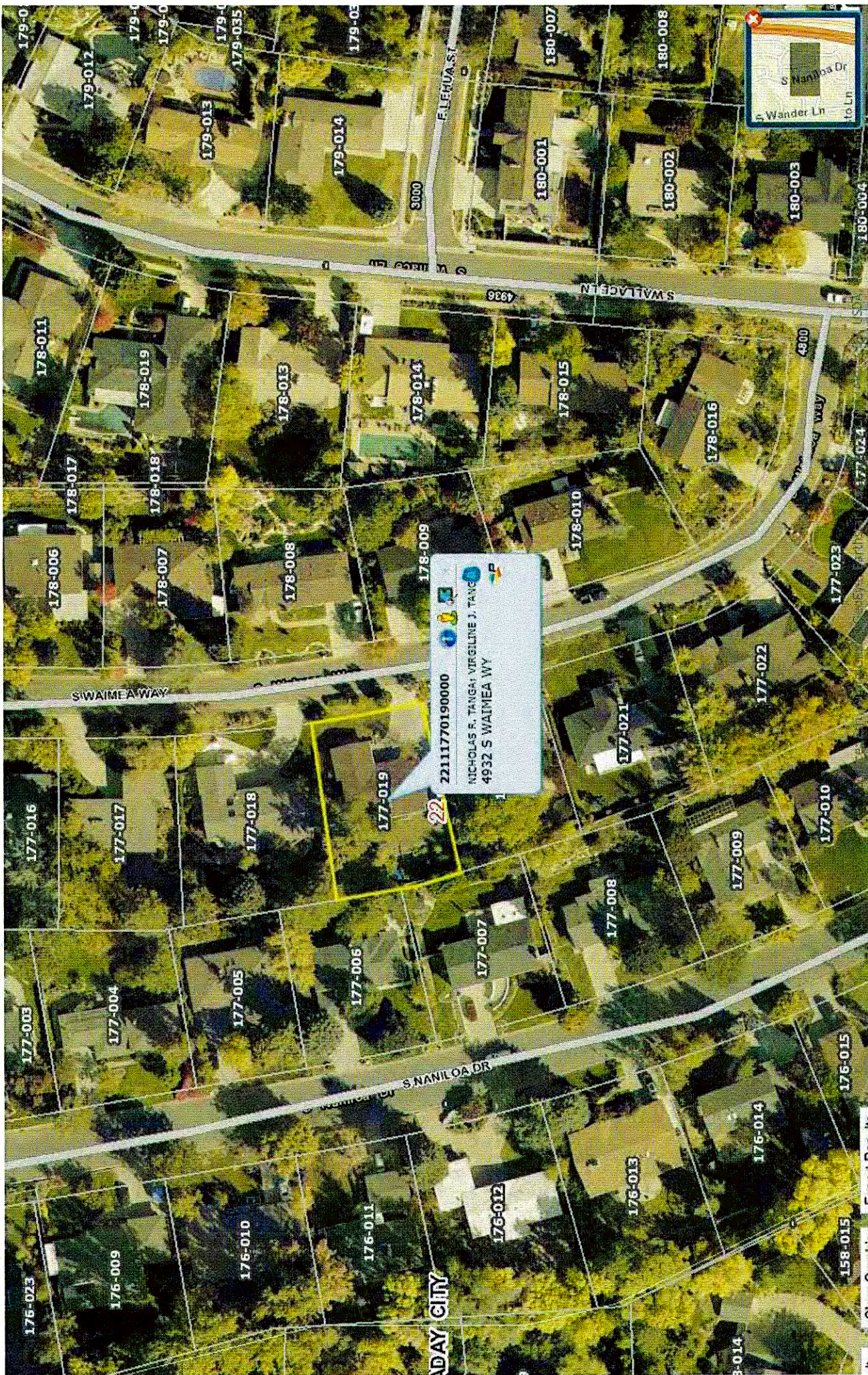
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NICHOLAS R. TANGAI, VIRGINIE J. TANGAI  
4932 S WAIMEA WY  
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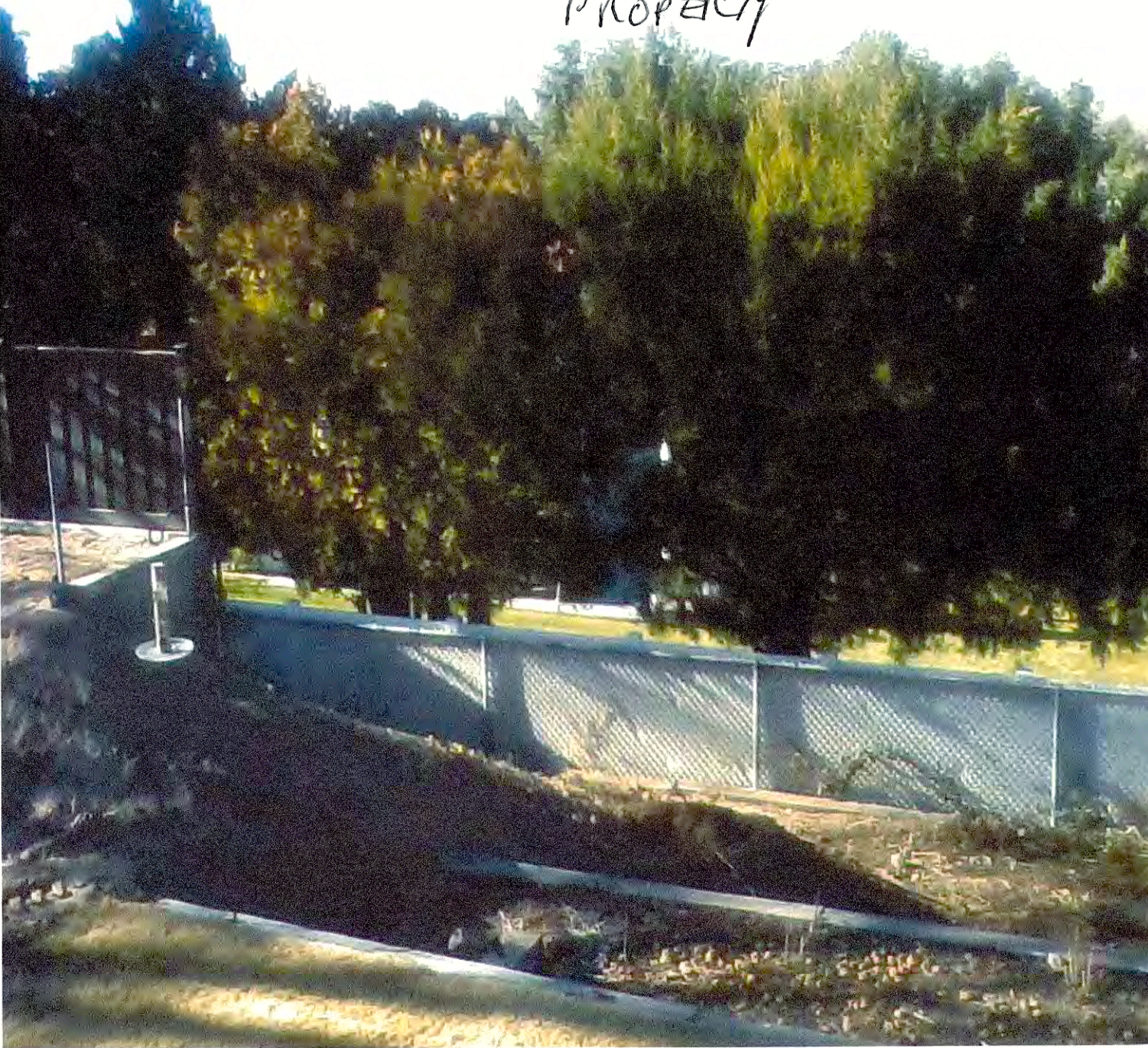
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TANGA  
REAR

DEC 6 2019

JENSEN  
PROPERTY



DEC 6 2019

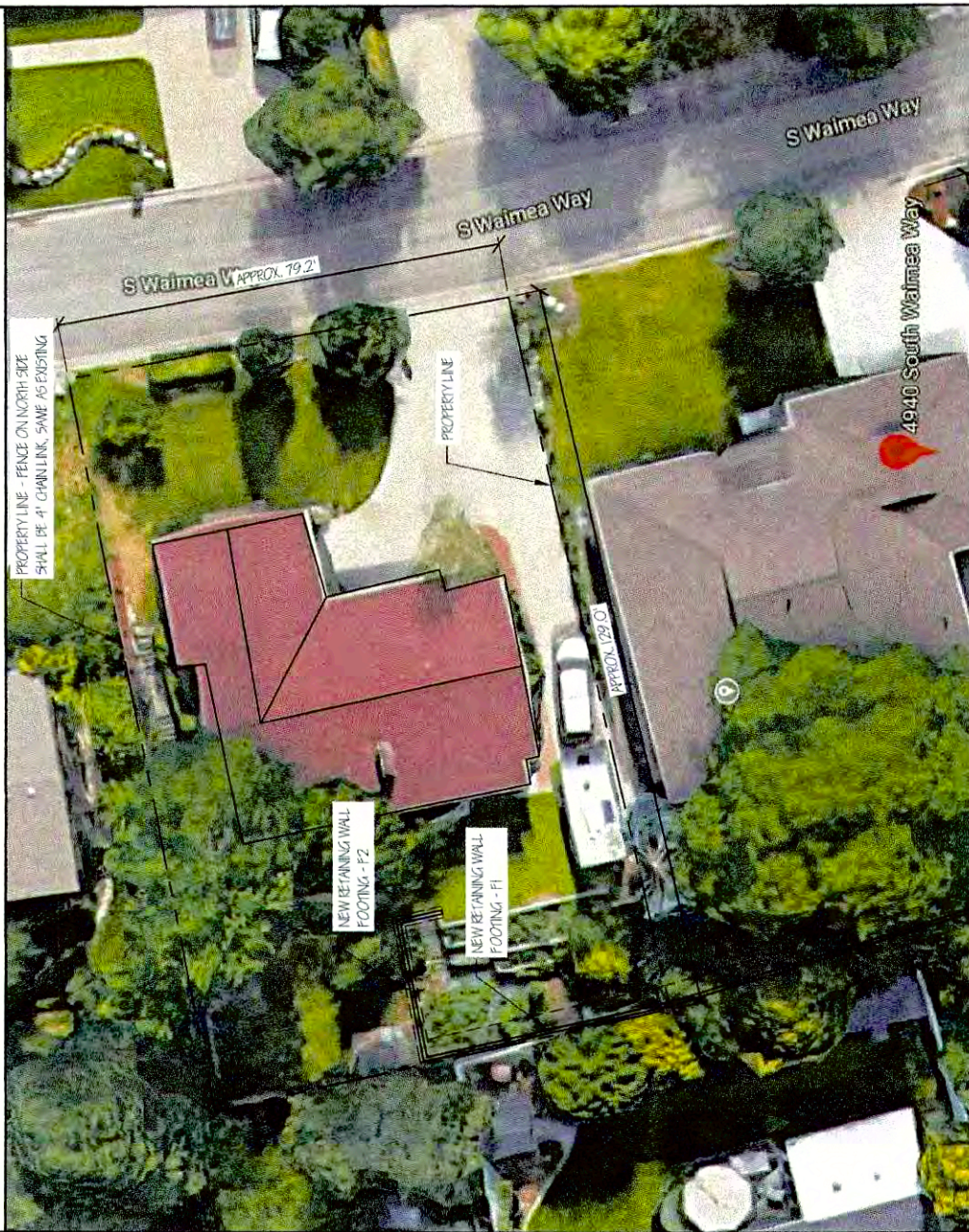
EXISTING FENCE BETWEEN  
TANGA & JENSEN



WINKLE PROPERTY

S OF TANGA

DEC 6 2019



*SITE PLAN*  
FOR NICK AND JANTANGA  
4932 SOUTH WAIMEA WAY  
HOLIDAY, UTAH 84117

SCALE: 1" = 20'

## SITE PLAN NOTES:

1. ALL IMPROVEMENTS SHALL COMPLY WITH THE STANDARDS AND REGULATIONS OF THE INTERNATIONAL RESIDENTIAL CODE 2009 (IRC), AND ALL CITY OR COUNTY REGULATIONS, CONTACT PUBLIC WORKS OFFICE BEFORE BEGINNING WORK.
2. BUILDERS/OWNER SHALL SECURE ALL PERMIT PRIOR TO DOING ANY WORK, ON SITE AND IN THE PUBLIC RIGHT OF WAY, TRAFFIC PLANS, PAVING, AND ANY INSURANCE WILL BE REQUIRED.
3. CONTRACTOR SHALL FIELD VERIFY LOCATION, SIZE AND AVAILABILITY OF EXISTING UTILITIES, UTILITIES DAMAGED DURING CONSTRUCTION SHALL BE REPAIRED BY THE CONTRACTOR AT HIS EXPENSE.
4. CURB AND GUTTER SHALL BE ASPHA STANDARD DRAINING, 2005 TYPE "A" OR APPROVED EQUAL.
5. ALL GRADING SHALL BE DONE AS PER ENGINEER OF RECORD WHO SHALL VERIFY THAT ALL FILL HAS BEEN PLACED IN ACCORDANCE WITH PROVISIONS IN THE IRC.
6. CONSTRUCTION TEST REPORTS SHALL BE MADE AVAILABLE TO THE ENGINEER WITHIN A 24 HOUR PERIOD OF A REQUEST. FINAL REPORTS AS SPECIFIED IN THE IRC SHALL BE SUBMITTED TO THE ENGINEER WITHIN TEN DAYS AFTER COMPLETION OF GRADING.
7. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CHECK CONDITIONS AT THE SITE BEFORE STARTING WORK AND SHALL IMMEDIATELY NOTIFY THE ENGINEER OF ANY DISCREPANCIES.
8. MATERIAL DETAILS SHALL APPLY IN GENERAL, CONSTRUCTION SPECIFICALLY DETAILLED, WHERE NO DETAILS ARE GIVEN, CONSTRUCTION WILL BE AS PER SWH OR BUREAU. DO NOT SCALE DRAWINGS.
9. ANY CHANGES OR CONFLICTS BETWEEN THE VARIOUS ELEMENTS OF THE WORKING DRAWINGS AND/OR SPECIFICATIONS SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER BEFORE PROCEEDING WITH ANY WORK INVOLVED.
10. FILL BEDDING SHALL BE  $\frac{3}{4}$ " MINIMUM AGGREGATE, USE  $\frac{3}{4}$ " MAXIMUM SIZE ROAD BASE FOR FILL MATERIAL, COMPACT TO 95% STANDARD PROCTOR DENSITY, MINIMUM LIFT IS 6".
11. SLOTTED/GRASSING SHALL BE INSTALLED DURING EXCAVATION, A QUALIFIED SOILS ENGINEER SHALL BE RETAINED TO DESIGN AND APPROVE A CONTINGENT TRENCH DRAIN AT FOUNDATION, ON SITE.
12. CONTRACTOR SHALL VERIFY THE DEPTH OF THE EXISTING SEWER LATERAL, BEFORE CONSTRUCTION TO VERIFY THAT CONNECTION IS POSSIBLE WITH HOUSE ELEVATION SHOWN.
13. ALL SEWER WATERS AND DIRT WILL BE KEPT ON SITE DURING CONSTRUCTION UNTIL FINAL LANDSCAPING IS DONE.
14. GENERAL CONTRACTOR WILL BE HELD RESPONSIBLE FOR KEEPING (STORM) INLET/DRIT ON SITE DURING BAD WEATHER AND FOR CLEANING UP AFTER SUB-CONTRACTORS, SWPPP GUIDELINES ARE PREVAILING.
15. STREET CURB AND GUTTER WILL BE INSPECTED AND CLEANED OF ALL MUD AND DIRT AT THE END OF EVERY DAY.
16. SEWER WATERS (CORE) TO BE PLACED AND MAINTAINED AROUND ANY SEWER TRENCH INLET ADJACENT TO OR IMMEDIATELY DOWNSCREEN FROM SITE DURING CONSTRUCTION.
17. BORDERS OR SHELLS WILL BE READY TO GO ALONG PROPERTY LINES TO PREVENT STORM WATER FLOW ONTO ADJACENT LOTS, FINAL GRADING SHALL BLEND WITH ADJACENT LOTS.
18. THE GRADE AFTER FOUNDATION WALLS SHALL FALL A MIN. OF 6" WITHIN THE FIRST 10' (5'3").

THIS DOCUMENT AND THE DESIGN INFORMATION HEREIN  
 ARE TO BE USED IN WHOLE OR IN PART FOR THE  
 DESIGN OF A PROJECT OF SIMILAR NATURE  
 WITHOUT THE SIGNATURE OF THE DESIGNER.

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DATE  
 10/01/2019  
 MICHAEL DRAPER

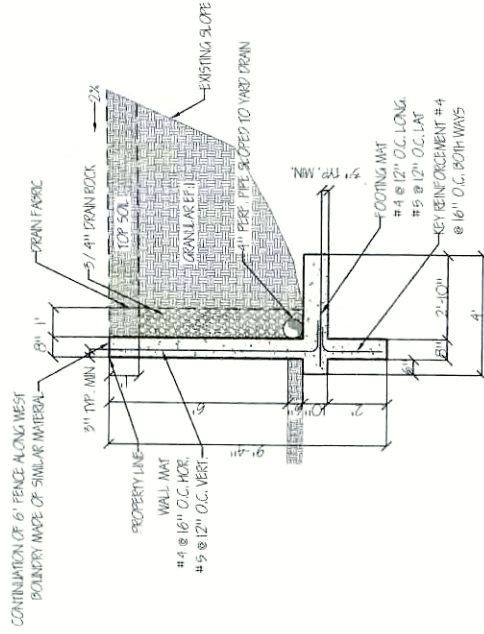
E-MAIL: MikeDraperDesign@gmail.com

PHONE: (360) 238-6754  
 ORCA, UT  
 8058  
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 MIKE DRAPER DESIGN

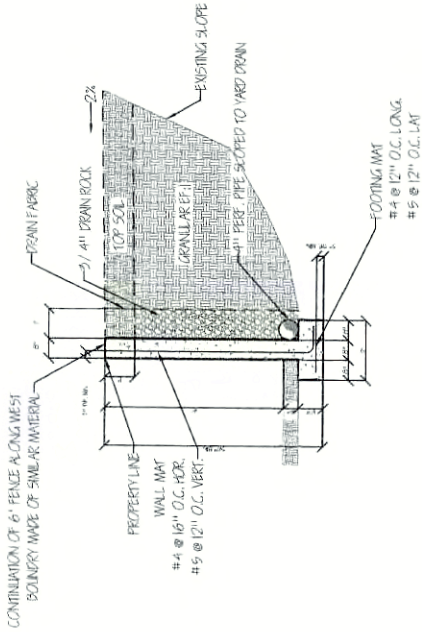
# SWN ENGINEERING

SHEET  
 NO.

2



F1 - RETAINING WALL DETAIL  
 1/4" = 1' (ON 10/17)



F2 - RETAINING WALL DETAIL  
 1/4" = 1' (ON 10/17)



Request: **Home Based Business “Luna Cosmetic Artistry”**  
Applicant: Karina Luna  
Address: 1860 E Frontier Rd  
Zone: R-1-21 (Single family home per half acre lot size)  
File No: 20-2-01  
Planner: Jonathan Teerlink

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|                                |           |                                         |
|--------------------------------|-----------|-----------------------------------------|
| GOVERNING POLICIES/ORDINANCES: | 13.76.730 | Home Occupation (Regulations)           |
|                                | 13.100    | Land Use Table (allowed as conditional) |
|                                | 13.08.040 | Conditional Uses                        |
|                                | 05.54.010 | Home Occupation (business license)      |

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### **EXECUTIVE SUMMARY**

Applicant, Karina Luna, is requesting approval to license and operate her home-based “micro-blading” practice. She intends on accepting 5 clients per week within operating hours of 10am to 6pm, 5 day/week. Please see the applicant’s written narrative for a brief description of her business operation and qualifications.

A business operated out of the home or “Home Occupation” is defined by Section 5.54.010 of the Holladay 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 restricted for residential purposes*”.

Home-based businesses (HBB) are a permitted use and allowed to operate from any home within all residential zones. HBBs are divided into two categories; those which DO and those which DO NOT have customers or employees coming to the home. Only the latter requires a Conditional Use Permit via review and consideration (approval or denial) by the Planning Commission (PC).

#### **13.76.730: HOME OCCUPATION: REGULATIONS**

- A. *The business activity must be conducted entirely within a dwelling and carried on by persons 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.*
- B. *No home occupation license shall be required for businesses that:*
  1. *Do not have customers that come to the home;*
  2. *Do not have employees who come to the home; and*
  3. *Do not have combined offsite impacts of the home based business and the primary residential use that exceed the impact of the residential use alone.*
- C. *There shall be no display of merchandise nor stock in trade, "stock in trade" being an item offered for sale which was not produced on the premises.*
- D. *The business shall not include the sale of commodities except those produced on the premises.*
  1. *Original or reproductions of works of art designed or created by the artist operating a home occupation may be stored on the premises. "Reproductions of works of art" include such items as printed reproductions, casting and sound recordings.*
  2. *Commodities (Such as fruit and vegetables or other products, etc) produced on the premises may be sold on the premises if the Planning Commission grants a conditional use permit for customers coming to the home. (In this case a service is being provided instead of a “commodity”)*
- E. *The home occupation shall not involve the use of an accessory building or yard space or activity outside the main building.*
- F. *The Community Development Director shall determine whether additional parking, in addition to the requirements of chapter 13.80 of this title is required for a home occupation and shall also determine the number and location of such additional parking spaces. (Ord. 2017-17, 6-15-2017)*

## **TECHNICAL REVIEW COMMITTEE ANALYSIS**

Home businesses have provided an entry level pathway for many successful professionals and business operations. Proven to provide a service to local communities these businesses usually fill the gap between professional ambitions and a thriving, brick-and-mortar operation. Generally speaking, it is for this purpose that zoning codes encourage, rather than obstruct an upstart entrepreneur.

More and more, small businesses are starting as home-based businesses: according to the Census' Survey of Business Owners, the number of home based businesses in the economy grew from 16.37 to 27.63 million between 1992 and 2012. Interesting to note that home-based businesses lead to economic improvement for communities and provide significant alternative sources of income for its residents. According to the Small Business Administration, small businesses accounts for approximately 64% of all new jobs in the United States between 1993 and 2011.<sup>1</sup>

Primarily, the Planning Commission should focus on the businesses operational impact on the neighborhood. As per 13.04.080, a conditional use operation should NOT:

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

## **TECHNICAL REVIEW COMMITTEE RECOMMENDATION**

The Technical Review Committee (TRC) finds that the application for a conditional use permit allowing a home-based to be complete. The TRC recommends the PC hold the required public hearing (as required 13.08.040). Public comments made should be considered as they relate to the set approval standards and mentioned above. Additional considerations or conditions, if any, should be applied carefully and reasonably as per 13.08.040.F. The Holladay TRC has provided their suggesting findings and conditions to consider below:

### **Suggested Findings:**

1. A Home Occupation with customers is a conditionally allowed for this location.
2. No other Home Occupations are on file as being in operation with ¼ mile of this location
3. This request is deemed as a low-impact operation with all procedures occurring within the home.
4. Property owner will provide off street parking
5. It is not anticipated that traffic will be a problem due to the small-scale nature of the use.
6. There are no outside employees proposed or allowed with the use which will reduce the need for parking
7. The use provides a desirable service to the community.

### **Suggested Conditions of Approval:**

1. Off street parking areas shall be maintained as available during business hours – no on-street parking allowed
2. Operational permits and licensure are subject to review and revocation upon finding of non-compliance
3. Limited to; a maximum of 2 clients per day and 6 per week. (Suggest no more than one client at a time and no more than 3 per day)
4. Hours of operation limited to Monday through Friday, 10am to 6pm

## **SUGGESTED MOTION FORMAT:**

*“I motion the Holladay Planning Commission move to \_\_\_\_\_ (APPROVE, DENY, CONTINUE) the application for a Home Occupation for “**Luna Cosmetic Artistry, LLC**” located at **1860 E Frontier Road**. Based upon the findings that the application \_\_\_\_\_ (see above for staff suggested findings). This motion is subject to the following conditions \_\_\_\_\_ (see above for staff suggested conditions)”*

<sup>1</sup>“The Contribution of Home-Based Business Income to Rural and Urban Economies”, Barbara R. Rowe, George W. Haynes, Kathryn Stafford Purdue University February 1, 1999 <https://journals.sagepub.com/doi/10.1177/089124249901300109>

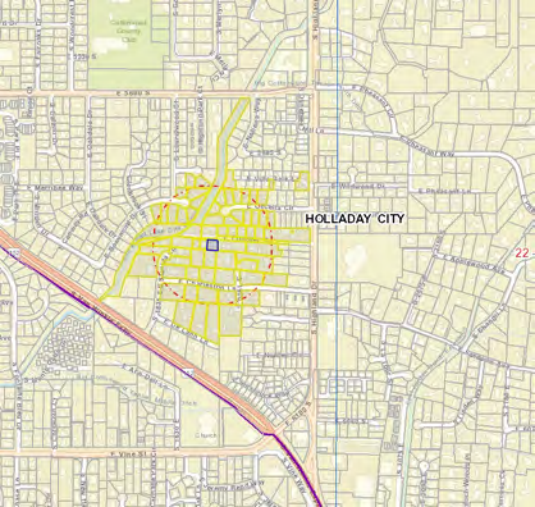
**Date:** January 21<sup>st</sup> 2020  
**Time:** approximately 7:00 pm  
**Location:** 4580 South 2300 East, Holladay City Hall, City Council Chambers,  
**Hearing Body:** Planning Commission

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

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.

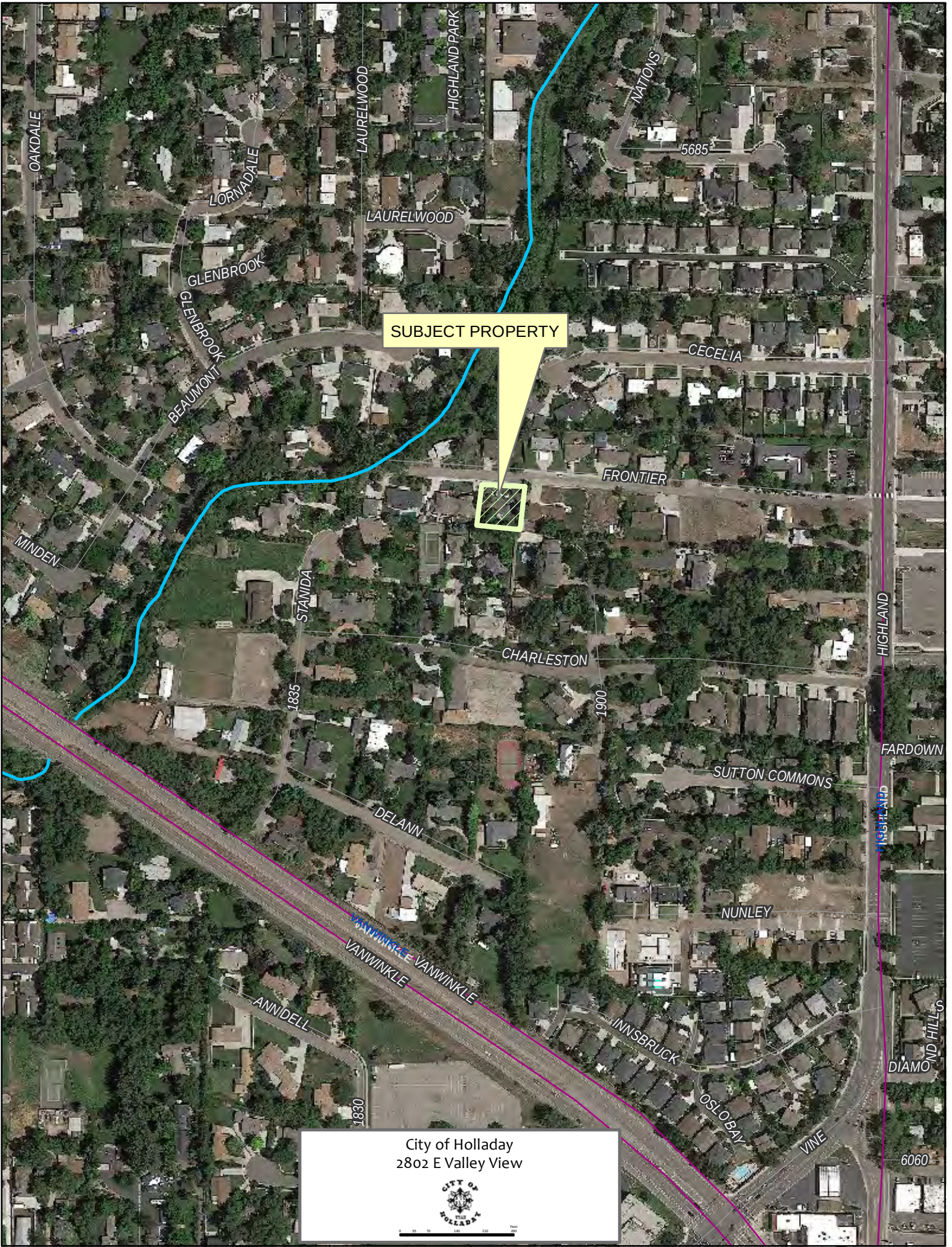
City of Holladay  
2802 E Valley View

**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.

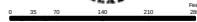


HOLLADAY CITY

22



City of Holladay  
2802 E Valley View





To whom it may concern:

This request is to be able to perform Microblading services from my home. I'm Certified on Semi-Permanent Cosmetic Makeup.

The workplace where I'm planning to perform the Cosmetic Makeup, has already been inspect by the health Department, also I have had training on, CPR and Bloodborne Pathogens. All tools and instruments that I will use are safety disposable, I know how to Adhere to the expect regulations. I assure you that I'm a capable and trained professional to efficiently and safely perform my services. Another hand, I had a meeting with my neighbors to talk about my business plan such as the business hours and the number of clients per week and they are totally agree with my business plan of performing Microblading at home. I expect to operate the business Monday thru Friday from 10am to 6pm I expect having a client per day so roughly I will be receiving 5 clients per week, I have plenty parking lot around my house avoiding block my neighbors properties, appreciate for taking the time to read my request, if you have any more questions you can contact to me at (801)347-9376 have a wonderful day! Sincerely, Karina Luna

## Notice of Neighborhood Meeting

Oct/15/2019 (Date of Letter)

Karina Luna (Name of Applicant)

1860E Frontier rd (Address of Applicant)

(801) 3979376 (Applicant Telephone No.)

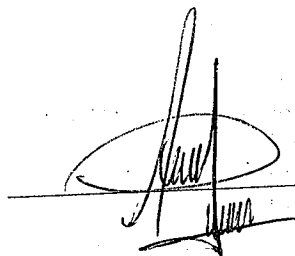
Dear Neighbor:

A neighborhood meeting will be held Oct/16/2019 (Date of Meeting) at  
12:00 (Time of Meeting) at Frontier rd (Location of Meeting) to discuss a  
proposed Permanent Make Up (Description of Project/Rezone Application/Conditional  
Use, etc.) located at 1860E Frontier rd. (Address or Location for Proposed Application)

Please join me (Us/Me) to discuss this Project (Project/Re-zone/Conditional Use)  
application and share your thoughts and feelings.

Please note that this is NOT a City of Holladay Planning Commission or City Council  
meeting. This meeting a required step prior to presenting a pending application to the City  
of Holladay

Thank you.



(Signature of Applicant)



Request(s): **SPECIAL EXCEPTION TO WATERWAY PROTECTION STANDARDS (H.C.C. § 13.76.400)**  
Project: Runnebohm Detached Garden Shed Location Approval Request  
Property Location: 2802 E. Valley View Avenue, Holladay, UT 8411 – hereinafter the “Property”  
Zoning District(s): R-1-10  
Applicant(s): Clayton Runnebohm & Vandana Ramachandran  
File No(s): 20-9-02  
Notice(s): (1 x) - Mailed 01/10/2020  
Staff : Robert Hobbs

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|                              |             |                                                        |
|------------------------------|-------------|--------------------------------------------------------|
| <b>GOVERNING ORDINANCES:</b> | 13.08.080   | SITE PLAN                                              |
|                              | 13.08.140   | SPECIAL EXCEPTIONS                                     |
|                              | 13.76.400.A | DEVELOPMENT NEAR WATERWAYS: BUILDING AREA REQUIREMENTS |

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**REQUIRED PLANNING COMMISSION ACTION(S):**

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

**BACKGROUND & SUMMARY:**

*History:* As stated in the Applicants’ narrative, in the fall of last year, the applicants visited our office to ascertain what requirements would apply to their plan to put a garden shed on their Property. The Applicants were provided written and verbal information commensurate with their description of their shed – that is, that a building permit would not be needed since it is proposed to be less than 200 square feet, and, that a three-foot (3’) setback would be required (assuming it would be placed at the side or behind of the home as customary.

What was not conveyed to Staff was the Applicants’ intent to place the shed next to a waterway and in the front yard area of the Property. Staff did not speak to those topics as it was not anticipated they would be[come] an issue. A copy of relevant zoning code standards was provided to the Applicants. The Applicants subsequently began prepping for the shed but the City halted the work upon receipt of a phone complaint regarding the location of the shed. Thereafter, the Applicants were informed of their need to seek approval to be able to place the shed where they were intending.

The Applicants now ask that the Commission allow their shed to be 11’ instead of 20’ away from the Upper Canal. The shed is also proposed to be forward of the front wall plane corners of the house -- possibly in the front yard setback area (the Applicants have been advised the shed may not be placed in the Property’s front setback) to which there is no Variance negotiable allowance. Accordingly, only the canal offset is to be the subject of the Commission’s review and action.

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

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

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

1. *The proposed use and development will be in harmony with the general and specific purposes for which this title was enacted and for which the regulations of the district were established.*
  2. *The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located.*
  3. *The proposed use and development will not have a material adverse effect upon the character of the area or the public health, safety and general welfare.*
  4. *The proposed special exception will be constructed, arranged and operated so as to be compatible with the use and development of neighboring property in accordance with the applicable district regulations.*
  5. *The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance.*
  6. *The proposed use and development will not cause material air, water, soil or noise pollution or other types of pollution.*
  7. *The proposed use and development complies with all additional standards imposed on it pursuant to section 13.08.150 of this chapter.*
- F. *Additional Requirements: The planning commission may impose conditions and limitations as may be necessary or appropriate to prevent or minimize adverse effects upon other property and improvements in the vicinity of the special exception or upon public facilities and services. These conditions may include, but are not limited to, conditions concerning use, construction, operation, character, location, landscaping, screening and other matters relating to the purposes and objectives of this title. Such conditions shall be expressly set forth in the motion granting the special exception."*

#### **STAFF DISCUSSION:**

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

The [Property] is irregularly [more or less triangular] shaped, is relatively flat, and has a higher elevation (4'5'?) than the abutting property to the southwest (2796 E. Valley View). The Property's longest [western] side abuts the Upper Canal. Accordingly, it is encumbered by a 20' offset (similar to a setback) along its length besides a standard side yard setback. Given the current size and position of the Applicants' house, little room is left for additional structures on the site save in a narrow triangle at the rear of the home. However, given site constraints, it is understandable why the Applicants would like to place their proposed garden shed in the protective screening of trees at the corner front of their yard near the canal. However, such a location poses aesthetic, possible precedent setting, and safety concerns. The City Engineer has expressed opposition to the shed's placement near the canal (see attached email correspondence).

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

#### **RECOMMENDATION(S):**

Having reviewed the Special Exception request, we would recommend that the proposed shed be further recessed back onto the Property beyond where they propose to emplace the same with a reduced space to the canal, or, be set behind the house.

...

Subsequent to mailing notices of the Commission's hearing on this matter, Staff received a phone call from a neighbor expressing opposition to the application [perhaps the same individual who originally complained about the structure].

### **RECOMMENDED CONDITION(S) OF APPROVAL**

(Subject to Commission approval, revision or omittance)

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

1. Applicants/project shall comply with Property setback requirements and buildable area restrictions associated with City R-1-10 zoning in addition to providing such offset from Upper Canal as required by the Commission; and,
2. Applicants shall protect the Upper Canal from debris infiltration during the construction/emplacement of their shed by emplacing plywood sheets, arranged side to side/abutting all the length of the Upper Canal where it abuts their Property adjacent to the area being proposed for the shed; and,
3. Applicants shall sign a Certification of Protection (of existing irrigation and storm drain facilities) form prior to installing the shed.

### **ATTACHMENT(S)**

- Copy of public hearing notice (page/Exhibit 4)
- Copy of Special Exception Application form (page/Exhibit 5)
- Copy of County Assessor's property profile (page/Exhibit 6)
- Copy of Applicant's narrative (page/Exhibit 7)
- Copy of Tuff shed specifications and elevations sheet (page/Exhibit 8)
- Copy of H.C.C. § 13.76.400 (page/Exhibit 9)
- Copy of Applicants' site plan (page/Exhibit 10)
- Copies of Applicant supplied street perspective Property photos and Staff supplied Google imagery (pages/Exhibits 11-17)
- Copies of any department/agency/citizenry correspondence\* (pages 18+).

\* Any relevant materials associated with the application made the subject of this report that were available to Staff by Friday, January 17 at 5:00 pm together with copies of City department/outside agency/citizenry correspondence relating to the same.

Noticing of/for this matter was conducted as requisite per City and State law.

**Robert Hobbs**

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**From:** Jared Bunch <jbunch@forsgren.com>  
**Sent:** Wednesday, January 15, 2020 3:51 PM  
**To:** Robert Hobbs  
**Subject:** Runnebohm (2802 E Valley View Ave.) Stream Exception Application

Mr. Rob Hobbs,

I have reviewed the canal offset exception application submitted for 2802 E Valley View Ave and completed a site visit. It is my opinion that the applicant has not sufficiently justified the application. A reduction to the canal offset distance is typically reserved for scenarios where the property is significantly impacted by the setback or historically had structures located in the setback; even then, such scenarios do not necessarily justify an offset reduction.

Regards,

**Jared Bunch, P.E.**  
**Senior Civil Engineer**  
370 East 500 South, Ste. 200  
Salt Lake City, UT 84111  
801.258.8283 / 801.520.8779 Cell

**FORSGREN**  
*Associates Inc.*

## NOTICE OF A PUBLIC HEARING FOR A SPECIAL EXCEPTION

**Hearing Date:** January 21st, 2020  
**Time:** Approximately 7:00 pm or thereafter  
**Location:** 4580 South 2300 East, Holladay City Hall, City Council Chambers,  
**Hearing Body:** Planning and Zoning Commission

Notice is hereby given that the City of Holladay Planning and Zoning Commission will hold a public hearing regarding an application from property owner Mr. Clayton Runnebohm for a Special Exception Permit to allow for emplacement of a small garden shed within 20' of the Upper Canal located adjacent to his property addressed as: 2802 E. Valley View 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\****

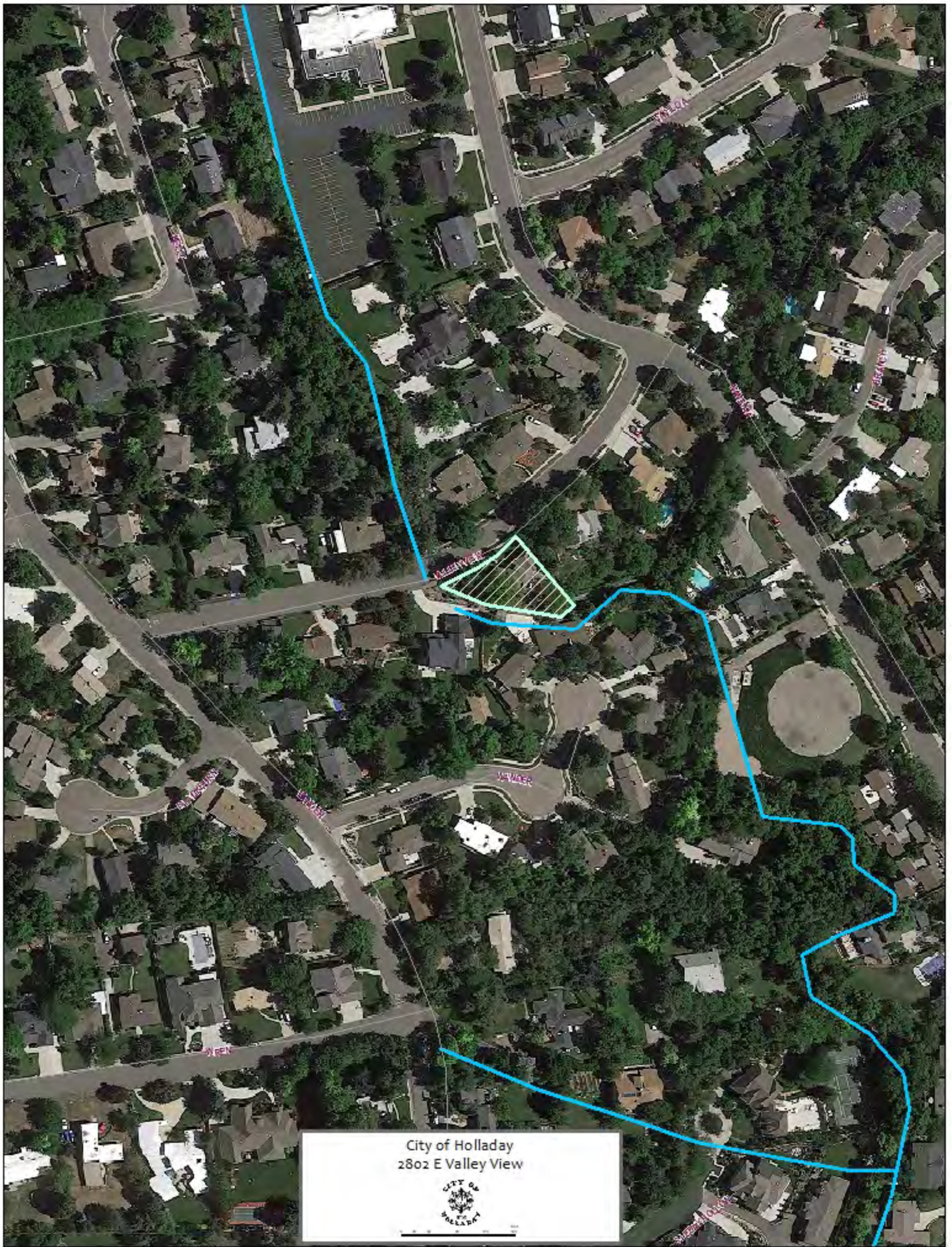
**Project Name:** Runnebohm Stream Exception  
**Applicant:** Clayton Runnebohm as property owner  
**Location:** 2802 E. Valley View; Holladay, UT 84117  
**Request:** Special Exception Permit to allow placement of a small shed within 20' of a waterway

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

Mailed by order of the Community Development Department

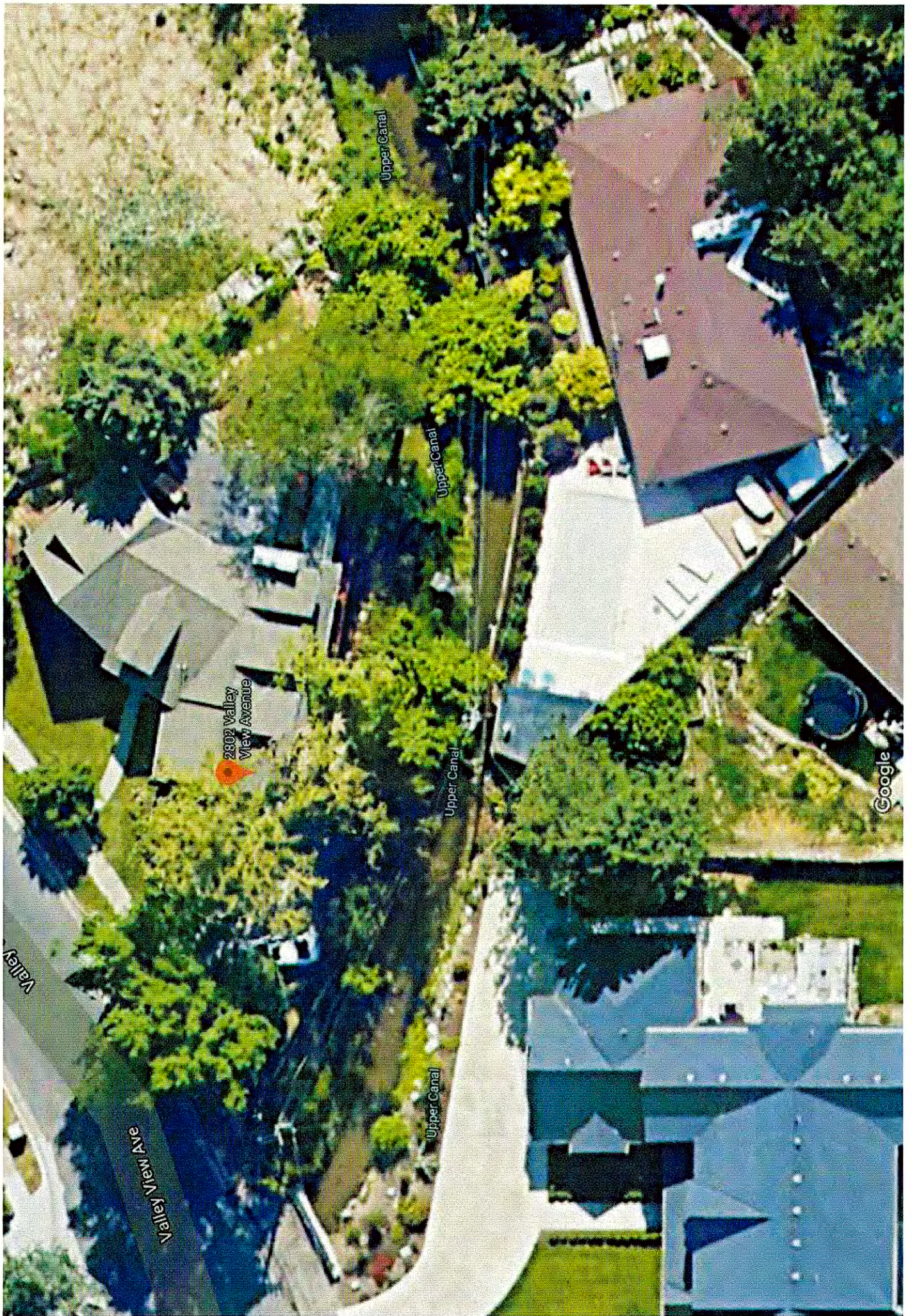


**ATTENTION:** This notice has been delivered to all residents within an area extending approximately 500 feet from the subject property. If you know of anyone who may not have received a notice but may have an interest in the meeting, please pass along the information. If you are not the owner of your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



City of Holladay  
2802 E Valley View





Dear Planning Commission,

My wife Vandana and I purchased our home at 2802 E Valley View Avenue in late July of this year (2019). One of the selling points of the home for us is the beautiful tree-and-water abundant neighborhood. Two side boundaries of our home are made up of the Upper Canal. We love being able to stand on our back deck and listen to the running water and see wildlife that is attracted by the canal. Unfortunately, the canal has also provided some complications for our ideas of home improvement which I will explain later in my letter.

Around the October time frame, we were looking into installing a garden shed so we would have a spot to store our lawn mower and other seasonal items. I wanted to make sure that we were following all the rules, so I went to the Holladay City Office to inquire about permitting. I spoke to a very helpful Mr. Robert Hobbs. He informed me that with the size of shed that I was considering that I would not require permit and I just needed to respect the 3 feet setback rules. My wife and I decided on a shed we liked and would work for us and chose a location. We had a concrete pad poured to make sure the shed would be sturdy and level.

On the morning of November 22 2019, the crew from Tuff Shed arrived at our home to start putting up the shed. A short time later, Mr. Greg Kennard from the city showed up and informed the Tuff Shed crew that they would have to stop work on the shed. I was not home at the time, but Mr. Kennard spoke with my wife. When I arrived home from work that day, I contacted Mr. Kennard by phone to inquire about the problem and he informed me the I should speak with Mr. Hobbs. I went to speak with Mr. Hobbs, and he informed that my shed was violating two rules: 1) the shed was too close to the street in the front 2) the shed was not at least 20 feet away from the canal. Again Mr. Hobbs was very helpful and apologetic that he had not asked me more specific questions about the placement of the shed and my specific address when we had our original conversation. He was able to get me the forms I needed for the exception request.

My wife and I are asking for an exception from the city so that we can put up our shed. As mentioned before, the canal makes up a large portion of our property line. With the 20-foot rule, there is no place on our property that the shed would be permitted without an exception from the city. It is my understanding that this rule is in place to prevent debris from contaminating the waterway in case of a flood. The location on our property that we are requesting the shed be placed is at least 6 feet above the water level of the canal so I do not think this would be a problem.

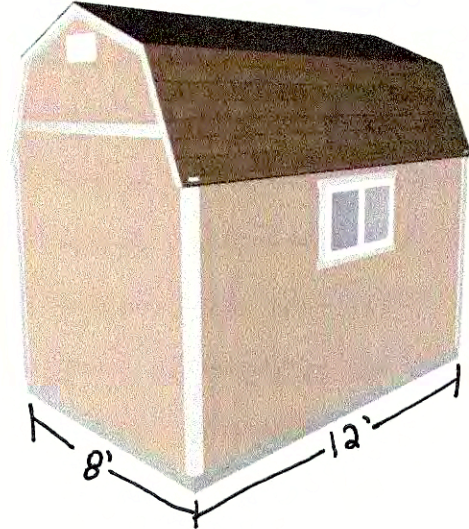
I am looking forward to speaking with you at the hearing, so we answer further questions and offer additional details about the project. I kindly ask that you take our schedule into consideration when you schedule the hearing. We will be out of the country on our honeymoon from December 13 2019, until January 5 2020. We ask that you would schedule the hearing no earlier than January 13 2020.

Thank you for your time and consideration,

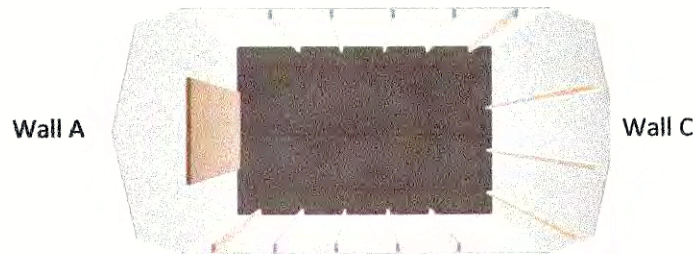
Clayton Runnebohm


**TUFF SHED**

Clayton Runnebohm  
2802 Valley View Ave  
Holladay UT 84117  
Q-309023



Wall D



Wall B

### Base Details

#### Building Size & Style

Premier Tall Barn - 8' wide by 12' long

#### Door

4' x 6'7" Single Shed Door, Left Hinge Placement, In Door Horizontal Transom (4' door), Wainscot

#### Paint Selection

Base: Notorious, Trim: Delicate White, Accent (Doors): Ground Coffee

#### Roof Selection

Golden Cedar 3 Tab

#### Drip Edge

White

### Options Details

#### Windows

3'x2' Horizontal Sliding Window

#### Floor and Foundation

4 Ea Shed Anchor to Concrete - A24 & Wedge Anchor

#### Interior

64 Sq Ft Overhead Loft

#### Vents

2 Ea 16"x8" Wall Vent - White

#### Loft

Wall A&C - Split Loft, 4' Deep Wall A, 4' Deep Wall C

### Jobsite/Installer Details

Do you plan to insulate this building after Tuff Shed installs it?

No

Is there a power outlet within 100 feet of installation location?

Yes

The building location must be level to properly install the building. How level is the install location?

Within 4" of level

Will there be 24" of unobstructed workspace around the perimeter of all four walls?

Yes

Can the installers park their pickup truck & trailer within approximately 200' of your installation site?

Yes

Substrate Shed will be installed on?

Anchored to Concrete with Shed Floor

DocuSigned by:

Customer Signature: \_\_\_\_\_

*Clayton Runnebohm*

Date: 10/14/2019

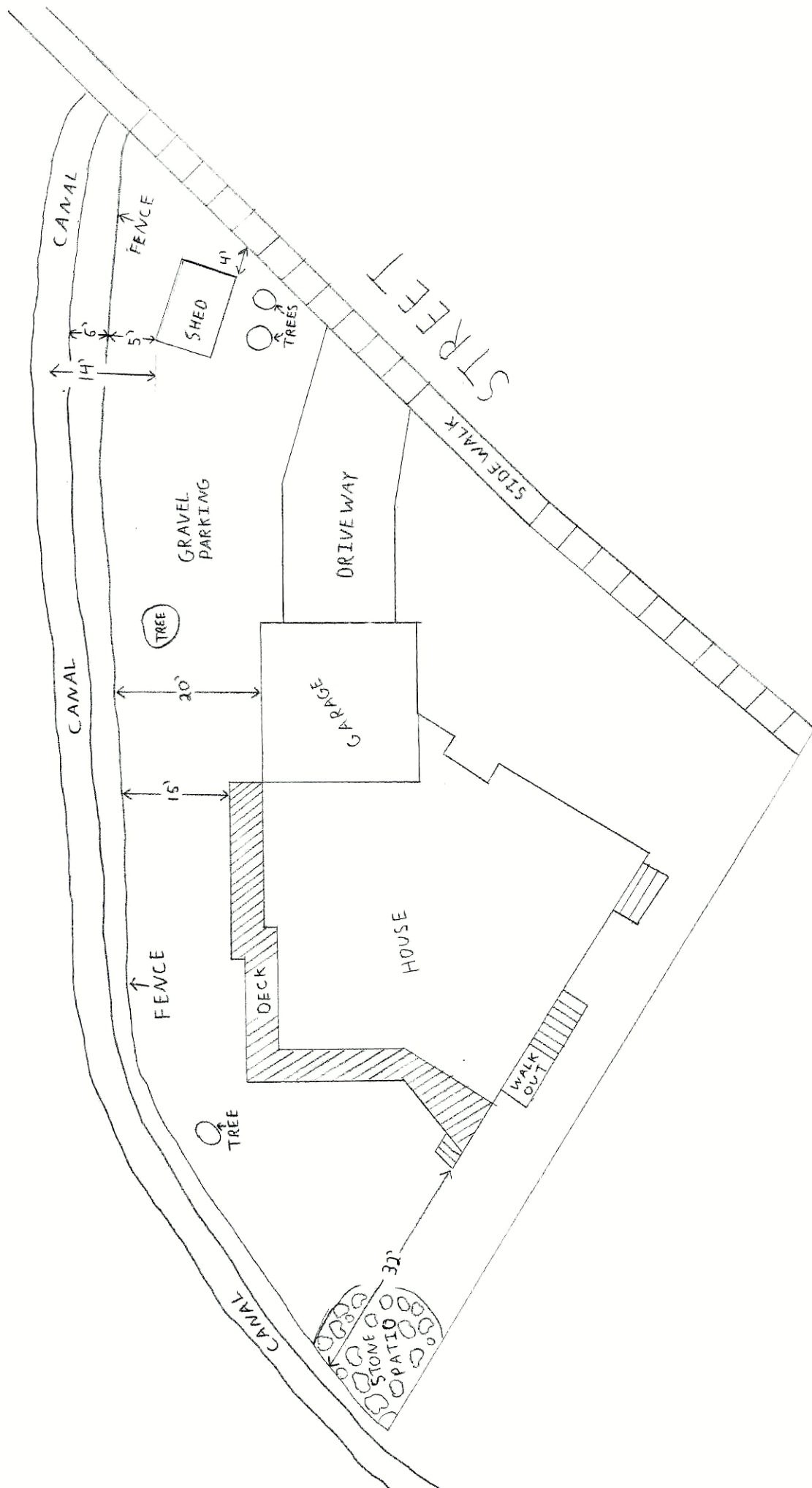
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**13.76.400: DEVELOPMENT NEAR WATERWAYS:**

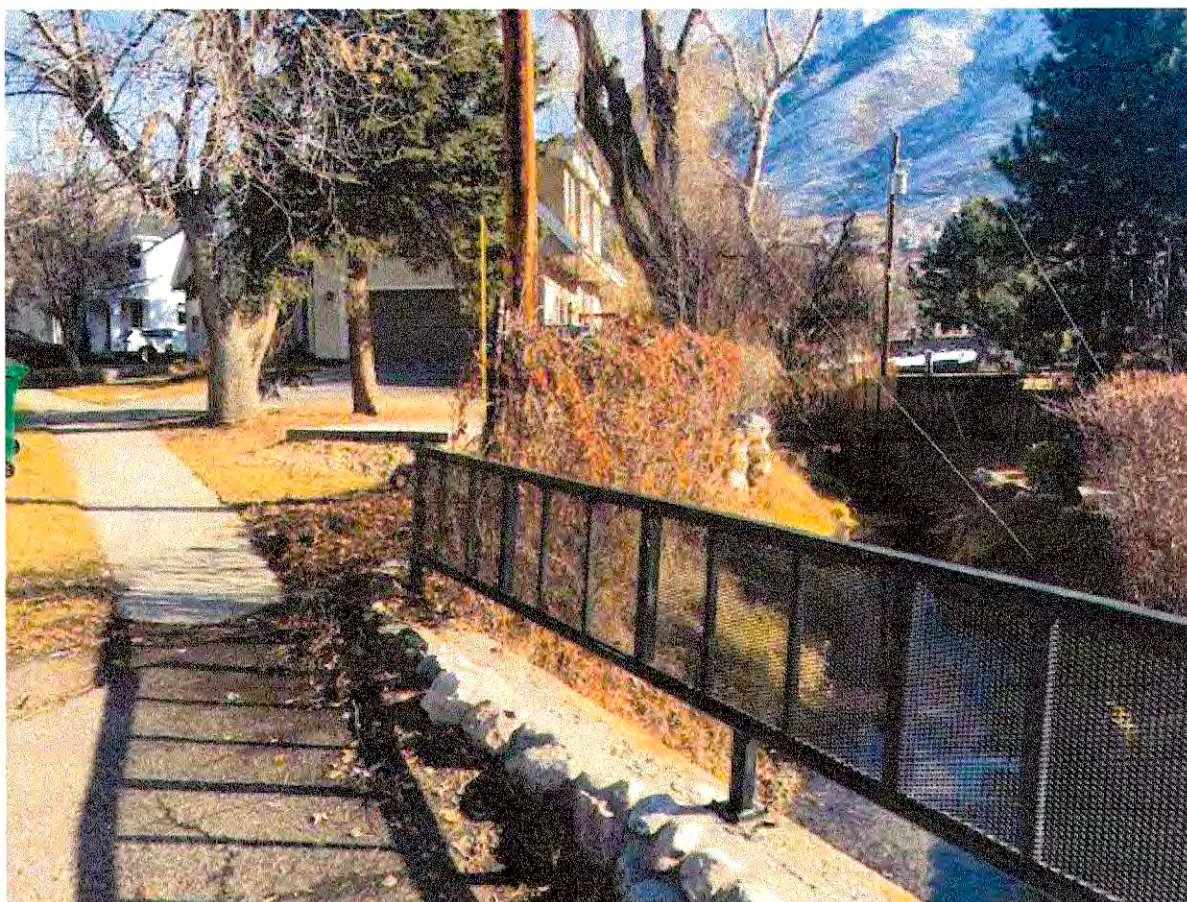
E.G.)  
canal / lateral  
etc.

9

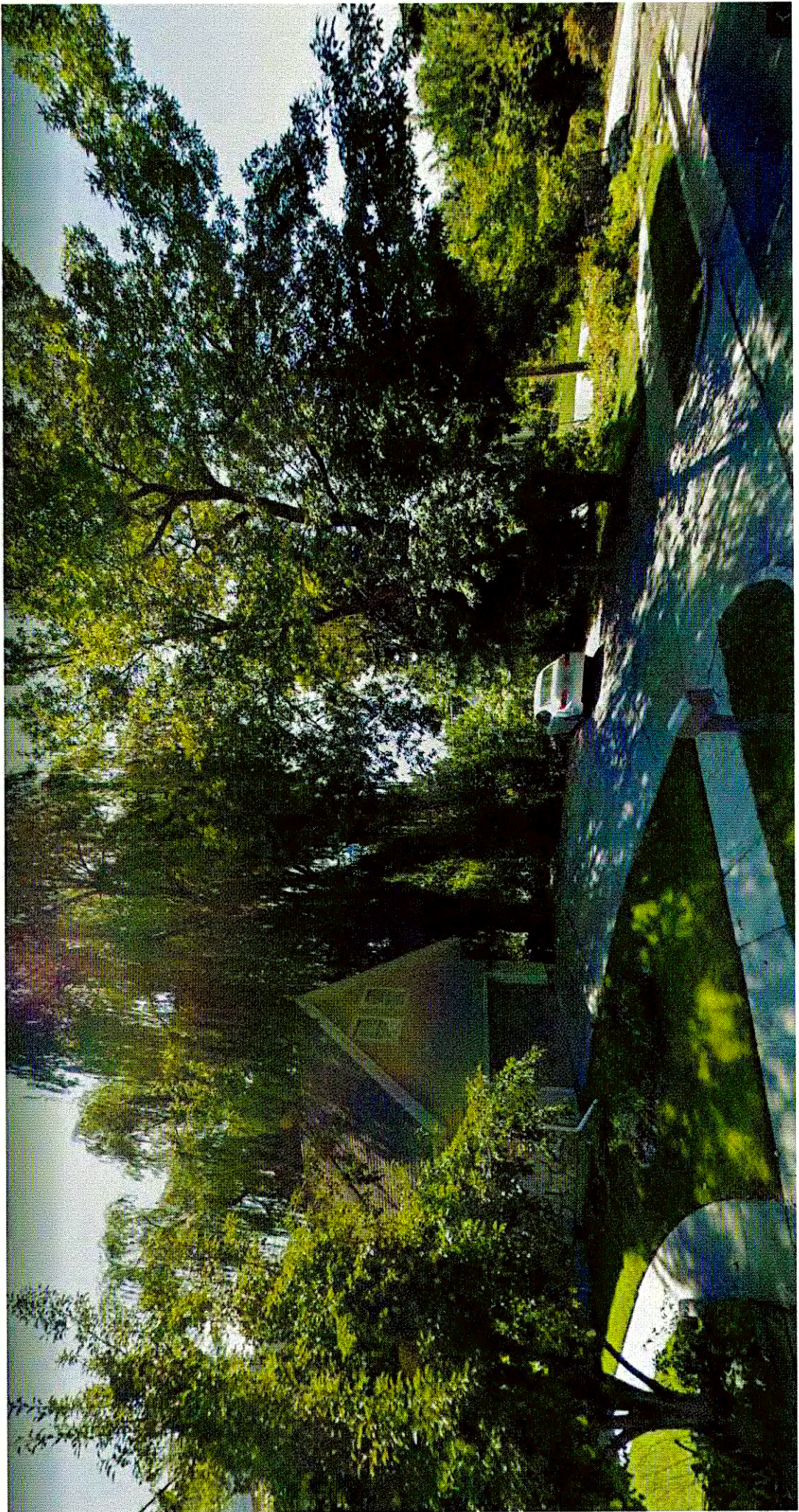
- A. **Buildable Area Requirements:** Any buildable area or portion of a buildable area, fence or structure shall not be closer than twenty feet (20') to any manmade drainage, fifty feet (50') to an ephemeral stream or natural drainage channel, or one hundred feet (100') to a perennial stream. The planning 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.
- B. **Existing Waterways:** 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.
- C. **Piping Of Existing Canals And Ditches:** 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:
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. (Ord. 2014-03, 2-20-2014)

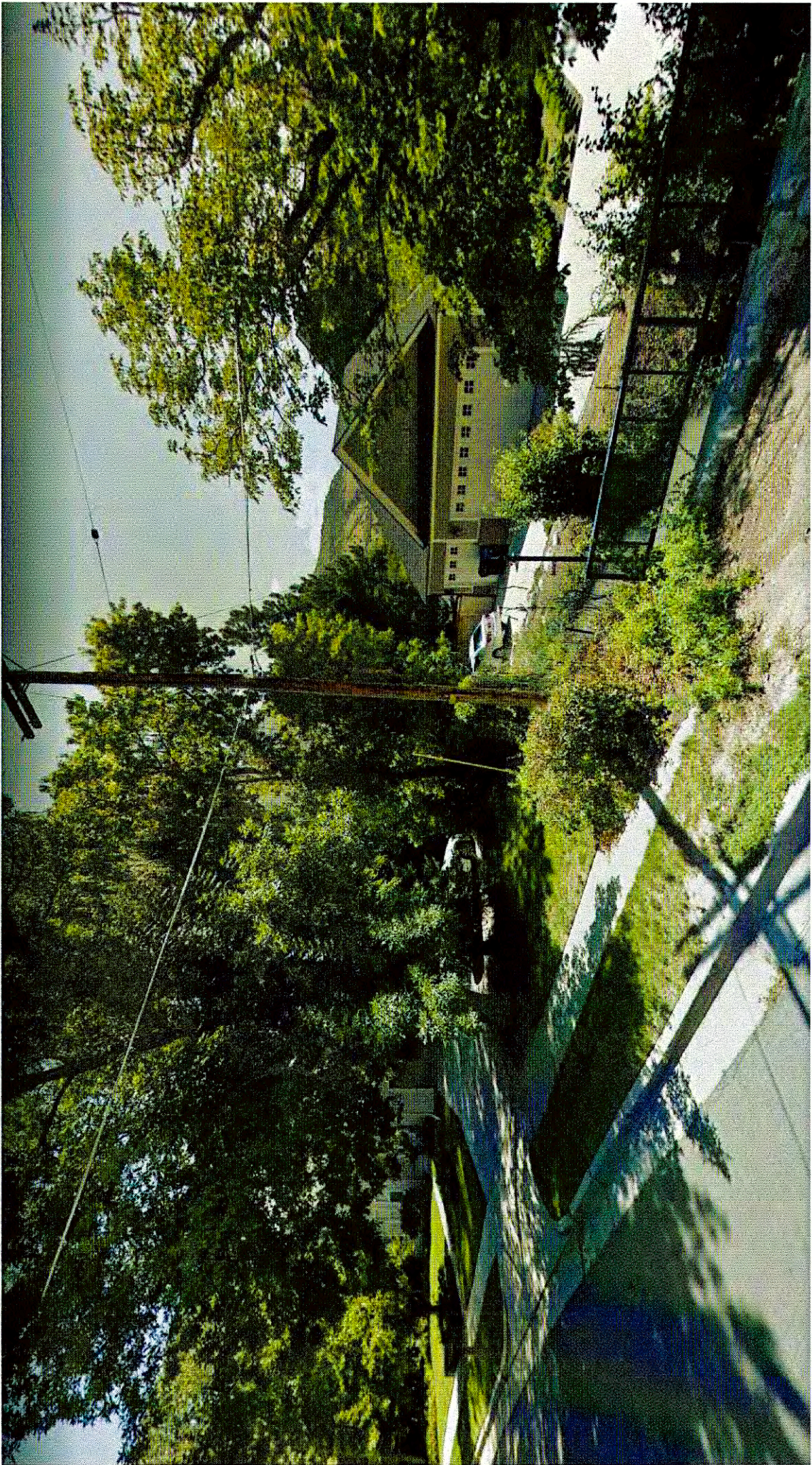












**DRAFT**

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

**Tuesday, September 17, 2019**

**7:00 p.m.**

**Holladay Municipal Center  
4580 South 2300 East**

**ATTENDANCE:**

**Planning Commission Members:**

Marianne Ricks, Chair  
Jan Bradshaw  
Jim Carter  
Chris Layton  
Alyssa Lloyd  
Ann Mackin

**City Staff:**

Paul Allred, Community Development Director  
Jonathan Teerlink, City Planner  
Jared Bunch, City Engineer

**WORK SESSION**

The Work Session was called to order at 6:42 p.m.

Community Development Director, Paul Allred reported on the Moderate-Income Housing Plan and stated that it has been more complicated and difficult than expected. The State provided a link where information was added. Chapter 5 was nearly complete and progress was being made on Chapter 2 of the Land Use Element. More realistic language was being added based on the housing plan requirements of the State of Utah. Mr. Allred pointed out that there have been significant changes to the housing market and state population and demographics since the General Plan was adopted in 2016. A special meeting was scheduled for the following Tuesday from 5:30 p.m. to 7:00 p.m. A draft would be uploaded to the City's website prior to that meeting. The Commission Members would also be provided with a packet containing all of the chapters in advance of the public hearings.

Mr. Allred commented on the agenda item number five regarding the Library rezone and stated that the proposal was to move it from R-2 to P. It was expected to be non-controversial.

With regard to the Cottonwood Mall site, the redlines (corrections) were received back from the applicant earlier in the day. Mr. Allred needed to continue his review of the document to ensure that the oversights are addressed. His major concern was making sure they include the statistical data.

City Planner, Jonathan Teerlink reported that two of the retaining wall issues involved a situation where the contractor had already done the work. The retaining walls that were installed are in violation of the new ordinances. All were built after the ordinance took effect and are subject to the new requirements.

1 Mr. Teerlink explained that with regard to Wren Hollow matter, there was a dispute between two  
2 neighbors. Construction took place over the summer and the issue pertained to retaining fill in a  
3 setback. It was noted that two of the walls are already leaning forward even though they are only a  
4 few months old. Mr. Teerlink explained that when a retaining wall is built within the setback distance,  
5 specific criteria must be met or the Planning Commission must approve it. It was observed that there  
6 is surface water in Wren Hollow. Mr. Teerlink stated that through the middle of the block the  
7 backyards drain into a common swale that continues to the storm drain.

8  
9 Chair Ricks was concerned that the property owners have not retained any of the soil and instead put  
10 boards around the drain, which prevents the water from going down. They should have put soil  
11 retention around the drain rather than walls. Mr. Teerlink stated that the issue is that they do not have  
12 a permit and need to obtain one. It was noted that the walls would not have been approved as built as  
13 they are too high and above the natural grade. Possible options were discussed. At the very least,  
14 Commissioner Lloyd suggested an engineer inspect the walls as they are leaning. City Engineer, Jared  
15 Bunch verified that the wall was not designed by a Structural Engineer and there are sections that  
16 exceed four feet in height that do not comply with the Building Code, which requires the design be  
17 done by a Structural Engineer.

18  
19 The Colony Circle matter was next addressed. It was reported that the neighbors to the east have a  
20 swimming pool on the opposite side of wall. The property line is marked by railroad ties and not the  
21 landscaping timbers that are tipping. The fence was built on top. The new owners do not intend to  
22 construct a fence on top of the retaining wall and understand that an engineering study needs to be  
23 done. It was noted that the same landscaper was used for the Valley View Avenue and Old Colony  
24 Circle properties.

25  
26 The Valley View Avenue matter was next addressed. Mr. Teerlink reported that they went from a  
27 maximum of four-foot tiers to maximum two-foot tiers. The determination was made that for any  
28 retaining wall that is built that is more than two feet tall in the setback, Planning Commission approval  
29 would be required. Chair Ricks commented that the wall will be similar aesthetically to the one on  
30 Kentucky that went by Spring Creek and the canal. It is a steeper lot going down into the canal so they  
31 want to take it as close to the canal as possible and place the fence on top. Mr. Teerlink explained that  
32 any storm water will sheet off into the canal.

33  
34 The Old Colony Circle matter was next addressed. The applicant's landscaper would be addressing the  
35 Commission tonight. The importance of the issue was acknowledged since grade changes can have a  
36 significant negative impact on the neighbors. The importance of property owners communicating with  
37 their neighbors was also stressed.

38  
39 ***Commissioner Mackin moved to adjourn the Work Session. Commissioner Bradshaw seconded the***  
40 ***motion. The motion passed with the unanimous consent of the Commission.***

41  
42 The Work Meeting adjourned at 7:01 p.m.

43  
44 **CONVENE REGULAR MEETING – Public Welcome and Chair Opening Statement.**

45 Chair Marianne Ricks called the Regular Meeting to order at 7:04 p.m. and read the Commission  
46 statement.

1  
2 **PUBLIC HEARINGS**

3 **1. Residential Site Grading Permit – 4822 South Wren Hollow Circle – (R-1-10 Zone).**

4 (19:06:16) City Planner, Jonathan Teerlink reported that agenda items one through three involve  
5 situations where retaining walls have been constructed or proposed to be built within setbacks. These  
6 cases require Planning Commission approval if the retaining wall is used to retain, backfill, or cut a  
7 slope and retain the wall itself. Agenda item number one involves a set of retaining walls that have  
8 been constructed within the setback of the rear yard. The retaining walls are not necessarily intended  
9 to hold backfill, but planting pads down the backside of the lot. The Planning Commission is required  
10 to review retaining walls holding backfilled slopes and anything higher than four feet. Several of the  
11 walls to be discussed are in excess of four feet.  
12

13 The applicant, Craig Metcalf identified himself as the owner of property at 4822 South Wren Hollow  
14 Circle. He stated that a portion of their backyard has always been problematic. In 2012, the City  
15 installed a storm drainage pipe in their backyard and hired the City's contractor to address the slope.  
16 This past May or June, they built some garden boxes using railroad ties to address the issues and step  
17 the property down. He was not aware of any negative impacts to his neighbors. Mr. Metcalf indicated  
18 that the retaining walls were designed by a licensed contractor who had experience building similar  
19 types of structures.  
20

21 Chair Ricks opened the public hearing.  
22

23 A neighbor of the Metcalf's who was speaking off mic and whose name was inaudible reported that his  
24 lot backs the Metcalf's. They have lived in their home for 39 years. The owner of the property in the  
25 rear asked if they were interested in purchasing it. He expressed an interest in purchasing the strip  
26 between his fence line and his sport court, which was 15 to 20 feet behind his property. The Metcalf's  
27 ultimately negotiated to purchase the property behind their home to the fence line and down to the  
28 creek on both sides. The portion of the property that Metcalf's purchased was a conglomeration of  
29 downed trees, piled wood, and grass clippings. The Metcalf's immediately planted lawn and put in a  
30 playground for their grandchildren. This year they tried to modify the area where the walls are.  
31 Previously, that area was a washed-out basin with steep sides that was full of trash running down to the  
32 creek. The work was well done. The neighbor asked that the Commission consider granting a waiver  
33 for the walls that were constructed.  
34

35 Dan Filler gave his address as 4845 South Wren Hollow Circle and reported that he had multiple  
36 opportunities to visit the Metcalf's home and had seen the property in the back. He remarked that they  
37 made good use of the land on the hill, which was previously unusable. It is now very attractive and  
38 Mr. Filler had no objections to it.  
39

40 Chair Ricks reported that the City received an email from Robin Roller who is the neighbor behind the  
41 Metcalf's who did not object to the retaining wall as long as it is structurally sound.  
42

43 Commissioner Mackin referred to a copy of a Notice of Violation from the City indicating that the  
44 applicants were not in compliance. Mr. Teerlink explained that the notice indicated that the retaining  
45 wall was a holding retained slope, which can be no higher than four feet without Planning Commission  
46 approval. The issue was never resolved.

1  
2 Mr. Bunch reported that he visited the site and took the measurements that were included in the  
3 meeting packet. He did not notice that the wood walls were failing or leaning during his initial visit.  
4

5 Alyssa Lloyd reported that she visited the property earlier in the day. She liked the idea of a garden  
6 backyard but was concerned that at least two of the walls are already leaning. She took photos which  
7 showed that they are obviously leaning away from the property, which was of significant concern.  
8 Other significant concerns were raised by a neighbor.  
9

10 There were no further public comments. The public hearing was closed.  
11

12 In response to a question as to whether the retaining walls are structurally sound and comply with the  
13 Building Code, Mr. Bunch stated that there have been no submissions provided, particularly for the  
14 portion that exceeds four feet in height. He pointed out that walls with a height lower than four feet  
15 can fail but there is usually no health or safety risk. Chair Ricks commented that one option is to grant  
16 the exception conditioned upon an engineer certifying that the wall is structurally sound. Mr. Bunch  
17 suggested that the entire wall system be reviewed. Chair Ricks also recommended that the City use the  
18 fine schedule and apply it in this case.  
19

20 Denise Metcalf, the property owner, gave her address as 4822 Red Hollow Circle and asked about the  
21 \$600 fee they paid and questioned whether that was a fine. Mr. Teerlink stated that the \$600 paid was  
22 the application fee. He was unsure what the fine would be. Mrs. Metcalf clarified that when they  
23 received the first notice she spoke with staff and complied with what was requested. They received a  
24 second notice but the paperwork they were asked to complete was extensive.  
25

26 Commissioner Layton commented that too much focus is being placed on a penalty rather than the  
27 positive improvements the Metcalf's have tried to make. The primary issue should be that the  
28 retaining elements be structurally engineered so that they do not fail. A Structural Engineer should  
29 inspect the walls and provide a remedy to ensure that they are designed per the Building Code.  
30 Commissioner Bradshaw suggested that any fines be waived if the Metcalf's have an engineer inspect  
31 the walls and assume any of the costs associated with remediation. Mr. Teerlink indicated that a third-  
32 party engineer would need to be used with verification by the City.  
33

34 (17:28:26) ***Commissioner Mackin moved to approve the Special Exception to the grading standards***  
35 ***for the Metcalf Retaining Wall at 4822 Wren Circle in Holladay subject to the following conditions:***  
36

- 37 1. ***The applicants shall apply for a building permit within 60 days.***
- 38
- 39 2. ***Supplementary to the permit shall be the submittal of engineered structural***  
40 ***calculations for the walls required by the City's Building Inspector and City***  
41 ***Engineer. The Metcalf's shall have a third-party qualified engineer visit the property***  
42 ***and determine whether the wall is structurally sound or needs to be remediated. That***  
43 ***shall be verified by City staff.***  
44

1 **Commissioner Bradshaw seconded the motion. Vote on motion: Jan Bradshaw-Aye, Ann Mackin-**  
2 **Aye, Alyssa Lloyd-Aye, Chris Layton-Aye, Jim Carter-Abstained, and Chair Marianne Ricks-Aye.**  
3 **The motion passed unanimously with one abstention.**  
4

5 **2. Residential Site Grading Permit – 2808 East Valley View Avenue – (R-1-10 Zone).**

6 (19:33:06) Mr. Teerlink presented the staff report and stated that the wall was built in the setback. It is  
7 not a retaining wall and is intended to hold back the slope. He explained that any type of retaining  
8 wall system regardless of height is intended to be backfilled and any grade change is required to obtain  
9 Planning Commission approval. Staff approved the site plan associated with the home that originally  
10 did not include a retaining wall system. Currently, the home is being finished and a retaining wall  
11 system near the upper canal facility is being proposed.  
12

13 The applicant, Alan Baugh reported that the wall was desired to flatten out the grade in the backyard.  
14 Much of the existing material consists of railroad ties, tires, and other debris. The intent was to clean it  
15 up. The applicants were frustrated and there has been a lot of back and forth with the City. In the  
16 process of excavating and landscaping, the existing retaining wall was removed. The Baugh's were  
17 ultimately required by the City to sink their home 18 inches, which resulted in a walk-out basement.  
18 They were told they were not allowed to change the exit from the home into the backyard. The City  
19 wanted the Baugh's to create a retention pond in the backyard, which was problematic but necessary  
20 for them to obtain an occupancy permit. The neighbor's home was built higher and dirt was to be  
21 placed around the foundation, which will result in a slope on all sides including the one next to the  
22 Baugh's property. Mr. Baugh stated that their property has become a hole where water from adjoining  
23 properties will collect.  
24

25 With respect to the existing chain link fence next to the canal, Mr. Baugh stated that they would like to  
26 keep it. It runs the length of the canal. Their goal is to take the retaining wall down to the edge of the  
27 canal. It was noted that the retaining wall is next to the canal. The intent was for the retaining wall to  
28 be four feet above the chain link fence. Possible options were to be discussed. Specifics of the site  
29 were discussed. Chair Ricks was concerned that there is a lot of backfill on the site so the grade has  
30 changed. Mr. Teerlink explained that anytime there is backfill to build a retaining wall to change the  
31 grade Planning Commission approval is required.  
32

33 Chair Ricks opened the public hearing.  
34

35 Clayton Runnebohm gave his address as 2802 East Valley View Avenue and is a neighbor to the west.  
36 He addressed the lower retaining wall that joins their properties. Because of the grade, the existing  
37 fence will not prevent someone from falling into the canal and is in poor condition. Grade issues were  
38 discussed.  
39

40 It was noted that the retaining wall that was there previously consisted of tires and concrete. It was  
41 built in the 1950s and 1960s and had been removed. The applicants are now putting in a real retaining  
42 wall where a garbage retaining wall once was. It was clarified that the grade is not being changed from  
43 what it was previously. Commissioner Layton observed that one section shows a significant amount of  
44 backfill against the retaining wall.  
45

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

1  
2 In response to a question raised, Mr. Baugh stated that he spoke to his neighbor across the canal that  
3 will be the most impacted. She did not object to what is proposed.  
4

5 Commissioner Bradshaw did not object to the wall as long as it is structurally sound. Mr. Baugh was  
6 reminded that he needs to retain his own storm water.  
7

8 (17:58:36) **Commissioner Lloyd moved to recommend approval of the Special Exception to the**  
9 **Grading Standards for property located at 2808 East Valley View Avenue subject to the following**  
10 **condition:**  
11

- 12 1. **The applicant shall apply for a building permit and do a cut sheet detail system**  
13 **supplied to the City in advance.**  
14

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

19 **3. Residential Site Grading Permit – 2875 East Old Colony Circle – (R-1-10 Zone).**

20 (20:01:11) Mr. Teerlink presented the staff report and stated that in this case a retaining wall system is  
21 being used to retain a cut slope. Whenever a slope is cut and retained, the maximum is four feet  
22 without Planning Commission approval. The applicants intended to go higher than four feet. The  
23 applicant's contractor reported that there is a cutout along the property line on the east side. There is  
24 also some old existing retaining on the north side. They were proposing to retain the cut out on the  
25 east side and build new retaining along the north side. There are sections of the wall that exceed four  
26 feet.  
27

28 In response to a question raised, the applicant, Mia Meier stated that they spoke to the neighbor to the  
29 east who had no objections as long as the old railroad ties remain for additional security. It was noted  
30 that there are railroad ties on the north side of the lot on the east side. The Meier's intend to leave  
31 those and put the wall in front of them. As they go further back there is another set, which gives the  
32 appearance of two retaining walls of railroad ties. One of them is leaning and will be removed. The  
33 substance to be used is called Redi-Rock. Mr. Bunch indicated that he had not yet reviewed what is  
34 proposed but suggested it be a condition of approval. At the highest point, it was noted that the  
35 maximum exposed height of the retaining wall will be 5.5 feet, which is nearly at grade with the  
36 bottom of the fence.  
37

38 Chair Ricks opened the public hearing. There were no public comments. The public hearing was  
39 closed.  
40

41 Chair Ricks wanted assurance that what is built has been reviewed and approved by the City Engineer.  
42

43 (20:09:29) **Commissioner Lloyd moved to recommend approval of the Special Exception to the**  
44 **Grading Standards for the property located at 2875 Old Colony Circle subject to the following**  
45 **conditions:**  
46

- 1           **1.     The applicant shall apply for a building permit together with any requisite engineered**  
2           **structural calculations for the wall as required by the City's Building Inspector**  
3           **and/or City Engineer.**

4  
5     **Commissioner Mackin seconded the motion. Vote on motion: Jan Bradshaw-Aye, Ann Mackin-**  
6     **Aye, Alyssa Lloyd-Aye, Chris Layton-Aye, Jim Carter-Aye, and Chair Marianne Ricks-Aye. The**  
7     **motion passed unanimously.**

8  
9     (20:11:16) **Commissioner Carter moved to address agenda item number five next followed by the**  
10    **agenda as printed. Commissioner Lloyd seconded the motion. The motion passed with the**  
11    **unanimous consent of the Commission.**

12  
13    **4.     Holladay Hills (Cottonwood Mall Site) – Conceptual Site Plan – Mixed-Use.**

14    (20:12:38) The renderings of Blocks B and C were displayed. Steve Peterson from Millrock Capital  
15    gave his address as 6147 South Verness Cove, Holladay. He reported that Block B contains the  
16    existing Macy's building. As a Holladay resident, he thanked the Commission for the time they spend  
17    on behalf of the community. Mr. Peterson explained that Holladay Hills is being developed in  
18    partnership with Millcreek Capital and the Woodbury Corporation. The Cottonwood Mall site served  
19    the community for 50 years and was torn down and repurposed in 2008. The buildings that were torn  
20    down were ground up and remain on the site. There was groundbreaking in 2008 at which time  
21    General Growth Properties owned the property and spent \$25 million in site improvements including  
22    installation of the existing bridges, mass grading, and remodeling of the Macy's building.

23  
24    Mr. Peterson explained that the Cottonwood Mall site has always been an economic engine for the  
25    community. There are few commercial sites that generate a good revenue stream as this one will. That  
26    was taken into account when the City incorporated. He remarked that it is important for the financial  
27    viability of the City.

28  
29    The developers were seeking conceptual site plan approval for Blocks B and C. There are 13 blocks  
30    total in the overall project. Because of the existing entitlements, they are required to come before the  
31    Planning Commission for each block to receive conceptual site plan approval. Preliminary and final  
32    approval can be granted by the Planning Commission or delegated to staff. At least one public hearing  
33    per block is required. The developers are allowed to construct up to 614 residential units and 772,000  
34    square feet of commercial. They invited their urban planners to take the plan to the next level and  
35    identified uses within each block. Features of the site were described. With the existing Macy's  
36    Building, it was proposed that there be an atrium in the middle of the building to bring light in. They  
37    were excited about the design, which will enhance the overall site. At the same time they will be  
38    repurposing the building. Mr. Peterson showed a rendering of the proposed building.

39  
40    Mr. Allred explained that in 2007, Macy's was unwilling to walk from the site so their lease had to be  
41    honored. As a result, the large parking lot to the west of Macy's near the Highland Drive/Murray  
42    Holladay Road intersection was shown in the current Site Development Master Plan ("SDMP"). Now  
43    that Macy's is gone it may soon be time to amend the overall concept in order to eliminate the parking  
44    lot. Chair Ricks was concerned about such a prominent corner being a parking lot long-term. Mr.  
45    Peterson stated that at some point a user may want to locate there. At that point, they will come to the

1 City and seek permission to consider placing a tenant or tenants there. There will be adequate parking  
2 elsewhere on the site if that area is lost as parking.

3  
4 Mr. Allred reported that notice was sent to every property owner within 500 feet of the project. The  
5 developer also held the required neighborhood meeting and submitted information on who was present  
6 and what was discussed. The Macy's building will be a state-of-the-art medical technology training  
7 building, which staff considered to be an excellent reuse of the building. It was noted that the fill  
8 material from the previous buildings was used to bring the site out of the flood plain. Staff was  
9 pleased overall with what was presented for both the hotel and the repurposing of the Macy's building.  
10 There was, however, some detail still missing on the site plan. Staff was concerned about whether  
11 what is proposed is within the tolerances that are allowed. Mr. Peterson was asked to provide the  
12 square footages as they pertain to Block D and the total.

13  
14 Mr. Allred commented on parking and stated that the plan does not show the three-story parking deck.  
15 None of the tables on any of the site plans showed parking. On Block D, the applicants were asked to  
16 provide tables showing the correct height, the number of parking stalls as they relate to the SDMP, and  
17 the square footage. Mr. Allred was initially concerned with the height since at one point the drawings  
18 indicated that the buildings were 90 feet tall to the roof. The cross-sections clearly show that the  
19 roofline is about 80 feet and that the rooftop area is not enclosed, which is what the SDMP allows.  
20 There was no height issue with the Macy's building because it is well below 90 feet even with the  
21 additions on the roof. The hotel building was expected to be 90 feet tall. Mr. Allred stated that the  
22 buildings follow the SDMP requirements in terms of architecture, height, and parking.

23  
24 Mr. Allred stated that the purpose of tonight's meeting was to consider conceptual approval only. At  
25 the time of preliminary site plan, the developers will present grading, drainage, and utility information.  
26 Staff recommended the Commission grant conceptual approval tonight for Blocks B and C. Mr. Allred  
27 introduced Block C, which is the hotel block. One of the key elements is that it has two full stories of  
28 parking beneath the building. He asked Mr. Peterson to ensure that the pads are adequately parked for  
29 each of the blocks or that there is parking within a reasonable distance.

30  
31 With regard to frontage roads, Mr. Allred explained that the conceptual plan shows a frontage road on  
32 the Highland Drive side. The original conceptual plan showed it as a vehicular access. They believe  
33 that that road, because it is in the overall concept plan, has to be shown. The question was whether it  
34 has to be two-way traffic. At the next stage, the City will work with their traffic consultant and the  
35 applicant to make that determination. One of the oversights in the conceptual site plan was that for the  
36 hotel, the road had been removed for the overall site. Therefore, those roads were not available for  
37 traffic. The intent was to keep traffic on the main spine.

38  
39 Mr. Allred stated that if the Commission is so inclined, they could grant conceptual approval subject to  
40 the corrections mentioned by staff. He was pleased that the plan presented is high quality and meets or  
41 exceeds what was envisioned for the site.

42  
43 A question was raised about the plaza area near the hotel. Mr. Peterson stated that they are trying to  
44 make it very pedestrian-friendly. Their intent is to create gathering areas there. He mentioned the  
45 park, which is significant because the community can enjoy it. They want to provide a gathering area

1 for the community. In terms of timing, they hope to begin work on the site at the end of this year or  
2 the first quarter of 2020.

3  
4 Chair Ricks opened the public hearing.

5  
6 Charles Wheatley gave his address as 5006 South Wander Lane and was pleased with the proposed  
7 plan. He considered the intersection at Murray Holladay and Highland Drive to be mediocre at best.  
8 What is proposed will improve that situation. He is personally acquainted with Steve Peterson, the  
9 Woodbury's, and the users of Building B, and they are people of integrity.

10  
11 Chair Ricks reported that written comments were received from Kelvyn Cullimore who expressed his  
12 support for the project.

13  
14 Deanne Foster, a Cottonwood Heights resident, expressed support for the proposed project and had  
15 fond memories of the Cottonwood Mall. As a newlywed, Mrs. Foster lived in Holladay and loves the  
16 area. She was sad to see the Mall torn down but was pleased to see what is proposed.

17  
18 Kelvyn Cullimore gave his address as 2143 Worchester Drive in Cottonwood Heights. He  
19 commended Mayor Dahle for being a great mayor. As the former Mayor of Cottonwood Heights, Mr.  
20 Cullimore stated that he tried very hard to get the project in Cottonwood Heights. Since they were not  
21 successful, Holladay was the next best option. Mr. Cullimore reported that he serves as the President  
22 and CEO of BioUtah, which is the trade association for life science companies in the State of Utah. He  
23 stated that the life science industry is the fastest growing in the country. This development will  
24 become part of that life science family, which provides over 45,000 jobs that pay 50% more than the  
25 average wage in the state and contributes nearly \$13 billion in the gross domestic product on a general  
26 basis. This is the type of business that is very desirable in that they contribute a great deal but are very  
27 low impact. The public amenities will be beneficial and the jobs generated will be long-term. He  
28 noted that life science jobs last a very long time. The development group is well backed financially  
29 and will provide space for other life science companies, which will benefit the City now and in the  
30 future.

31  
32 Mark Crockett gave his address as 4336 Wander Lane and stated that in spite of wanting to see the  
33 property developed for years, he was opposed to the previous proposals. He reported that when he  
34 served on the County Council, they dedicated \$19 million to the clean-up of the site to ensure that  
35 General Growth Properties got the credit for it. He was not in favor of putting any more tax dollars  
36 into the site. He was fully in support of the project if no more tax dollars are put toward it and it is a  
37 good development. Mr. Crockett expressed his support.

38  
39 Steve Glaser gave his address as 2052 East Arbor Lane and was pleased that the Macy's building is  
40 being repurposed and not torn down. He hoped to see a running tally as various areas are conceptually  
41 approved.

42  
43 There were no further public comments. The public hearing was closed.

44  
45 (20:54:44) ***Commissioner Carter moved that the Planning Commission approve the Conceptual Site***  
46 ***Plan for Blocks B and C subject to the following conditions:***

- 1
- 2 **1. Clarification details on bridges, parking stall dimensions, required setback from buildings to**
- 3 **the Creek (top of bank) of the previously approved Stream Protection.**
- 4
- 5 **2. Tracking of developed space per block against the SDMP approved totals. That information**
- 6 **shall be made public.**
- 7
- 8 **3. The frontage road shall remain and shall be shown on preliminary plats where there will be**
- 9 **ongoing discussions about how that will be managed and for what purpose.**
- 10
- 11 **4. Subject to the corrections and clarifications proposed by staff.**
- 12

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

16

17 **5. Salt Lake County Library Rezone from R-2 to P – 4681 South Highland Drive.**  
18 **(20:11:49) Commissioner Bradshaw moved to recommend approval to the City Council of a rezone**  
19 **for the Library at 4681 South Highland Drive from R-2 to P zone. Commissioner Lloyd seconded**  
20 **the motion. Vote on motion: Jan Bradshaw-Aye, Ann Mackin-Aye, Alyssa Lloyd-Aye, Chris**  
21 **Layton-Aye, Jim Carter-Aye, and Chair Marianne Ricks-Aye. The motion passed unanimously.**

22

23 **6. Holladay Village Zone Land Use Ordinance Amendment – 13.71.80 Maximum Height**  
24 **Regulations.**

25 The above matter was tabled.

26

27 **7. Approval of Planning Commission Meeting Minutes – 8/06/19.**

28 (20:57:03) The minutes were reviewed.

29

30 (20:59:18) **Commissioner Bradshaw moved to approve the minutes of Tuesday, August 6, 2019, as**  
31 **corrected. Commissioner Lloyd seconded the motion. Vote on motion: Jan Bradshaw-Aye, Ann**  
32 **Mackin-Aye, Alyssa Lloyd-Aye, Chris Layton-Aye, Jim Carter-Aye, and Chair Marianne Ricks-Aye.**  
33 **The motion passed unanimously.**

34

35 **DISCUSSION ITEMS**

36 **8. Continued Discussion of Moderate-Income Housing Plan – Draft Update.**

37 The above matter was tabled to a special meeting scheduled for September 24, 2019, at 5:30 p.m.

38

39 **ADJOURN**

40 **Commissioner Lloyd moved to adjourn. Commissioner Bradshaw seconded the motion. The motion**  
41 **passed with the unanimous consent of the Commission.**

42

43 The Planning Commission Meeting adjourned at approximately 9:00 p.m.

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, September 17, 2019.*  
3

4 Teri Forbes

5 Teri Forbes

6 T Forbes Group

7 Minutes Secretary

8

9 Minutes Approved: \_\_\_\_\_

*DRAFT*



**Request: DISCUSSION OF PROPOSED ZONE ORDINANCE, “HOLLADAY CROSSROADS”**

**Applicant:** City of Holladay

**Staff:** Paul Allred, Rob Hobbs

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**GOVERNING POLICIES/ORDINANCES:** 13.07.030 REVIEW PROCEEDURES FOR LEGISLATIVE PROCEDURES

---

The recent open houses regarding the proposed Holladay Crossroads Zone were successful on terms of quality of input and in the level of interest shown by those in attendance. The events were held in the John Holladay room in the lower level of City Hall.

The open house for the business owners was sparsely attended, but, those who attended stayed for a significant amount of time asking questions. The event for the residential property owners in the vicinity was attended by approximately 30-40 people. Several large graphic displays were used to present overall concepts of the zone.

Here are just some of the many questions and issues raised by the neighbors:

- Traffic patterns. Would there be a roundabout? How about slowing traffic down? Traffic is already difficult now with left hand turns. Won't this new zone make things worse?
- Please do not allow for a hotel use in this zone/location. Alcohol uses should be carefully considered in this zone and state and local laws should be carefully enforced to limit impact on the neighborhood. Please keep alcohol uses away from the existing neighborhood homes. City must avoid a similar situation as previously with Maggie McGee's. Commercial kennel should not be allowed due to noise, smell, etc., issues. No short term rentals (STR) uses should be allowed.
- Lighting should be for “dark sky” compliant. Please limit the amount of light for the new zone.
- Can we require or create a walkway along the canal to soften the impact of the new uses on the backyards of abutting neighbors?
- No chain link fencing should be allowed on the perimeter of the new development – any kind of barriers should be sturdy and noise reducing and of ample height to limit impact of the new development on the neighbors.
- Building heights up to 65' feet are too tall and should be reduced overall? Neighbors don't want their views blocked by new taller buildings.
- What is the major difference(s) between the existing C-2 zone and the new HCR zone? Why is this new zone being proposed now? Why wasn't the boundary of the HCR extended to the south to include other properties?
- There should be a public bathroom provided somewhere in this area.
- Future bus stop shelters need to be done tastefully and made to be inviting to transit riders. The present ones are embarrassing and deter people from taking the bus.
- Safety for pedestrians, cyclists must be a major priority. Create the opportunity for people to ride, walk to this area of the City. Coordinate non-motorized transportation here.
- No crematory use should be allowed on the property.
- Lower speed limits both in and around this property on 6200 S. and Highland Drive.
- Make sure trash collection for uses along the buffer area is done
- What is the overall density allowed on the property? There will not be enough parking – please make sure that cars will not be allowed to park in the abutting neighborhoods or on 6200 South or Highland Drive as this will pose a serious public health hazard.
- What is reason for the development of this new zone? Didn't the city voters deny this zone already?

In summary, these are among the many questions that were raised at the most recent event by the neighborhood. The business owners, while fewer in number, expressed significant support for the new zone and raised general concerns about how to retain their property rights if they chose not to re-develop at this time. They asked about parking and building height allowances, among other things. Staff will report more fully on their event shortly.

Staff seeks PC direction on moving forward to refine the HCR in preparation for continuing the hearing on February 4<sup>th</sup>.

---

# 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 district within the City. Accordingly, its governing regulations are structured to allow for mixed use and to serve as a critical transportation node for the City of Holladay within Holladay. The HCR Zone is currently the second most valuable economic center in the City and contributes a sizable portion of all the city sales revenues to its budget. 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 positioned along the City's most prominent gateway, the HCR redevelopment area must create a sense of "arrival" to those entering its confines by foot or automobile 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 HCR area will not be initiated by the City, but rather considered when submitted only from by 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 in part 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 be limited to commercial and service uses including restaurant and retail use only -- save small street level lobby areas that lead to upper story uses. (See Chart 13.66.1) Exception: Small street level lobby areas that lead to upper story uses. However, it is not the intent of the HCR Zone 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 within the area devoted to HCR Zone may become non-conforming 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

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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~~ Primary uses of property that are, and shall be, allowed to be developed and/or operated within in the HCR zone shall be as set forth in ~~section 13.100~~ chapter 13.100, "Appendix A - Allowed Uses", of this title.
- B. Conditional Uses: Primary uses of property that may be allowed to be developed and/or operated within the HCR Zone upon issuance by the City of a Conditional Use Permit are identified in section 13.100; "Appendix A – Allowed Uses" of this title. 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 primary property uses may be established within the same building or on the same lot or parcel. If any of the such proposed uses are a require conditional use approval, that use shall be reviewed and approved by the planning commission as required by section 13.08.040 of this title.
- D. Prohibited Uses: Property uses that are not allowed (i.e., are prohibited) within the HCR Zone are, and shall be, as listed in section 13.100; "Appendix A" of this title. 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.

---

87 **13.66.050: ACCESSORY USES:**

88  
89 Permitted and conditional uses set forth in chapter 13.100, "Appendix A – Allowed Uses", of this title  
90 shall be deemed to include accessory uses and activities that are necessarily and customarily  
91 associated with and incidental and subordinate to such primary uses allowed by chapter 13.100,  
92 "Appendix A – Allowed Uses", of this title.  
93

94 Permitted Accessory Uses: Accessory uses of property that are, and shall be, allowed to be  
95 developed and/or operated within in the HCR zone shall be as set forth in section 13.100 "Appendix  
96 A - Allowed Uses", of this title. Furthermore:

- 97 A. Accessory uses shall be subject to the same regulations that apply to permitted and  
98 conditional uses in the zone except as otherwise expressly provided in this title
- 99 B. No accessory use, building or structure shall be allowed on a lot or parcel unless a  
100 primary permitted or conditional use is currently established on the parcel except as  
101 allowed by section 13.09.020 of this Title.
- 102 C. Specific accessory uses allowed in the HCR zone are as set forth in chapter 13.100,  
103 "Appendix A - Allowed Uses", of this title. (Ord. 2012-15, 9-20-2012)

104 **13.66.060: NON-CONFORMING DEVELOPMENT:**

105  
106 Notwithstanding any contrary provision set forth in chapter 13.88 of this title, any permitted or  
107 conditionally approved use of property or operation thereon within the HCR Zone, an existing  
108 permitted or conditional use which that does not conform to the development standards and design  
109 guidelines set forth in this chapter may be continued; provided, however, that any expansion of such  
110 use and/or operation which will not increase the floor area of a structure wherein the use is housed  
111 the premises, any interior remodel which includes more than fifty percent (50%) of the a structure; or  
112 any change in use that requires a change of occupancy type under the applicable the City's adopted  
113 building or safety code(s) shall be subject to the development standards and design guidelines set  
114 forth in this chapter. (Ord. 2012-15, 9-20-2012)

115 **13.66.065: RELOCATION OF EXISTING USES WITHIN THE ZONE:**

- 116  
117 A. For the purposes of redevelopment, existing uses established within the HCR zone may:  
118 a) be allowed to relocate and continue the use on the same parcel or lot or on another  
119 parcel or lot within the HCR zone by approval of the Planning Commission and b) are  
120 exempt from the provisions of Chapter 13.88 of this title.  
121
- 122 B. Approval of the relocation or continued and continuance of use does not exempt the use  
123 from the other provisions of the HCR zone. (Ord. 2013-26, 10-10-2013)  
124

125 **13.66.070: PROJECT APPROVAL PROCEDURES:**

126  
127 All project/site plans for new development and construction and/or remodeling of existing structures  
128 within the HCR zone shall be approved by the Planning Commission, including available  
129 recommendation from the DRB, as required by applicable sections of Title 13 of the Holladay Code.

130 All project/site plans for new development, construction and/or remodeling of existing structures  
131 within the HCR zone shall be [first] approved by the Planning Commission. The Commission's  
132 review of any new structures associated with (a) proposed use(s) shall require that a project be first

reviewed by the City's Design Review Board and a recommendation from that body be obtained/provided to the Board. Furthermore:

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. Any 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 set forth in 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 Bulk Regulation/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 the following chart 13.71.1 (13.66.1) of this section shall apply in the HCR zone....

CHART 13.66.1

| Development Standard                                                             | Amount                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|----------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Front Setback (Build-to line) -- For property fronting on a public right-of-way. | Maximum allowed setback/separation from a ROW line: is shall be 10 feet                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Right-of-Way Encroachments Exception: of way encroachments                       | Exception: Ornamental architectural features such as including, but not limited to: arcades, canopies, awnings, light fixtures, balconies, cornices, etc., sitting areas, and subsurface intrusions (e.g., such as footings and foundations) may be allowed by the City to protrude encroach into the public right-of-way, provided they do not interfere with the normal use of the right-of-way. [Note: 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, non-conforming-- Expansion into (a) non-conforming setback(s)     | Structural Expansion and remodeling permitted so long as [further] worsening of (a) non-conforming setback(s) situation is not expanded. does not occur                                                                                                                                                                                                                                                                                                                                                                                                           |
| Side/Rear Setbacks                                                               | None Not required (0'); Exception: except for pProperty(ies) in the HCR Zone that directly abutting abut residentially zoned property(ies); For such property, shall employ the same setback offset distance to property line (i.e.,                                                                                                                                                                                                                                                                                                                              |

|                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                                                                                                                                                   | side yard to side yard or rear yard to rear yard ) shall be the same as that of the abutting already established on the abutting residentially zoned property(ies). and including compliance with graduated height regulations.                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Rear Setback                                                                                                                                                                                                                                                                                                      | None, except when abutting residential property the setback shall be the same as that of the abutting zone.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Setback from Canals, Laterals                                                                                                                                                                                                                                                                                     | Minimum allowed shall be 20 feet                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Impervious Surface Coverage, maximum                                                                                                                                                                                                                                                                              | None No minimum or maximum percent (%) requirements -- Subject to buffering requirements in section 13.77 or as determined necessary by the Planning Commission.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Building Width, maximum                                                                                                                                                                                                                                                                                           | No minimum or maximum measurement is required requirement                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Building Height: 1 (For buildings proposed beyond 200 feet of an abutting residentially zoned property) Maximum height <sup>1</sup> , 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 | 65 feet maximum [Note: Maximum height <sup>1</sup> , includes screened mechanical equipment but excludes: 1) chimneys of 6 feet or less in height; 2) architecturally compatible elevator shafts 10 feet or less in height; or, 3) gables 4 feet or less in height.]                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Building Height: 1 (For buildings proposed within 200 feet of an abutting residential zone(s) boundary)                                                                                                                                                                                                           | 32 feet, maximum - Subject to graduated height limitation from property lines, -- see illustration in Section Figure 13.66.3.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Land use for floor space abutting major streets<br><br>Land Use Limitation: Floor Space Abutting Collector or Arterial Rights-of-Way                                                                                                                                                                              | Within 60 feet of major streets, as shown on figure 13.66.2 of this section, the ground level floor space shall be limited to Primary: Retail, Service and Entertainment uses and the associated required parking (13.100 Appendix A— Allowed Uses)<br><br>Ground level building(s) floor space within 60 feet from a collector or arterial right-of-way (i.e., street) line (as depicted by Figure 13.66.2 hereafter) shall be limited to occupancy by businesses identified by Appendix A of this title as [being] "Primary", and, either "Retail" or "Service" or "Entertainment" type uses. Exception: Small, lobby entrances directly accessing upper story uses may be permitted |

by the City.

Notes:

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)

FIGURE 13.66.1. *Reserved*

FIGURE 13.66.2 HCR Ground ~~floor use map~~ Floor Use Map

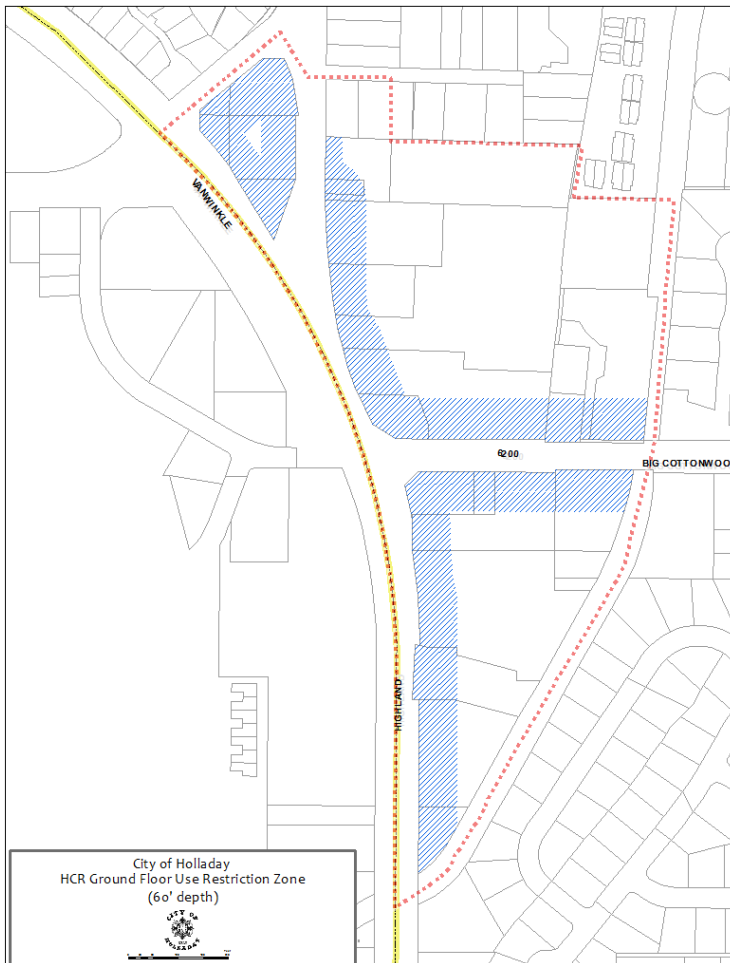
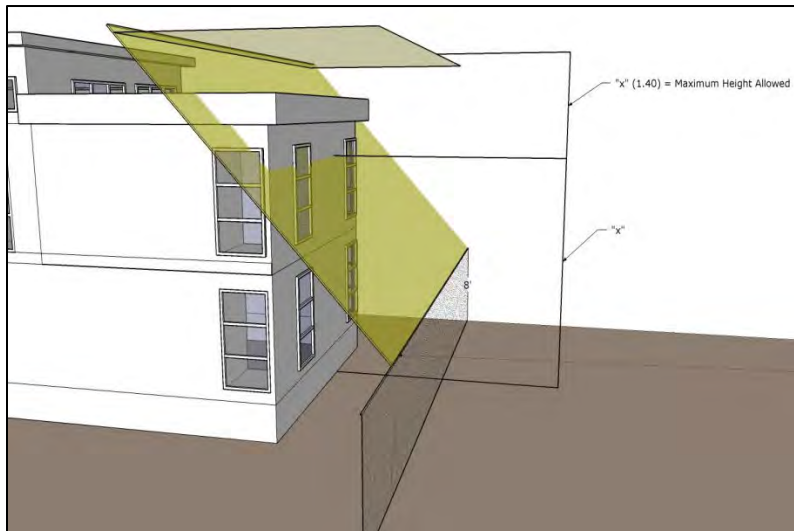


FIGURE 13.66.3 GRADUATED HEIGHT ENVELOPE ILLUSTRATION



May I suggest that this paragraph be re-worded to be clearer? Maybe we [also?] need to add in or amend a chart in(to) the parking chapter that calls out specific parking standards for the HV and HCR Zones?

B. Parking Requirements: Due to the potential for future mass transit options that may be made available within the HCR Zone given its proximity to I-215, and Highland Drive and the Van Winkle Expressway, and to allow for efficient parking and ample building footprints, the parking requirements for the HCR zone shall be allowed at a maximum 125% of the minimums required for the Holladay Village zone (HV) including allowances for shared parking analysis and parking partnerships.

C. Landscaping: Although landscaping is, and shall not be, not required by the base HCR zone standards except within the buffer areas where a property abuts a residential zone or property. Notwithstanding, in cases where a use is conditionally approved by the Planning Commission to occupy space and operate within the HCR Zone, the Commission may require emplacement of landscaping. All installed landscaping in the HCR zone shall comply with the applicable relevant planting and maintenance provisions regulations that govern governing landscaping and buffering in chapter 13.77 section 13.77 of this title in addition to provisions of the Tree Canopy Sustainability Ordinance.

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 apply to properties within the HCR Zone with the exception that "crown" signs may be used for buildings, either single or multi-tenant, with that are 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:

1. Pedestrian scale light fixtures should be incorporated into the site design to give visual variety from one building to the next and should blend with the architectural style.
2. All lighting shall be LED only.
3. All building entrances should be appropriately lit to provide inviting access and safety.
4. Building mounted lights and display window lights shall contribute to lighting of walkways in pedestrian areas.
5. Parking area light fixtures should be limited in height and designed to confine emitted light to the parking area.
6. Neon lighting may be used as a lighting element, provided that the tubes are concealed and are an integral part of the building design. Neon tubes used to outline the building are prohibited. (Ord. 2014-15, 8-21-2014)

J. Utility Lines: All new utility lines (e.g., such as electric, telephone, CATV, or other similar) lines serving individual sites emplaced in the HCR Zone shall be (where feasible in conjunction with new construction [projects] that require (a) building permit(s) and site re-design) be placed underground. Where feasible, utility lines necessary within the property shall be placed underground. All utility lines shall be placed underground in new construction projects that require building permits and site redesign. All junction and access boxes shall be located to the side or the rear of the building unless public safety concerns dictate otherwise. All utility pads shall be shown on the project plan. Any utility connections, meter boxes, etc., shall be integrated with the architectural elements of the project plan. (Ord. 2012-15, 9-20-2012)

K. Buffer Standards for Proposed Development Abutting Residential Property Not In the HCR Zone: (See Chart 13.66.1.) Buffer standards of the HV zone, as stated in section 13.71 of this title, shall [be made to] apply to [new] development(s) proposed to abut residentially zoned property not in (i.e., outside of) the HCR Zone, except as may be modified as necessary by the Planning Commission during site plan review.

L. New Fencing: In conjunction with any new construction on a property within the HCR Zone, a six-foot (6') high screening wall or fence shall be constructed along the any property line which is the boundary between the HCR zoned property being developed and an abutting residentially zoned property not in the HCR Zone. Such fence or wall should include design and other decorative elements consistent with the design of the new building. This requirement may be waived, decreased, increased or modified by the Planning Commission if it can be demonstrated that existing walls or fences provide the desired buffering and aesthetic effect or can be altered to do so.

- M. Façade: A primary or accessory building or structure shall not have a single, unbroken façade longer than fifty feet (50') in span.
- N. Trash: No trash receptacle or storage area shall be located closer than fifty feet (50') from to a residence residential dwelling unit/structure located on an abutting property not in the HCR zone unless located within a fully enclosed building.
- O. Outdoor Dining: Any are or facility for outdoor dining space shall be constructed in a manner which visually obscures the facility dining area from any abutting residential property and which protects the residential property from noise and light emanating from the facility dining space.
- 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 their presence or operation does do 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 STANDARDS:

- A. Purpose: This section establishes design [review] standards guidelines intended to improve the quality and compatibility of development in the HCR zone. Design Guidelines standards 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 Standards using the words "shall" are mandatory. Guidelines Standards 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.
  3. Sidewalk Clearance: 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.
  4. Pedestrian ADA Access: All plazas, arcades and open-air seating shall provide handicapped access. (Ord. 2012-15, 9-20-2012)
- C. 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.

As you know, "shall" works better/achieves more than "should". I would remove all "shoulds" and place them in a design guideline book[let], and, keep "shalls" in the code to implement the "shoulds"

Shouldn't we  
should define  
"minimized" or  
assign a metric as  
a standard?

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)

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

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

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

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

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

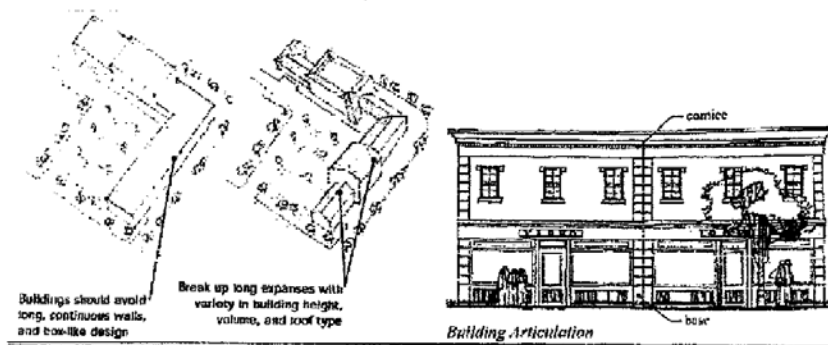
(1) A ten foot (10') minimum **step-back** of the vertical plane of the building on the third story, second and third stories, or all stories; or

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



*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).



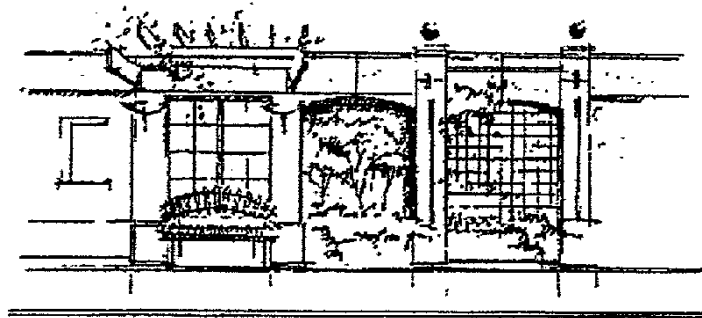
3. Streetscape Perspective: All building fronts should provide features that are designed to be consistent with pedestrian activity and that provide a variety of architectural interest and detail that can be viewed from both vehicular and pedestrian perspective.



*Public Street Scene*



- 345 4. Facade Embellishment: All building elevations readily visible from public view  
346 shall provide consistency in architectural design elements/embellishments. In  
347 addition, a contiguous building wall (longer than 50 feet) shall have a building  
348 element, **dividing to visually divide** the facade **visually** (which may include  
349 windows, a recessed entrance or other appropriate variations).  
350



- 351  
352
- 353 5. Shading for Pedestrians: At least twenty percent (20%) of walls facing sidewalks  
354 or other pedestrian accessible space shall be architecturally treated with a  
355 shade/weather protecting element such as an awning, arcade, trellis,  
356 overhanging architectural feature consistent with the overall building architecture.
- 357 6. Primary Entrances: Primary entrances to commercial buildings shall be recessed,  
358 providing a shaded area that helps to define doorways and provide shelter for  
359 pedestrians. Repetition of recessed entries should also be used to provide a  
360 rhythm of shadows along the street to help establish a sense of scale. Entrance  
361 doors should be topped with transom windows to extend the vertical emphasis of  
362 these openings.
- 363 7. Maintaining an Expression Line: Upper stories of buildings should maintain an  
364 expression line along the facade such as a setback, change of material, or a  
365 projection to reduce **the** perceived building mass.
- 366 8. Consistency of Architectural Style: All buildings should have an articulated base  
367 course and cornice ornamented with details consistent with the chosen  
368 architectural style. The middle section of the building is suggested to be divided  
369 either horizontally or vertically in a manner consistent with the selected style.  
370 Buildings may have upper story features which improve the relationship between  
371 the upper story and the street. Such features include, but are not limited to,  
372 balconies, roof decks, bay windows or upper story commercial activities.
- 373 9. Mixing of Styles: A compatible mix of architectural styles for the Holladay  
374 Crossroads is acceptable providing that some basic design features which  
375 complement each other are present throughout the site.

376 a. In order to encourage design consistency, all major new construction shall  
377 include at least three (3) of the following elements on the street facing  
378 facades:

---

380 (1) Window and door treatment which embellishes the facade;

381

382 (2) Decorative light fixtures;

383

384 (3) Unique facade treatment, such as decorative materials and design

385 elements;

386

387 (4) Decorative paving;

388

389 (5) Trellises, railings, gates, grillwork, or unique landscaping;

390 b. The DRB and TRC may recommend other elements in place of the above

391 for approval by the Planning Commission.

392 10. Oriented to the Corner: Buildings on corner lots should be oriented to the

393 corner. Corner entries and/or architectural treatment should be used to

394 emphasize the corner.

395 11. Emphasis of HCR Identity: Any main building located at the intersection of

396 Highland Drive and 6200 South should have prominent scale and iconic design

397 to emphasize the importance of this vital gateway of Holladay as indicated in the

398 SAMP.

399 12. Window and Door Designs: Windows and doors shall be used to define the

400 character of buildings by giving scale to the building and providing visual interest

401 to the composition of individual facades. Distinct window and door designs

402 should be used to help define building styles. Articulated, transparent facades

403 shall be created along vehicular and pedestrian rights of way, including display

404 windows as a link between both vehicles and pedestrians and activities in the

405 building.

406 a. In keeping with the intent of these design guidelines, the following shall

407 apply to any street level building facade:

408 (1) Major new construction shall have at least fifty percent (50%) of

409 the length of the ground floor facade between the height of two feet

410 zero inches (2'0") and eight feet zero inches (8'0") devoted to

411 windows and doors affording views into retail, office, or lobby space.

412 (2) Highly tinted or mirrored glass windows, shades, blinds or screens

413 that prevent pedestrian view into buildings shall not be permitted.

414 b. Windows on the second or third level should be vertically proportioned in

415 favor of verticality, and, the design of surrounding window casing, the depth

416 and profile of window sash element, and the material of which they are

417 constructed should be distinctly associated with the specific building style.

418 c. Awnings and ground level canopies should contribute to the architectural

419 theme of a the structure to which they are [to be] affixed and shall be

420 integrated within the a building's design. Awnings should be constructed of

421 traditional materials and located over windows and doors.

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

424 e. Retractable and fixed awnings are encouraged and allowed.

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

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

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

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

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

440

441 (1) Painted, stained or weathered wood siding such as, 4-S shingles,  
442 board and batten and clapboard;

443 (2) Artificial wood siding such as painted Cementous fiberboard;

444 (3) Brick or natural stone;

445 (4) EIFS (synthetic stucco) (not more than 50 percent of all exterior  
446 finished surfaces);

447 5) Stucco, but as a minority material;

448 (6) Synthetic stone; and

449 (7) Architectural finish or decorative faced concrete masonry units  
450 (CMUs). No portion of a building constructed of standard CMUs shall  
451 be visible from an existing public right of way. Exposed concrete walls  
452 should be architecturally treated. The enhancement must include joint  
453 treatments, textured concrete such as exposed aggregate, sandblast  
454 and/or colored concrete, or other decorative finishes.

455 (~~8~~). Beveled metal siding, mirrored glass, vinyl siding and backlit  
456 awnings should not be used.

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

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- a. A variety of roof types and configurations should be used to add interest and reduce perceived building bulk.
  - b. Use of sidewalk porticoes and roof overhangs is allowed and encouraged.
  - c. Roof materials should be in keeping with the character of the architectural style of the building. Recommended roof materials include slate shingles, asphalt and fiberglass shingles, metal standing seam or tiles.
  - d. Crickets or other snow guard devices should be placed in such a way that does not alter the form of the roof as seen from the street.
  - e. Decorative roof accessories such as cresting, ridge caps, and finials may be used.

16. Building Color(s):

- a. A harmonious range of colors should be used within the Holladay Crossroads Zone.
- b. Neon or very bright colors, which have the effect of unreasonably setting the building apart from other adjacent buildings on the street shall not be used.
- c. Bright colors should be used only for trim and accents.
- d. The TRC may recommend approval of bright colors if the use is consistent with the building design and other design requirements.

17. Service Areas: See standards in 13.71.

18. Mechanical units, utility equipment, elevator equipment and telecommunication receiving devices located on the roof should be grouped together, incorporated into the roof design, thoroughly screened and not be allowed to exceed the height limits as allowed in Chart 113.66.1 of this chapter. (Ord. 2012-15, 9-20-2012) Such equipment located on the ground next to a building shall be screened from public view by use of landscaping or small screen walls/fences.

F. Fencing:

- 1. Only decorative solid walls (e.g., masonry, pre-poured concrete panel inserts, etc.) or black, wrought-iron [including simulated wrought iron] fencing shall be used upon any commercially used property(ies) within the HCR Zone.
- 2. Only decorative solid walls (e.g., masonry, pre-poured concrete panel inserts, etc.) or black, wrought-iron [including simulated wrought iron] fencing shall be used on/along the external boundary/property lines of land within the HCR Zone.

## Chapter 13.100 APPENDIX A - ALLOWED USES

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

| Use                                                                            | HCR | ORD | C-1 | C-2 | HV  | PO  | R/M-U    |
|--------------------------------------------------------------------------------|-----|-----|-----|-----|-----|-----|----------|
| <b>Accessory Uses*</b>                                                         | -   |     |     |     |     |     |          |
| Alcoholic beverage retail sales <sup>14</sup>                                  | -   |     |     |     |     |     | See SDMP |
| Bar establishment                                                              | PC  | C   | -   | C   | -   |     |          |
| Bar establishment, equity                                                      | PC  | C   | -   | C   | -   |     |          |
| Bar establishment, fraternal                                                   | PC  | C   | -   | C   | -   |     |          |
| Brewery                                                                        | PC  | C   | -   | C   | -   |     |          |
| Off premises                                                                   | P   | -   | P   | P   | P   |     |          |
| On premises banquet and catering                                               | P   | C   | -   | C   | P   |     |          |
| On premises beer retailer                                                      | P   | P   | -   | P   | P   |     |          |
| Restaurant - beer only                                                         | P   | P   | P   | P   | P   |     |          |
| Restaurant - full service                                                      | P   | P   | P   | P   | P   |     |          |
| Restaurant - limited service                                                   | P   | P   | P   | P   | P   |     |          |
| Single event permit                                                            | P   | P   | P   | P   | P   | P   |          |
| Drive-through                                                                  | C   | P   | C   | P   | -   |     |          |
| Family food production                                                         | -   | -   | -   | -   | -   |     |          |
| Flea market/farmers' market                                                    | P   | -   | P   | P   | P   |     |          |
| Guesthouse and/or caretaker quarters                                           | -   | -   | -   | -   | -   |     |          |
| Home daycare/preschool                                                         | -   | -   | -   | -   | -   | C3  |          |
| Home daycare/preschool, small                                                  | -   | -   | -   | -   | -   | P4  |          |
| Home occupation                                                                | C   | -   | -   | -   | -   |     |          |
| Household pets                                                                 | P   | -   | -   | -   | -   |     |          |
| Livestock, large                                                               | -   | -   | -   | -   | -   |     |          |
| Livestock, small                                                               | -   | -   | -   | -   | -   |     |          |
| Merchandise vending machine, outside                                           | P   | -   | P   | P   | P   |     |          |
| Mobile food trailer                                                            | P18 | P   | P   | P   | P   |     |          |
| Mobile food truck                                                              | P18 | P   | P   | P   | P   | C18 |          |
| Outside dining                                                                 | C   | C   | C   | C   | C   |     |          |
| Outside display                                                                | P   | -   | P   | P   | P   |     |          |
| Outside storage                                                                | -   | -   | C   | C   | -   |     |          |
| Permanent cosmetics                                                            | P   | p14 | p14 | p14 | p14 | c14 |          |
| Resource recycling collection                                                  |     | p8  | p8  | p8  | -   |     |          |
| Seasonal sales                                                                 | P13 | p13 | p13 | p13 | p13 |     |          |
| Short term rental                                                              | -   | -   | -   | -   | -   |     |          |
| Sportsman's kennel, cattery, animal hobby permit                               | -   | -   | -   | -   | -   |     |          |
| Stable, private                                                                | -   | -   | -   | -   | -   |     |          |
| Temporary buildings incidental to construction, & living quarters for security | P13 | p13 | p13 | p13 | p13 | c13 |          |
| Temporary sales/use                                                            | P13 | -   | p13 | p13 | -   |     |          |

| Use                                                     | HC<br>R | OR<br>D | C-<br>1 | C-<br>2 | HV | PO  | R/M-<br>U |
|---------------------------------------------------------|---------|---------|---------|---------|----|-----|-----------|
| <b>Primary Uses</b>                                     |         |         |         |         |    |     |           |
| Agriculture:                                            | -       |         |         |         |    |     | See SDMP  |
| Agriculture                                             | -       | -       | P       | P       | -  |     |           |
| Entertainment and recreation:                           | -       |         |         |         |    |     | See SDMP  |
| Arcade                                                  | -       | -       | -       | P       | -  |     |           |
| Auditorium, exhibit hall, convention center             | -       | P       | C       | P       | -  |     |           |
| Motion picture theater, live theater                    | P       | -       | P       | P       | -  |     |           |
| Private nonprofit recreational grounds and facilities   | -       | -       | C       | C       | -  | C   |           |
| Professional, fraternal and social association          | P       | -       | P       | P       | -  | P   |           |
| Recreation, commercial, indoor                          | P       | -       | P       | P       | -  |     |           |
| Recreation, commercial, outdoor                         | -       | -       | C       | C       | -  |     |           |
| Recreation, fitness center                              | P       | -       | P       | P       | P  | C14 |           |
| Industrial and manufacturing:                           | -       |         |         |         |    |     | See SDMP  |
| Building materials sales and services                   | P       | -       | P       | P       | -  |     |           |
| Disinfecting and exterminating                          | -       | -       | -       | C       | -  |     |           |
| Educational and scientific research, medical/dental lab | P       | P       | P       | P       | -  | P   |           |
| Landscaping installation and maintenance                | -       | -       | P       | P       | -  |     |           |
| Light Manufacturing and Assembly                        | C       | C       | C       | C       | -  |     |           |
| Planned unit development:                               | -       |         |         |         |    |     | See SDMP  |
| Mixed-use planned unit development                      | P       | -       | C       | C       | C  | C   |           |
| Nonresidential planned unit development                 | P       | C       | C       | C       | -  | C   |           |
| Residential planned unit development                    | -       | -       | -       | -       | -  |     |           |
| Public:                                                 | -       |         |         |         |    |     | See SDMP  |
| Cemetery                                                | -       | -       | -       | -       | -  |     |           |
| Charter school                                          | P       | -       | -       | -       | -  | P   |           |
| Educational facility, public                            | -       | -       | -       | -       | -  |     |           |
| Public use                                              | -       | -       | -       | -       | -  |     |           |
| Quasi-public use                                        | -       | -       | -       | -       | -  |     |           |
| Residential:                                            | -       |         |         |         |    |     | See SDMP  |
| Bed and breakfast                                       | -       | -       | P       | P       | P  |     |           |
| Dwelling:                                               | -       |         |         |         |    |     |           |
| Live/work                                               | P       | -       | -       | -       | -  |     |           |
| Multiple-family                                         | P       | -       | p14     | p14     | P  |     |           |
| Single-family                                           | -       | -       | -       | -       | -  |     |           |
| Two-family                                              | -       | -       | -       | -       | -  |     |           |
| Group homes:                                            | -       |         |         |         |    |     |           |
| Assisted living facilities, type I:                     | -       |         |         |         |    |     |           |
| Large                                                   | C       | -       | -       | C       | -  |     |           |
| Small                                                   | -       | -       | P       | P       | -  |     |           |
| Limited                                                 | -       | -       | P       | P       | -  |     |           |
| Assisted living facilities, type II:                    | -       |         |         |         |    |     |           |
| Large                                                   | C20     | -       | -       | C       | -  |     |           |
| Small                                                   | -       | -       | P       | P       | -  |     |           |
| Limited                                                 | -       | -       | P       | P       | -  |     |           |
| Nursing home                                            | -       | -       | -       | -       | -  |     |           |

|                                                         |                                                                |     |                                    |     |     |     |   |          |
|---------------------------------------------------------|----------------------------------------------------------------|-----|------------------------------------|-----|-----|-----|---|----------|
|                                                         | Residential facilities for persons with a disability           | -   | -                                  | -   | -   | P   |   |          |
|                                                         | Residential facility for elderly persons                       | -   | -                                  | -   | -   | -   |   |          |
|                                                         | Temporary lodging, hotel, motel, etc.                          | P   | P                                  | C   | P   | P   |   |          |
| Retail:                                                 |                                                                | -   |                                    |     |     |     |   | See SDMP |
|                                                         | Drugstore (pharmacy)                                           | P   | P                                  | P   | P   | p16 |   |          |
|                                                         | Gas station                                                    | C   | C                                  | C   | C   | -   |   |          |
|                                                         | Groceries/food                                                 | P   | C                                  | P   | P   | -   |   |          |
|                                                         | Mobile food court                                              | -   | C                                  | C   | C   | C   |   |          |
|                                                         | Motor vehicle sales, rental (new only)                         | C20 | -                                  | -   | C   | -   |   |          |
|                                                         | Motorcycle sales, rental                                       | C20 | -                                  | -   | P   | -   |   |          |
|                                                         | Neighborhood market, large                                     | P   | -                                  | P   | P   | P   |   |          |
|                                                         | Neighborhood market, small                                     | P   | -                                  | P   | P   | P   |   |          |
|                                                         | Nursery, garden center                                         | -   | -                                  | P   | P   | -   |   |          |
|                                                         | Recreational vehicles sales, rental                            | -   | -                                  | -   | C   | -   |   |          |
|                                                         | Restaurant                                                     | P   | P                                  | P   | P   | p16 |   |          |
|                                                         | Retail, general                                                | P   | C                                  | P   | P   | p16 |   |          |
|                                                         | Sexually oriented business                                     | -   | C                                  | -   | -   | -   |   |          |
| Services:                                               |                                                                | -   |                                    |     |     |     |   | See SDMP |
|                                                         | Banking and credit                                             | P   | P                                  | P   | P   | -   | P |          |
|                                                         | Commercial daycare, preschool                                  | P12 | p12                                | p12 | p12 | p12 | C |          |
|                                                         | Commercial kennel                                              | C   | -                                  | C   | C   | -   |   |          |
|                                                         | Commercial stable (on lots of 1 acre or more)                  | -   | -                                  | -   | -   | -   |   |          |
|                                                         | Dry Cleaning <sup>15</sup>                                     | C19 | -                                  | P   | P   | -   |   |          |
|                                                         | Educational facility, private                                  | P   | C                                  | C   | C   | -   | P |          |
|                                                         | Equipment rental and leasing                                   | -   | -                                  | P   | P   | -   |   |          |
|                                                         | Funeral home, crematory                                        | C   | -                                  | P   | P   | -   |   |          |
|                                                         | Hospital                                                       | C   | C                                  | -   | C   | -   |   |          |
|                                                         | Laundry, self- service                                         | -   | -                                  | P   | P   | p16 |   |          |
|                                                         | Medical, dental, and related health                            | P   | -                                  | P   | P   | P   | P |          |
|                                                         | Motor vehicle repair                                           | -   | -                                  | C   | P   | -   |   |          |
|                                                         | Nonresidential treatment facility                              | -   | -                                  | -   | -   | -   | C |          |
|                                                         | Personal service                                               | P   | P                                  | P   | P   | p16 | C |          |
|                                                         | Pet grooming/pet daycare                                       | P   | -                                  | P   | P   | p16 | C |          |
|                                                         | Professional offices and business services                     | P   | P                                  | P   | P   | P   | P |          |
|                                                         | Reception center                                               | C   | -                                  | P   | P   | -   |   |          |
|                                                         | Small engine repair, appliance, electrical, and machine repair | -   | -                                  | C   | P   | -   |   |          |
|                                                         | Veterinary services                                            | P   | -                                  | P   | P   | -   |   |          |
| Transportation, communications, and utility facilities: |                                                                | -   |                                    |     |     |     |   | See SDMP |
|                                                         | Local, suburban and interurban transportation                  | P   | P                                  | P   | P   | -   |   |          |
|                                                         | Public parking                                                 | P   | P                                  | P   | P   | P   | P |          |
|                                                         | Radio and television broadcasting studio                       | C   | C                                  | C   | C   | -   |   |          |
|                                                         | Utility company, public                                        | P   | P                                  | P   | P   | -   | P |          |
|                                                         | Utility facility company                                       | P   | P                                  | P   | P   | -   | P |          |
|                                                         | Wireless telecommunications                                    | P   | SEE TELECOMUNICATION SECTION 13.83 |     |     |     |   |          |

Note

S:

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

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1. See section [13.76.240](#), "Animal And Fowl Restrictions", of this title.
  2. See section [13.76.715](#), "Bed And Breakfast", of this title.
  3. See section [13.76.720](#), "Home Daycare/Preschool", of this title.
  4. See section [13.76.725](#), "Home Daycare/Preschool, Small", of this title.
  5. See section [13.76.730](#), "Home Occupation", of this title.
  6. See section [13.76.735](#), "Short Term Rental", of this title.
  7. Reserved.
  8. See section [13.76.750](#), "Resource Recycling Collection Facility", of this title.
  9. See section [13.14.110](#), "Accessory Buildings", of this title.
  10. Provided the area is not in a watershed area.
  11. Subject to [title 8](#), "Animals", of this code.
  12. See section [13.76.260](#), "Commercial Daycare/Commercial Preschool Facilities", of this title.
  13. See sections [13.76.250](#), "Temporary Sales/Seasonal Sales Permit", and [13.76.501](#), "Temporary Uses", of this title.
  14. When accessory to a permitted or conditional use.
  15. Subject to well source protection ordinance.
  16. May not exceed 10,000 square feet of gross floor area.
  17. By contract with public entity only.  
(Ord. 2014-15, 8-21-2014; amd. Ord. 2015-17, 12-10-2015; Ord. 2016-03, 3-17-2016; Ord. 2018-06, 5-17-2018)
  18. Subject to [Section 13.76.770 "Mobile Food Businesses"](#)
  19. Drop off and pick up only
  20. Indoor display, sales and service only
  21. Restricted district only.

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