



**PLANNING COMMISSION
MEETING AGENDA**

April 7, 2020

City Council Chambers – 4580 S 2300 E

***The Planning Commission will be conducting this meeting by electronic means, in accordance with the Utah Open and Public Meetings Act, as currently modified by Executive Order of the Governor of the State of Utah. All documents are available on the website or are linked in this agenda. You can listen to the meeting at:**

**Zoom meeting- <https://us04web.zoom.us/j/686572244>
Meeting ID: 686 572 244**

6:30 PM CONVENE MEETING – Public Welcome & Chair Opening Statement

ACTION ITEMS

- 1. Approval of Minutes – 1/21, 2/4, 2/18 and 3/3**

DISCUSSION

- 2. Ordinance Amendment – 13.76 Grading and Use of Retaining Walls**
- 3. Community Development Department Update – Paul Allred, Community Dev. Director**

ADJOURN

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

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

TTY/TDD users should call 7-1-1

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

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

DRAFT

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

Tuesday, January 21, 2020

7:00 p.m.

**Holladay Municipal Center
4580 South 2300 East**

ATTENDANCE:

Planning Commission Members:

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

City Staff:

Jonathan Teerlink, City Planner
Robert Hobbs, City Planner

CONVENE REGULAR MEETING – Public Welcome and Chair Opening Statement.

Chair Marianne Ricks called the Regular Meeting to order at approximately 7:00 p.m. and read the Commission statement.

PUBLIC HEARINGS

1. Continued- Residential Site Grading Permit – 4932 South Waimea Way – (R-1-10 Zone).

Chair Ricks opened the public hearing.

Rita Wright gave her address as 4931 Naniloa Drive and reported that she is employed by another city. She recognized the importance of volunteers such as the Planning Commission Members. She reported that in 1967, her father, who was a realtor in Salt Lake City, took the family to Shadow Mountain Estates in Holladay and described it as the most beautiful place in the Salt Lake Valley. She referenced Holladay Code Section F, which describes the character of the area and the beautiful views of Mt. Olympus. Ms. Wright became concerned when her neighbor showed her the proposed concrete wall and fence that will stand far beyond the grade and fence line. Ms. Wright stated that the proposed project will impede the view of Mt. Olympus for her and her neighbors.

Rick Jensen gave his address as 4941 Naniloa Drive and stated that he lives behind the home of Nicholas Tanga. The original proposal was for a six-foot fence but in reality it will exceed eight feet and is not in compliance with the Holladay Code. It also ends in a strange location. He considered the best scenario to be for the fence to continue to his property line although doing so would impact Ms. Wright's view. His second choice was an angled fence. Mr. Jensen's preference aesthetically was for it to be a full fence. Renderings of the site were displayed. Possible alternatives and details were discussed.

1 The applicant, Nicholas Tanga, gave his address as 4032 Waimea Way and confirmed that staff visited
2 his property since the last meeting. Mr. Tanga wanted the fence to be continuous and of the same
3 height but would also accept a stepped line. He was told that the fence and retaining wall should
4 remain in compliance. Chris Layton informed Mr. Tanga that he can have up to a six-foot retaining
5 wall but it can be no greater than eight feet including the fencing and retaining. Mr. Tanga stated that
6 the intent was to stop at the end of the Jensen property.
7

8 Chair Ricks commented that she would not want to approve a request that is intended to match a
9 situation that is out of compliance. A question was raised as to whether action would be taken to
10 ensure that the project is in compliance. City Planner, Rob Hobbs stated that if the project is not in
11 compliance, the City would take action. Jan Bradshaw was interested in reviewing the prior minutes to
12 determine what was actually approved prior to making a decision.
13

14 Mr. Hobbs explained that the Winkle project was approved with a six-foot retaining wall and a six-foot
15 fence. Staff, however, had since reinterpreted the Code to limit a retaining wall and a fence to no
16 greater than eight feet in height where retaining walls are functioning as a fence on the property line.
17 The eight-foot height is only valid with the neighbors' approval. It was noted that the Code could be
18 refined to clarify the height limits on a retaining wall. Possible options were discussed. Mr. Tanga
19 pointed out that if he is forced to reduce the height of the retaining wall by two feet, his backyard will
20 not be level.
21

22 There were no further comments. The public hearing was closed.
23

24 ***Commissioner Mackin moved to close the public hearing. Commissioner Lloyd seconded the***
25 ***motion. Vote on motion: Troy Holbrook-Aye, Jan Bradshaw-Aye, Ann Mackin-Aye, Chris Layton-***
26 ***Aye, Alyssa Lloyd-Aye, Chair Marianne Ricks-Aye. The motion passed unanimously.***
27

28 The Commission discussed the need to remain in compliance with the Code. Chris Layton was
29 opposed to making a recommendation for a request that is out of compliance with current ordinances.
30 He explained that the previous situation involved the fence being built incorrectly. He saw no reason
31 to correct that situation. He commented that aesthetics should not dictate the final outcome and
32 suggested that the Commission consider the neighbors below.
33

34 Troy Holbrook put the emphasis on the neighbors that are directly impacted by the fence. The goal
35 was to have a continuous horizontal fence. The neighbors seemed to be willing to work through the
36 issues. Chair Ricks stated that Ms. Wright would like six feet to preserve her view and Mr. Jensen
37 prefers nothing if the alternative is a step down to 10 feet.
38

39 Ms. Wright and Mr. Jensen made the Commission aware of their concerns. There was discussion
40 about stepping the fence down or sloping it and the heights of the retaining wall and fence. At the
41 property line the maximum height is eight feet. It was noted that the property owner could build a
42 separate wall inside the property line. There was discussion about whether a fence needs to be placed
43 on top of a retaining wall in order to meet Code.
44

1 The Commission defined their role in the process and how a solution could best be reached. Mr.
2 Hobbs stated that retaining walls without a fence can create a fall hazard. Three feet of the retaining
3 wall needs to be above ground to avoid a fall hazard.

4
5 Chair Ricks asked Mr. Hobbs if the Commission should continue the item or move forward with a vote
6 to deny the current proposal and have the applicant return with a new request. Mr. Hobbs stated that
7 the Commission provided enough guidance for the applicant to return with a new proposal.
8 Commissioner Holbrook stated that the Commission also needs to conduct additional research. He
9 suggested the Commission either deny the proposal or continue it to allow for the gathering of more
10 information. Mr. Hobbs stated that the proposal does not include the fence extending across the entire
11 backyard. Staff acknowledged that the Code is vague in that respect and needs clarification.

12
13 ***Commissioner Lloyd moved that the special exception for property located at 4932 South Waimea***
14 ***Way be denied as the proposal does not meet City Code. Commissioner Mackin seconded the***
15 ***motion. Vote on motion: Troy Holbrook-Nay, Jan Bradshaw-Nay, Ann Mackin-Aye, Chris Layton-***
16 ***Aye, Alyssa Lloyd-Aye, Chair Marianne Ricks-Aye. The motion passed unanimously.***

17
18 **2. Conditional Use Permit – Home Occupation – 1860 East Frontier Road – R-1-21.**

19 City Planner, John Teerlink, presented the staff report and stated that the application is for a home
20 occupation for a home-based business. Recent State requirements have changed how home-based
21 businesses are licensed based on the type of business and whether customers and/or employees come
22 to the home. The City of Holladay licenses home-based businesses with just a license. Planning
23 Commission approval is not required if the business is solely an office use with no employees or
24 customers. When customers are expected to come to the home, the requirements are different. The
25 subject proposal is for a cosmetic business involving micro-blading. It was acknowledged that the
26 applicant submitted her narrative and business plan. Mr. Hobbs stated that the proposal will have
27 minimal impact on the neighborhood. Staff recommended approval.

28
29 The applicant, Karina Luna, reported that she spoke to her neighbors and all expressed their support.

30
31 Chair Ricks opened the public hearing. There were no public comments. The public hearing was
32 closed.

33
34 Chair Ricks mentioned that the homeowner has a two-car garage that would allow up to two cars to be
35 parked in the driveway. She suggested that condition number three be amended to limit the applicant
36 to no more than one client at a time. It was noted that the business will operate from 10:00 a.m. to
37 6:00 p.m.

38
39 ***Commissioner Lloyd moved to approve the application for a home occupation for “Luna Cosmetic***
40 ***Artistry” located at 1860 East Frontier Road subject to the following:***

41
42 ***Findings:***

- 43
44 ***1. A Home Occupation with customers is a conditionally allowed for this location.***
45

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. *The property owner shall 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.*

Conditions:

1. *Off-street parking areas shall be maintained as available during business hours. No on-street parking for clients, they must be in the homeowner's driveway or other parking allowed.*
2. *Operational permit and licensure are subject to review and revocation upon finding of non-compliance.*
3. *The business is limited to no more than one client at a time on the premises.*
4. *Hours of operation are limited to Monday through Friday from 10:00 a.m. to 6:00 p.m.*

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

3. Residential Site Plan Review, Construction Near Upper Canal – (R-1-21 Zone).

Mr. Hobbs presented the staff report and stated that item three is a request from the applicants, the Runnebohms, for consideration and approval to place a shed on their property in a position that is within a 20-foot offset from the Upper Canal. The curtilage was altered years ago so that any structure positioned close to a waterway is required to have a separation of 20 feet. The staff report contained the application, the staff commentary, and special exceptions and conclusions of law used to evaluate the application. Mr. Hobbs recommended that the applicants move the shed to the backyard. The site plan provided by the applicants showed the shed in a location that appears to be in the fence setback. The issue for the Commission was the special exception to place the shed 11 feet from the bank of the Upper Canal. Subsequent to receipt of the application, staff received comments from neighbors that Mr. Hobbs provided to the Commission. Mr. Hobbs stated that all of the comments were in opposition to the proposal for various reasons including aesthetics, precedent setting, and safety issues.

1
2 Mr. Hobbs reported that staff was sympathetic to the application, however, there was some
3 miscommunication. The applicant halted construction on the project when a complaint was received
4 from a neighbor. Mr. Hobbs indicated that the shed could be moved to the backyard but that was not
5 the preferred option.
6

7 The applicant, Clayton Runnebohm, was identified as the owner of the subject property. It was
8 acknowledged that construction got underway prior to obtaining authorization from the City.
9 Mr. Runnebohm addressed the neighbors' concerns and stated that his desire was not to devalue his
10 neighbors' property. He presented a visual showing the shed location. The location required by the
11 setbacks is inconvenient for him but he acknowledged that the proposed location is unusual. The
12 integrity of the retaining wall and a current stone patio in the backyard discouraged him from placing
13 the shed there. Commissioner Lloyd inquired about alternative locations.
14

15 Chair Ricks opened the public hearing.
16

17 *Thomas Peters* gave his address as 2796 East Valley View Avenue and commented that the purpose of
18 the City of Holladay Code includes improving the neighborhood. The neighbors were upset because
19 the location was not discussed. The location of the shed is contrary to the purpose of the ordinance and
20 is not in compliance. Mr. Peters discussed concerns about safety and property values. He commented
21 that the shed belongs in the backyard.
22

23 *Rebecca Baugh*, who resides at 2808 Valley View, understood the applicant's concerns about the
24 retaining wall location. She did not believe the shed would work well if placed in the backyard. She
25 favored the proposed shed location.
26

27 Mrs. Runnebohm stated they had no intention of negatively impacting the neighbors' property values.
28 She felt that the neighbor's complaints were uncalled for. If the request is not approved, Mr.
29 Runnebohm asked for an exception to the 20-foot setback.
30

31 *Madeline Bart* gave her address as 2808 East Valley View Avenue and asked about the ability to place
32 the shed in the side yard.
33

34 There were no further comments. The public hearing was closed.
35

36 Chair Ricks encouraged the neighbors to communicate with one other. She read a statement from the
37 engineer addressing exceptions to the setback. She suggested the applicant consider the canal
38 exception and discuss it with the City Engineer.
39

40 ***Commissioner Lloyd moved to deny the special exception to waterway protection area standards at***
41 ***2802 East Valley View Avenue and requested that the homeowners meet with the City Engineer on***
42 ***an alternate location. The findings included the letter from the City Engineer and the setback on***
43 ***the canal, which is currently 20 feet with no accessory buildings allowed in the front yard.***
44 ***Commissioner Layton moved to amend the motion to specify that a stream exception may not be***
45 ***needed. Commissioner Mackin seconded the amended motion. Vote on motion: Chris Layton-Aye,***

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

4 **ACTION ITEMS**

5 **4. Approval of Meeting Minutes – 9/17/19.**

6 *Commissioner Bradshaw moved to approve the Planning Commission Meeting Minutes of Tuesday,*
7 *September 17, 2019, with the corrections made at the previous Planning Commission Meeting.*
8 *Commissioner Mackin seconded the motion. Vote on motion. Troy Holbrook-Aye, Jan Bradshaw-*
9 *Aye, Ann Mackin-Aye, Alyssa Lloyd-Aye, Chris Layton-Aye, Chair Marianne Ricks-Aye. The*
10 *motion passed unanimously.*
11

12 **DISCUSSION ITEMS**

13 **5. Review of Draft Ordinance 13.66 Holladay Cross Road (“HCR”) Zone.**

14 *The above item was tabled until February 4, 2020.*
15

16 **ADJOURN**

17 *Commissioner Mackin moved to adjourn. Commissioner Bradshaw seconded the motion. The*
18 *motion passed with the unanimous consent of the Commission.*
19

20 *The Planning Commission Meeting adjourned at approximately 9:35 p.m.*
21

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, January 21, 2020.*
3

4 Teri Forbes

5 Teri Forbes

6 T Forbes Group

7 Minutes Secretary

8

9 Minutes Approved: _____

DRAFT

DRAFT

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

Tuesday, February 4, 2020

7:00 p.m.

**Holladay Municipal Center
4580 South 2300 East**

ATTENDANCE:

Planning Commission Members:

Marianne Ricks, Chair
Chris Layton
Alyssa Lloyd
Ann Mackin

City Staff:

Jonathan Teerlink, City Planner
Robert Hobbs, City Planner

WORK SESSION

The Work Session was called to order 6:30 p.m.

The agenda items were reviewed and discussed. City Planner, Jonathan Teerlink, stated that it may not be necessary to continue the public hearing depending on how many are present. Based on the numerous comments received on the Holladay Crossroads item, staff prepared a final draft for review by the Commission.

The Commission next addressed the Preliminary Plat for the Holladay Highlands Number 5 Planned Unit Development ("PUD"). Chair Ricks recalled that there were trash collection issues previously that were never resolved. Mr. Teerlink explained that staff addressed the issue as best they could and contacted Wasatch Front Recycling who indicated that their truck can not access the area and turn around. There is a paved access road, however, the property owner stores a boat in the turnaround. The garbage trucks can only access roads that will support their weight. The proposal was to construct a road to allow better access for garbage trucks. It was noted that regardless of concerns about garbage pick-up, there are still issues pertaining to maintaining emergency access.

The Commission previously requested that staff study these concerns and attempt to resolve the outstanding issues. A comment was made that the Commission should encourage the applicant to review the concerns about access. Mr. Teerlink stated that the applicant previously went above and beyond in meeting the conditions of approval.

Commissioner Lloyd moved to adjourn. Commissioner Mackin seconded the motion. The motion passed with the unanimous consent of the Commission.

The Work Meeting adjourned at 6:56 p.m.

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

2 Chair Marianne Ricks called the Regular Meeting to order at approximately 7:00 p.m. and read the
3 Commission statement.

4
5 **PUBLIC HEARING**

6 **1. Continued – Consideration of Ordinance 13.66, Holladay Crossroads Zone (HCR).**

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

9
10 City Planner, Robert Hobbs, presented the staff report and reminded the Commission that some edits
11 were discussed previously. Staff prepared written responses to the edits proposed by the Commission
12 Members. The modifications were reviewed page-by-page.

13
14 Setback issues were discussed. The determination was made to establish the front setback at 20 feet.
15 Chris Layton suggested setting a minimum front setback of 15 feet and a maximum of 25 feet to give
16 developers flexibility. With regard to landscaping and interior parking lot planters, it was
17 recommended that they be provided at intervals not to exceed 90 feet. Landscaping and planter
18 dimensions and details were discussed.

19
20 The Commission next discussed structures for bicycle parking. The Commission asked staff to include
21 language addressing how bicycle racks are to be attached to structures. It was determined that there
22 should be one bicycle rack for every 10 required parking spaces. It was requested that language on
23 curb and driveway standards include a reference for compliance with other Holladay Code chapters
24 addressing the topic. It was suggested that the yellow and blue highlighting be removed in the next
25 version for review.

26
27 It was suggested that conditions be added to address the permitting of establishments that serve
28 alcohol, especially with respect to proximity to residential neighborhoods. It was determined that
29 single event permits for serving alcohol would be allowed without City Council approval. It was noted
30 that seasonal sales, such as Christmas tree lots, were addressed in the regulations.

31
32 Commissioner Ricks asked if any non-residential PUD exists in Holladay. It was requested that more
33 information be provided. Mr. Hobbs reported that public educational facilities are not allowed by
34 Code. Commissioner Ricks suggested removing “Charter Schools” from the section. Commissioner
35 Ricks disagreed with allowing assisted living facilities in commercial zones. It was noted that motor
36 vehicle and motorcycle sales/rental establishments are currently permitted in the Code in commercial
37 zones, however, the Commission directed staff to remove that use from the Code. The Commission
38 asked staff to incorporate the changes and return with an updated version.

39
40 **ACTION ITEMS**

41 **2. Holladay Highlands No. 5 PUD – Preliminary Plat – 5425 South 2900 East (R-1-10).**

42 Chair Ricks stated that the Commission was familiar with the project and had been provided with a
43 copy of the staff report. The applicant was not present to address the Commission.

44
45 *Commissioner Mackin moved to take the agenda items out of order and next address item 3,*
46 *approval of the minutes prior to discussing the remaining agenda items. Commissioner Lloyd*

1 ***seconded the motion. Vote on motion: Chris Layton-Aye, Alyssa Lloyd-Aye, Ann Mackin-Aye,***
2 ***Chair Marianne Ricks-Aye. The motion passed unanimously.***
3

4 The Commission next addressed approval of the minutes after which they discussed the agenda as
5 printed.
6

7 The applicant, Analise Wilson, identified herself as the owner of the property at 5425 South 2900 East.
8 Chair Ricks commented that during the public hearing there was concern raised about trash pickup and
9 the ability of garbage trucks to turn around. Ms. Wilson explained that there is a private lane. What
10 they are doing is adding a shared driveway. It was clarified that a fire access already exists. Chair
11 Ricks expressed concern for Hillsden residents who will have to tolerate trash cans in front of their
12 homes. She acknowledged that it is a problem and asked Ms. Wilson to be sensitive to the neighbors.
13 A previous condition was imposed to address concerns about trash cans on the street and directing the
14 applicant to work with the neighbors to reach a resolution. With regard to issues with mailboxes, Mr.
15 Teerlink reported that mailboxes were pre-empted by the federal government. In was an ongoing
16 problem elsewhere in the City as well.
17

18 Ms. Wilson reported that they conducted the studies that were requested as part of the conceptual
19 approval. A detailed map was obtained showing the fault lines and setbacks. Both will be noted on
20 the final plat. Chair Ricks informed the applicant that the recommendations set forth in the GeoStrata
21 Report must be adhered to.
22

23 ***Commissioner Lloyd moved to recommend approval of the preliminary PUD Plat amending a***
24 ***portion of the Holladay Highlands #2, Holladay Highlands No. 5, previously titled “The Upper***
25 ***Place” at 5424 South 2900 East and defer final plat approval to staff. Approval was subject to the***
26 ***following:***
27

28 ***Findings:***
29

- 30 1. ***The plan provides for three single-family lots each measuring greater than the***
31 ***minimum 10,000 square feet, meeting the R-1-10 lot size requirements.***
32
- 33 2. ***The new additional lots can be serviced by all utilities.***
34
- 35 3. ***The Natural Hazard Study and Summary of Fault Mitigation Measures have been***
36 ***reviewed and accepted by staff.***
37

38 ***Conditions:***
39

- 40 1. ***A fault study shall be conducted as per Holladay Ord. 13.75.060.***
41
- 42 2. ***All slopes greater the 30% may not be counted toward the minimum required area of***
43 ***Lot 3.***
44
- 45 3. ***All utility service letters shall be submitted.***
46

4. *Staff shall renote the matter and invite more public comment at the time of preliminary approval.*
5. *The placement of mailboxes shall be studied further in coordination with Public Works Director, Tosh Kano, and Wasatch Front Recycling to see if there are some solutions to help mitigate the impact of 16 to 20 garbage cans at the end of the street.*
6. *The state of 2900 East shall be studied as a private road to ensure that the service is adequate and meets the standards.*
7. *Special emphasis shall be placed on the GeoStrata report provided in the summary on page 7.*

Commissioner Layton seconded the motion. Vote on motion. Ann Mackin-Aye, Alyssa Lloyd-Aye, Chris Layton-Aye, Chair Marianne Ricks-Aye. The motion passed unanimously.

3. Approval of Minutes – 1/14/19, 3/19/19, 4/30/19, 6/4/19, 11/19/19, 12/10/19, and 1/7/20.

The minutes of January 14, 2019, were reviewed and modified. Mr. Teerlink reported that the minutes had not previously been prepared.

Commissioner Mackin moved to approve the minutes of January 14, 2019, as modified. Commissioner Lloyd seconded the motion. Vote on motion: Ann Mackin-Aye, Alyssa Lloyd-Aye, Chris Layton-Aye, Chair Marianne Ricks-Aye. The motion passed unanimously.

The minutes of March 19, 2019, were reviewed and discussed.

Because the minutes of March 19, April 30 and June 4 were not in the packets, the determination was made to continue approval to a future meeting.

The minutes of November 19, 2019, were reviewed and modified.

Commissioner Lloyd moved to approve the minutes of November 19, 2019. Commissioner Layton seconded the motion. Vote on motion: Ann Mackin-Aye, Chris Layton-Aye, Alyssa Lloyd-Aye, Chair Marianne Ricks-Aye. The motion passed unanimously.

The minutes of December 10, 2019, were reviewed.

Commissioner Mackin moved to approve the meeting minutes of the Planning Commission of December 10, 2019, as presented with modifications from Troy Holbrook. Commissioner Lloyd seconded the motion. Vote on motion: Chris Layton-Aye, Alyssa Lloyd-Aye, Ann Mackin-Aye, Chair Marianne Ricks-Aye. The motion passed unanimously.

The minutes of January 7, 2020, were reviewed and modified.

1 *Commissioner Lloyd moved to approve the meeting minutes of January 7, 2020, as modified.*
2 *Commissioner Mackin seconded the motion. Vote on motion: Alyssa Lloyd-Aye, Chris Layton-Aye,*
3 *Ann Mackin-Aye, Chair Marianne Ricks-Aye. The motion passed unanimously.*
4

5 **ADJOURN**

6 *Commissioner Mackin moved to adjourn. Commissioner Lloyd seconded the motion. The motion*
7 *passed with the unanimous consent of the Commission.*
8

9 The Planning Commission Meeting adjourned at approximately 8:55 p.m.
10

DRAFT

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, February 4, 2020.*
3

4 Teri Forbes

5 Teri Forbes

6 T Forbes Group

7 Minutes Secretary

8

9 Minutes Approved: _____

DRAFT

DRAFT

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

Tuesday, February 18, 2020

6:30 p.m.

**Holladay Municipal Center
4580 South 2300 East**

ATTENDANCE:

Planning Commission Members:

Marianne Ricks, Chair
Chris Layton
Jan Bradshaw
Troy Holbrook

City Staff:

Robert Hobbs, City Planner

WORK SESSION

The Work Session was called to order 6:30 p.m.

City Planner, Robert Hobbs, reviewed the agenda items. Agenda item 1 involved the proposed development of professional office space. The applicant was requesting that the Commission consider whether the building could be placed closer than normally would be allowed to 3900 South reducing the setback from 20 feet to 10 feet. The City Engineer did not have concerns with the proposed design. The landscaping is customary with trees having been added to the design and street lights. It was mentioned the applicant can provide conceptual drawings. There was a discussion regarding the setback of 10 feet off of 3900 South and the entry and exit from the property. There was some confusion about the plans that were submitted. Commissioner Holbrook commented on the building layout and his safety concerns being addressed. It was noted that the approach on the south off 2000 East is set too close to the intersection.

It was noted that the meeting minutes of 6/4/19 and 12/3/19 were not included in the packet. As a result, the Commission would only consider the minutes of 3/19/19 and 4/30/19.

The Work Meeting adjourned at 6:52 p.m.

CONVENE REGULAR MEETING – Public Welcome and Chair Opening Statement.

Chair Marianne Ricks called the Regular Meeting to order at approximately 7:00 p.m. and read the Commission statement.

PUBLIC HEARING

1. Ludlow Dentistry – Conceptual/Preliminary Site Plan – 2006 thru 2020 East 3900 South.

City Planner, Robert Hobbs presented the staff report and stated that the request is for a site plan review and approval of Ludlow Dentistry. The City Council recently rezoned the property to

1 professional office (P-O) to accommodate the current project. The applicant's proposal would be 10
2 feet closer to 3900 South than would typically be allowed. The Commission has the authority to allow
3 it if they so choose. Staff reviewed the application and determined that it is in compliance with the
4 Code.

5
6 Mr. Hobbs reported that the applicant's curb approach is close to 2000 East and will have to be moved
7 in accordance with Title 14. Any approval would need to be predicated on accomplishing compliance
8 with Title 14. The Commission also needs to consider whether the applicant can move the building to
9 the north to buffer the residential property to the south or alternatively comply with the Code. The
10 Commission was provided with a copy of both proposals.

11
12 Mr. Hobbs stated that comments from the applicant in the staff report include a Justification Statement,
13 an Introduction, and a photo of the property.

14
15 Commissioner Holbrook asked if shifting the building by an additional 10 feet would result in the
16 proposal being even more out of compliance than it currently is. Mr. Hobbs responded that it depends
17 on how the applicant realigns the service drive or changes the size. Mr. Hobbs stated that the parking
18 is based on professional office spaces. There was discussion regarding compliance with Title 14 and
19 how that would take place.

20
21 The applicant, Adam Watts, gave his address as 2221 South 2000 East and informed the Commission
22 that he would try to maintain the drive out in its current location even if the building is pushed further
23 north. The request for the egress was to push it two feet to the south, which is possible because of a
24 five-foot landscape buffer. He noted that it would meet the egress requirement and still maintain the
25 required landscaping setbacks.

26
27 Mr. Watts felt that by moving it 10 feet it would provide a better buffer from the closest residence and
28 better visibility from 3900 South. The building is currently about 40 feet from the resident property
29 line. There was a discussion about the zoning history of an adjacent property. Mr. Watts commented
30 that having the egress on the south side allows for maximized parking under the City Code. Chair
31 Ricks expressed safety concerns with the current proposed configuration pertaining to traffic. There
32 was discussion about the sewer and water connections.

33
34 Chair Ricks opened the public hearing.

35
36 *Tatyana Golub*, resides to the south of the property at 3921 South 2000 East. She was concerned
37 because both of her bedrooms face north and are only four feet from the wall. She believes that the
38 entrance on 3900 South is much safer because people stop at the stop light.

39
40 There were no further public comments. The public hearing was closed.

41
42 Commissioner Bradshaw commented on the height of the single-story building. Commissioner Layton
43 stated that the height is 40 feet. There was discussion about the height of the fencing in a residential
44 zone and that the proposal for a six-foot fence is in compliance with the Code. It was mentioned that
45 the proposal is somewhat unique given the configuration of the property.

Chair Ricks commented that 10 feet on the sides is appropriate. She was inclined to approve the project conceptually and ask that the applicant to come back with better drawings to help guide the development of the Black Diamond property in the future. Another comment was made about safety concerns with the 10-foot setback. Commissioner Layton stressed the importance of complying with the zoning that is currently in place.

Mr. Watts reported that he plans to install signage advising traffic of non-entry. The Commission agreed that Plan B is not acceptable as-is. There was discussion about what should be approved tonight and what should be brought back for additional review. The Commission Members were comfortable with Plan A.

Commissioner Bradshaw moved to approve the conceptual and preliminary site plan for the Ludlow Site Plan located 2006 and 2020 East 3900 South for Plan A subject to the following:

Findings:

- 1. The site has been rezoned to P-O, especially to facilitate office uses – specifically with a dental office being proposed for development on the property;***
- 2. The concept site improvement/layout plan A and associated landscape plan complies with relevant zoning standards that appertain to the same, or, will comply contingent upon actions being taken by the developer (see conditions below);***
- 3. The queuing and circulation plan provide customary ingress/egress with flow through the property;***
- 4. The proposed use will not add expectedly an undue burden to public infrastructure nor introduce nuisance or hazardous conditions to the property, its surrounds, or the public; and,***
- 5. Utility and emergency services are available to the property;***
- 6. Plan B provides equivalency to Plan A save respecting setback conformance and a minor amount of land coverage; and***
- 7. The Plans provide buffering to/for the residential property(ies) south and southeast of the property.***

Conditions:

- 1. Applicant/project shall comply with the PC approved site plan <A or B as selected by the Commission;***
- 2. Applicant shall re-design the approved Plan to move the egress approach on 2000 East to comply with § 14.12.110.A;***

3. *If the Commission is friendly with Applicant's "Plan B", then: The Commission grants exception(s) to H.C.C. § 13.44.060.D to allow the dental office to be positioned within 10 feet of the property/right-of-way line abutting 3900 South;*
4. *Approval by the City Engineer of compliance with Title 14 on the egress off of 2000 East; and*
5. *Defer final approval to staff.*

Commissioner Layton seconded the motion. Vote on motion: Chris Layton-Aye, Troy Holbrook-Aye, Jan Bradshaw-Aye, Chair Marianne Ricks-Aye. The motion passed unanimously.

ACTION ITEMS

2. Consideration of Ordinance 13.66, Holladay Crossroads Zone (HCR).

Chair Ricks clarified that the above matter is not a public hearing. She commented on the language regarding bicycle parking and stated that it was discussed that bicycle parking has not been previously required in other zones. There was discussion regarding how much bicycle parking should be provided and the potential to increase the amount at some point in the future.

Spencer Timmons gave his address as 4472 South Albright Drive and commented that bicyclists want their bicycles to be parked in the front or side of a building in the line of sight. He did not think that requiring a specific number of bicycle stalls based on the number of parking stalls would be the proper way to regulate bicycle parking.

Chris Ensign suggested the Commission use language that there "should" be bicycle parking but not address the number of stalls required. Commissioner Layton agreed and liked the use of "shall have" language without providing a specific number of required stalls. It was suggested that the Commission include an additional level of detail. Mr. Hobbs suggested that the applicants propose the number of required parking spaces.

It was suggested that the specific required number of bicycle stalls be removed and instead state that development "shall include adequate bicycle parking" and, "Bicycle racks shall be permanently secured to a non-permeable surface. Racks (or spaces containing a bike rack) shall be located within close proximity to the main entrance of the building(s) that they serve."

There was discussion that Holladay is not ready to require a specific parking ratio. It was suggested that a specific number of parking stalls be required for certain businesses but not for others and that parking alternatives be considered.

The Commission next discussed a chart showing allowed uses. Those shaded in blue were Alcoholic Beverage Retail Sales establishments. There was discussion regarding the minimum separation distance from residences. Commissioner Bradshaw asked about charter schools and assisted living facilities and suggested they be removed.

1 **Commissioner Bradshaw moved to recommend approval to the City Council of the HCR Zone edits**
2 **proposed by staff in Chapter 13.66 with the following concerns to be further reviewed by the City**
3 **Council:**

- 4
- 5 1. **The bicycle parking language and how specific the regulatory language needs to be;**
- 6
- 7 2. **The minimum separation between residences and alcoholic beverage sales**
8 **establishments; and**
- 9
- 10 3. **The adjustments needed to parking ratios.**
- 11

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

14
15 Chair Ricks stated that there would be further public hearings with the City Council on the above
16 issues.

17
18 **3. Approval of Minutes – 3/19/19, 4/30/19, 6/4/19, and 12/3/19.**

19 The minutes were reviewed and modified.

20
21 **Commissioner Bradshaw moved to approve the Holladay City Planning Commission Meeting**
22 **minutes of March 19, 2019, with the changes provided by Chair Ricks. Commissioner Holbrook**
23 **seconded the motion. Vote on motion: Chris Layton-Aye, Troy Holbrook-Aye, Jan Bradshaw-Aye,**
24 **Chair Marianne Ricks-Aye. The motion passed unanimously.**

25
26 **Commissioner Bradshaw moved to approve the minutes of the City of Holladay Planning**
27 **Commission of April 30, 2019, as presented. Commissioner Holbrook seconded the motion. Vote**
28 **on motion: Chris Layton-Aye, Troy Holbrook-Aye, Jan Bradshaw-Aye, Chair Marianne Ricks-Aye.**
29 **The motion passed unanimously.**

30
31 Approval of the minutes of June 4, 2019, and December 3, 2019, was tabled to a future meeting.

32
33 **ADJOURN**

34 **Commissioner Holbrook moved to adjourn. Commissioner Bradshaw seconded the motion. The**
35 **motion passed with the unanimous consent of the Commission.**

36
37 The Planning Commission Meeting adjourned at approximately 8:21 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, February 18, 2020.*
3

4 Teri Forbes

5 Teri Forbes

6 T Forbes Group

7 Minutes Secretary

8

9 Minutes Approved: _____

DRAFT

DRAFT

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

Tuesday, March 3, 2020

6:30 p.m.

**Holladay Municipal Center
4580 South 2300 East**

ATTENDANCE:

Planning Commission Members:

City Staff:

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

Paul Allred, Community Development Director
Jonathan Teerlink, City Planner

WORK SESSION

The Work Session was called to order at approximately 6:30 p.m.

The agenda items were reviewed and discussed. Procedural issues pertaining to the public hearing items were discussed. Concerns expressed by the neighbors with the request for a Residential Site Grading Permit were described. Wall height and encroachment issues were addressed. Community Development Director, Paul Allred suggested that going forward, these types of requests ~~beare~~ approved by staff and that they not come to the PC.

With regard to the Weyburn Estates Concept Plan, a determination needed to be made ~~with~~ as to whether the applicant can develop the number of units he is proposing based on design issues. A PUD conditional use is requested but the intent tonight would be to just look at the layout. Slope issues were discussed. Road width issues were addressed. Staff measured the distance between Tobermory and the existing driveway and the width of the driveway. Public Works Director, Tosh Kano recommended ~~the road be widened on that~~ Tobermory be widened to 30 feet at the entrance at least 40 feet back from Spring Lane and to add a third lane on the west for left in and left out turns. Traffic generation issues were discussed. Tobermory currently generates 240 car trips per day. Mr. Kano's opinion was ~~that that a combined~~ 40 homes on a 16-foot wide lane will not work.

Commissioner Mackin moved to adjourn. Commissioner Lloyd seconded the motion. The motion passed with the unanimous consent of the Commission.

The Work Meeting adjourned at approximately 6:58 p.m.

1
2 **CONVENE REGULAR MEETING – Public Welcome and Chair Opening Statement.**

3 Chair Marianne Ricks called the Regular Meeting to order at approximately 7:00 p.m. and read
4 the Commission statement.

5
6 *Chair Ricks moved to modify the order of the agenda items and move item two to the end.*
7 *Commissioner Mackin seconded the motion. Vote on motion: Troy Holbrook-Aye, Jan*
8 *Bradshaw-Aye, Chris Layton-Aye Alyssa Lloyd-Aye, Ann Mackin-Aye, ~~Chair~~ and Chair*
9 *Marianne Ricks-Aye. The motion passed unanimously.*

10
11 **PUBLIC HEARING**

12 **1. Zone Map Amendment – Rezone from R-1-10 to R-1-8 – 2417 East Butternut Road.**

13 City Planner, Jonathan Teerlink presented the staff report and stated that the request involves
14 consideration of a zone map amendment for property located at 2417 East Butternut Road. He
15 explained that consideration of applications is guided by the General Plan, which bisects the
16 proposed development area. On the south end toward 4500 South is a General Plan district that
17 foresees duplex zoning as a transitional residential housing product. The north half is low-
18 density.

19
20 The applicant is requesting a zone change from R-1-10, which allows one home per 10,000
21 square feet to R-1-8, which allows one home per 8,000 square feet. Two homes currently exist
22 in the development, one of which is a duplex. The intent was to reorganize the lot lines and
23 homes to build a single-family home on a smaller, 8,000 square-foot lot. The other two
24 remaining lots will be 9,000 to 10,000 square feet in size. Mr. Teerlink explained that
25 consideration of rezone applications are guided by Code. He considered it a reasonable request
26 to utilize the extra land that is available for a detached single-family home on 4500 South. The
27 third sliver piece is half of a separate lot that was originally platted when the subdivision was
28 with the County.

29
30 The applicant, Nick Mingo indicated that he plans to develop and sell all three lots.

31
32 Chair Ricks opened the public hearing.

33
34 *Cheryl Farr* gave her address as 4400 Butternut Road and spoke on behalf of herself and her
35 husband who was unable to attend. She was not opposed to improving the property but was
36 objected to the change of zoning from R-1-10 to R-1-8. She was opposed for three reasons.
37 First, she was concerned about the impact the rezoning will have on the density of the
38 neighborhood. She and her husband have lived on Butternut Road for nearly 24 years and have
39 seen an increase in density since that time. She expressed concern with an existing duplex on the
40 east side of Butternut Road and believes it is inconsistent with zoning and has been ignored. She
41 reported that a zone change from R-1-10 to R-1-8 would most likely result in new homes having
42 access to 4500 South from Butternut Road, which increases the traffic and density of an already
43 busy intersection. Ms. Farr stated that the neighborhood desired to limit structures to single-
44 family homes that promote open space and larger properties. She was concerned about the

1 potential to feel crowded by building three homes on two parcels of property. Doing so would
2 not be in harmony with what exists in the neighborhood.

3
4 Second, Mrs. Farr was concerned about safety. Increased traffic at the intersection of 4500
5 South and Butternut Road is already difficult and has proven dangerous for residents. High
6 school students use this route to get to school. One of her main concerns was the safety
7 increased traffic and density will pose to children and pedestrians. Third, Mrs. Farr was
8 concerned about the character of the neighborhood. The neighborhood is older with mostly
9 rambler, one-level homes. She was worried that a change in zoning from R-1-10 to R-1-8 would
10 result in decreased lot sizes and cause developers to build multi-story homes. Mrs. Farr
11 explained that the owner of the property is an investor and not someone who lives in the
12 neighborhood. She assumed that the motivations for development were being driven by financial
13 gain rather than concern for the neighborhood. She reiterated that she and her husband are not
14 opposed to development but object to the proposed zone change.

15
16 | ~~Jeff?~~ Beck gave his address as 4416 South Butternut Road and stated that he accesses his
17 home off of Butternut Road. His family has lived in the home for the last 10 years. The homes
18 across the street have been a revolving door of rentals and are not well maintained. He expressed
19 support for the proposed rezone. Mr. Beck believed that the lot sizes are large enough to
20 accommodate R-1-8 zoning. He commented that development of the site would trigger a
21 requirement for sidewalks, which he was in favor of. He also noted that the new development
22 will attract new homes, new families, and permanent residents.

23
24 Caitlyn Beck gave her address as 4416 South Butternut Road and expressed support for the
25 proposed rezone. While not ideal, it will improve the neighborhood and she was pleased that
26 sidewalks will be added. In terms of lot size, Mrs. Beck mentioned that there are quite a few lots
27 in the neighborhood that are currently less than one-quarter acre in size, which is similar to the
28 lot sizes proposed. Her family lives in a two-story home and more of the same would not look
29 out of place.

30
31 There were no further public comments. The public hearing was closed.

32
33 It was clarified that there are two homes across the street from the proposed lots. It was noted
34 that there was a rezone about 18 months ago at which time they changed the lot on 4500 South
35 and the .26-acre lot was acquired.

36
37 Commissioner Lloyd asked if curb cuts and sidewalks will be required on the east side of the
38 road. Mr. Teerlink stated that it would be. If the rezone were granted there was some question
39 as to whether the City would attempt to connect to the existing sidewalk. Mr. Teerlink stated
40 that the issue could be brought to the attention of the City Manager.

41
42 Commissioner Mackin asked about the square footage of the homes that are proposed to be built
43 on the 8,000 and 10,000 square-foot lots. Mr. Teerlink stated that the Code the allowance for
44 setbacks, height, and size is based upon the lot size. As the lot size decreases, the house size
45 scale drops considerably. Other recent projects on 4500 South were identified. If the property

1 were to remain zoned R-1-10 and all of the lots were included in PUD, the applicants would not
2 be able to develop three homes. Mr. Teerlink explained that the required lot width for R-1-10
3 differs from R-1-8. The other concern was that 4470 South, which runs east and west, is not
4 fully dedicated to the public and detracts from these areas.

5
6 The applicant reported that the lots meet the area requirement of 10,000 square feet but in the R-
7 1-10 zone the lot width must be a minimum of 80 feet and these lots are just under that. The
8 issue was a width issue rather than an area issue. The proposed building footprints range in size
9 from 2,500 square feet to nearly 4,000 square feet. The frontage keeps them from meeting the R-
10 1-10 zone requirements.

11
12 Troy Holbrook asked if it was necessary to specify an access coming off of 4470 South for Lot 3.
13 Mr. Teerlink stated that that could be considered once the plat is presented. It was clarified that
14 the R-1-8 zone only allows for detached units. The applicant stated that there will be no more
15 than three detached single-family homes on the lots. No duplexes were envisioned.

16
17 ***Commissioner Lloyd moved to recommend approval to the City Council of a Zone Map***
18 ***Amendment to rezone property located at 2417 East Butternut Road from R-1-10 to R-1-8.***
19 ***The motion was seconded by Commissioner Bradshaw. Vote on motion: Chris Layton-Aye,***
20 ***Alyssa Lloyd-Aye, Ann Mackin-Aye, Jan Bradshaw-Aye, Troy Holbrook-Aye, Chair and Chair***
21 ***Marianne Ricks-Aye. The motion passed unanimously.***

22
23 Mr. Allred stated that the final decision will be made by the City Council with an additional
24 notice to be sent to everyone in the neighborhood within 500 feet.

25
26 ***Chair Ricks moved to restore the agenda to its original order. Commissioner Bradshaw***
27 ***seconded the motion. Vote on motion: Chris Layton-Aye, Alyssa Lloyd-Aye, Ann Mackin-***
28 ***Aye, Jan Bradshaw-Aye, Troy Holbrook-Aye, Chair and Chair Marianne Ricks-Aye. The***
29 ***motion passed unanimously.***

30
31 **2. Ordinance Amendment – 13.98 Land Use Violations for Illegal Operation of a**
32 **Short-Term Rental.**

33 Mr. Teerlink presented the staff report and stated that the request is from the City Council to
34 review the enforcement action for land use violations of short-term rentals that are operating
35 contrary to the existing ordinance. Short-term rentals are a land use that is allowed only in
36 certain zones and on certain roads. Even if the land use criteriaon are met, the applicant must
37 come before the Planning Commission for approval of the short-term rental. The Planning
38 Commission then reviews the specific list of standards and issues a Conditional Use Permit.
39 Currently, two short-term rentals have been approved by the City and two bed and breakfasts.
40 The issue the Council is dealing with involves concerns with the operation of short-term rentals
41 operating outside of the laws. Some are operating quietly while others are not. The Council is
42 interested in strengthening the City's enforcement action and procedure as land use violations as
43 a Class B Misdemeanor with fines imposed.

44
45 Chair Ricks opened the public hearing.

1
2 *Brian Moench* gave his address as 4091 Splendor Way. He spoke in favor of the proposed
3 amendment in that there is a property across the street from him that is in stark violation of the
4 ordinance. It is a single-family home that has been deliberately remodeled into a multi-unit
5 rental. The business model the property owner is using is a short-term rental. The front yard of
6 the property is occupied by vehicles constantly and there is no yard left. Many of the vehicles
7 belong to the renters and are parked on the streets on nights they are to be removed to allow for
8 snow removal. The situation has been ongoing for at least 10 years and the neighbors have
9 approached the City on numerous occasions to address the situation without any success. The
10 property owner has been fined a few times but they have been minimal. As a result, the
11 operation has continued much to the dismay of the neighbors. Mr. Moench stated that the
12 property owner is costing 15 to 18 nearby homeowners a substantial amount in the value of their
13 primary asset because of the ongoing activity. He suggested that more specifics be provided as
14 far as approval being granted by the City. He also asked for more information on how the City
15 would determine the violation.

16
17 *Mailei Bucher* gave her address as 4072 South Splendor Way and stated that she has been
18 dealing with the neighbor who rents short-term and long-term and commented that she began
19 doing it long before the block was incorporated into the City. Currently, she is renting to about
20 10 people. Ms. Bucher primary concern was that she is in the middle of the neighborhood rather
21 than on a busy road. The neighbors have submitted pictures to the City and have kept logs for
22 years. The property owner was taken to court over the short-term rental situation and found
23 guilty. The activity was supposed to cease within 24 hours and she was fined \$600 and
24 threatened with jail time if she did not comply. The property owner did not comply and is
25 behind on her payments to the court. The activity continues and has been for years. The entire
26 home has been transformed into a boarding house. Ms. Bucher lives next door and has 12 and
27 20-year-old daughters and recently discovered that a sex offender is being housed in the home.
28 She expressed her frustration with the situation.

29
30 Mr. Teerlink explained that classifying the violation as a misdemeanor gives the courts extra
31 leverage against the property owner and exacts any income the property owner has received.
32 The intent is to exert more pressure over those the court has decided have been operating in
33 violation. It was noted that the City can assess daily fees. Mr. Allred stated that the situation has
34 been difficult for the City as well. With this particular property owner, the City has been unable
35 to gain access to the interior of the home and as a result, has not been able to tie construction and
36 permitting to the use. The matter has gone to court on a few occasions but the penalties are not
37 severe. It was estimated that there may be up to 300 short-term rentals operating in the City. In
38 | this case, there ~~are~~ are perhaps both short and long-term rentals taking place in addition to
39 parking issues. Mr. Allred stated that many cities across the valley are struggling with short-
40 term rentals. This property owner has been very effective at creating a very large income stream
41 that makes it worth the potential violations and going to court.

42
43 In response to a question raised, Mr. Allred stated that the neighbors have done an excellent job
44 of communicating with the City. Staff regretted not being able to do more. The property owner
45 is very resourceful and knows how to avoid statements being made or granting access to the

1 home. The City is currently prosecuting a situation in the Canyon Cove Area, which has been
2 difficult as well. Mr. Allred reported that some cities have decided to regulate and allow short-
3 term rentals rather than provide enforcement only.

4
5 Commissioner Lloyd supported imposing a fine that does not have to be proven and must be
6 substantial enough to justify the violation. A daily amount of \$200 or \$250 was recommended.

7
8 *Susan Pohlman* gave her address as 3338 Splendor Circle and stated that they have lived next to
9 an illegal short-term rental for some time and the effects that this one home has had on the
10 subdivision has been horrendous. Residents cannot walk with children or on the sidewalk
11 because there are cars all over the sidewalk. The previous fines have been the cost of doing
12 business for the property owner as she is making much more in rental income. The neighbors
13 know there have been massive changes inside, that there are nightly renters, she advertises on
14 Airbnb and other sites, and that she has long-term renters. Ms. Pohlman asked what can be done
15 to get the City involved to see what is going on inside the home.

16
17 Mr. Allred stated that the City's Building Official and Police Chief have approached the property
18 owner and asked to enter with the express purpose of seeing how the home was altered and was
19 denied. Concerning a second home further up the street to the south, the Building Official was
20 given access and found that nothing was being done there that would require a permit. Other
21 potential options were identified. It was assumed that there are Building Code violations but
22 they cannot be verified without entering the home.

23
24 Mr. Moench stated that the fine should be severe and high enough to serve as a deterrent. He
25 pointed out that people are allowed to short-term rentals in their homes but there are laws in
26 place. The City could insist that they request authorization and allow the City to conduct an
27 inspection. A second home was purchased by the owners of the home being discussed two
28 houses down. The neighbors immediately took action and had the City stop the construction that
29 was underway. Immediately the home was sold to someone who did not intend to turn it into a
30 multi-unit complex. If the City had not intervened, that home could have housed 20 rentals
31 because it was a much larger home.

32
33 *Larry Gelwix* gave his address 4129 Splendor Way and asked for clarification on whether all
34 short-term rentals are required to obtain a permit. Chair Ricks confirmed that it is a requirement.
35 The property in question does not have a permit for short-term rentals and they would not be
36 allowed to have one under the current zoning. Mr. Allred stated that the City has tried to gather
37 enough evidence on the short-term rental. He explained that it is difficult to prove. Mr. Gelwix
38 questioned whether the property owner has denied that she is renting the home. He reported that
39 he has seen license plates from five different states at the home and the entire front yard is a
40 parking lot. There is also overflow parking in the street. Mr. Allred, He suggested that the
41 public hearing not focus on a specific violation and instead on the proposed ordinance. Mr.
42 Gelwix expressed his support for a more stringent ordinance.

1 Mr. Allred stated that property owners who are in violation can claim that they have a lot of
2 friends and family who visit on weekends. The City has no way of proving that they are not
3 related. Every step of the way there seems to have been an answer that cannot be refuted.

4
5 There were no further public comments. The public hearing was closed.

6
7 Chair Ricks suggested that the recommendation to the City Council include a substantial fine for
8 violations. Mr. Allred remarked that the City's Prosecutor is extremely well versed in this
9 particular case.

10
11 ***Commissioner Bradshaw moved to forward a positive recommendation to the City Council for***
12 ***Ordinance Amendment 13.81 Land Use Violations for illegal operation of a short-term rental,***
13 ***as proposed. It was suggested that the City Council consider a significant daily fine to deter***
14 ***future illegal short-term rentals. The motion was based on the following:***

15
16 ***Findings:***

- 17
18 1. ***The proposed amendment supports the long-range purposes of the General***
19 ***Plan to preserve primarily residential neighborhoods from decidedly***
20 ***commercial operations.***
21
22 2. ***A Short-Term Rental ("STR"), as a land use, traditionally attracts transient***
23 ***activity, not normally associated with residential neighborhoods.***
24
25 3. ***Enforcement by the City is expected by residents who feel they have been***
26 ***negatively affected by STRs operating in violation of the current Code.***
27

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

31
32 3. **"Hideaway Day Spa" – Home Occupation CUP – 1633 East Spring Run Drive (R-1-**
33 **10).**

34 Mr. Teerlink presented the staff report and stated that the above request is for a Conditional Use
35 Permit to operate a home-based business. The proposed use is a day spa where personal services
36 will be provided. Conditional Use Permits are guided by the Land Use Code, which allows the
37 Planning Commission to review conditions under which home-based businesses can be
38 approved. It is an allowed use but includes specific conditions by which it may be operated
39 and/or conditions that the Planning Commission may place upon the business.

40
41 Chair Ricks opened the public hearing. There were no public comments. The public hearing
42 was closed.

43
44 Commissioner Bradshaw asked the applicant, Chaconne Christiansen about the proposed hours
45 of operation, which seem irregular. Ms. Christiansen stated that currently, she has a full-time job

1 that has very random hours. She would operate her business around those hours. Chair Ricks
2 commented that the hours of operation seemed extensive for a home occupation. Ms.
3 Christiansen stated that she typically works one evening on clients while she builds up her
4 clientele. She expected to have 10 clients per week in the beginning but if it becomes a full-time
5 operation, she expected to limit it to three to four days per week with five or six clients per day.
6 Ms. Christiansen noted that she will have no employees. She stated that her two cars can be
7 facilitated in the garage.
8

9 ***Commissioner Bradshaw moved to approve the request for a home occupation for the***
10 ***Hideaway Day Spa located at 1633 Spring Run Drive subject to the following:***
11

12 ***Findings:***
13

- 14 1. ***A Home Occupation with customers is an allowed use for this location subject***
15 ***to mitigation conditions;***
- 16 2. ***The proposed business's operations are intended to be of low-impact --all***
17 ***procedures are proposed to occur within the home;***
- 18 3. ***Property owner intends to provide off-street parking by use of their driveway;***
19 ***and***
- 20 4. ***It is not anticipated that traffic will be a problem due to the small-scale nature***
21 ***of the use and the stated clientele count anticipated by the Applicant;***
- 22 5. ***There are no outside employees proposed or allowed with the use (which will***
23 ***reduce the need for parking);***
- 24 6. ***The use provides a desirable service to the community;***
- 25 7. ***The proposed hours of operation for the business are of concern to Staff and***
26 ***not common to most home occupations approved through the City; and***
- 27 8. ***Any other findings as may be determined by the Commission in its review of the***
28 ***application.***

29 ***Conditions of Approval:***
30

- 31 1. ***Off-street parking areas shall be maintained as available during business hours***
32 ***– no street parking allowed;***
- 33 2. ***A business license shall be procured by the Applicant for the use and shall be***
34 ***maintained in active status while the business is in operation;***
35
36
37
38
39
40
41
42
43
44

3. *Operational permits and licensure are subject to review and revocation upon finding of non-compliance;*
4. *Provided clientele services shall be limited to a maximum of one person at a time;*
5. *Days and hours of operation limited to Sunday 12:00 p.m. – 7:00 p.m., Mondays and Tuesdays 9:00 a.m. – 12:00 p.m. and 5:00 p.m. to 9:00 p.m., Wednesdays 9:00 a.m. – 9:00 p.m., Thursdays 9:00 a.m. – 12:00 p.m. and 5:00 p.m.-9:00 p.m. unless adjusted otherwise by the Commission;*
6. *Any other conditions as may be imposed by the Commission to promote the general health, safety and welfare of the neighborhood surrounding the property;*
7. *There shall be no client parking in the street; and*
8. *Any complaints will require Planning Commission review.*

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

4. Residential Site Grading Permit – 4932 South Waimea Way – (R-1-10 Zone).

The applicant, Nick Tanga acknowledged that their request was denied on two separate occasions. They were prepared to revise their approach and would still like to construct a retaining wall and backfill it due to the reasons cited previously. They are proposing to build one eight-foot wall four feet from the rear property line with a rail on top for safety.

Chair Ricks opened the public hearing.

Rick Jensen gave his address as 3941 Naniloa Drive and stated that he lives next to the Tangas on the west. He referenced another project completed in the area by the Winkles and stated that the neighbors were deceived about what that project would entail. Mr. Jensen explained that he now has a 14-foot wall of cement with a fence on top that goes halfway through his backyard. He noted that this was not his understanding of what was to be built and it is not consistent with Code. He was disappointed that no one from the City inspected his property or monitored the project. Mr. Jensen stated that the property value of the Winkle's property has increased, while his own property value has decreased.

Mr. Jensen addressed Mr. Tanga's proposal and stated that he does not fully understand what is being proposed. He wanted clarification about the proposition that the wall be built four feet back from the property line. He asked what is set forth in the Code on this specific issue. He was disappointed that the view from his backyard is now half taken up by a cement wall and if

1 Mr. Tanga's request is granted, the other half will be a cement wall as well. He expressed
2 opposition to Mr. Tanga's proposal.

3
4 Chair Ricks commented that the Commission is not pleased with how the Winkle's project was
5 developed and stated that further action will be taken. Mr. Allred explained that City Planner,
6 Rob Hobbs, who was most familiar with the issue, was unable to be present. Mr. Allred objected
7 to the Tanga's proposal at the last meeting because it exceeds the maximum allowable height. It
8 was supposed to be a total of eight feet combined between fence and wall. Mr. Allred described
9 the ordinance and his understanding of how it applies. If someone wants to construct a fence that
10 is taller than six feet, approval from the property owner that abuts that fence is required. If the
11 properties converge at a "T", this includes every property owner whose property touches the
12 fence. Mr. Allred stated that the question, in this case, is whether the neighbors are willing to
13 allow a wall that is eight feet tall. For that reason, the Tangas are requesting a special exception.
14 The Tangas would like to have a fence on top of the proposed wall. An eight-foot wall and a
15 safety retainer make the combined height of the structure 11 feet.

16
17 Mr. Allred explained that this is an interpretational issue. The question becomes about whether a
18 wall can be placed outside inside a property line. In most cases, fences are placed on the
19 property line. The structure the Tangas are proposing is a retaining wall and there was some
20 question about whether it should be considered a fence. Mr. Allred explained that many property
21 owners place a fence back from the property line to avoid a conflict with the neighbors and can
22 become an issue for the City. Mr. Allred was not aware of any guidance in terms of how a wall
23 topped by a fall barrier should be considered in the Code. It was noted that a wall can be a fence
24 on the property line, but a fence cannot be a retaining wall. If a neighbor whose property line
25 abuts the wall does not approve, the highest a retaining wall can be is four feet. The Tangas may
26 have a retaining wall that is four feet in height unless they are given a special exception. Mr.
27 Allred stated that when there is ambiguity in the Code, the Courts tend to lean toward the
28 applicant.

29
30 Commissioner Layton proposed a shorter retaining wall on the property and a gradual slope to
31 where the ground is level in the Tangas' yard. He stated that they will have the same amount of
32 usable yard without the conflict of a high retaining wall. Mr. Allred stated that the current issue
33 pertains to interpretation, which has evolved into other conflicts and dissatisfied neighbors. The
34 Code is vague, which is why the Winkle's wall and fence were approved and is now a problem.
35 He asked that the Commission eliminate any confusion to prevent future issues.

36
37 The wall on the Winkle's property was discussed. While it was originally approved by the
38 Planning Commission and neighbors, the actual wall that was built ended up being much taller
39 than what was approved. It was noted that this is now an enforcement issue. Chair Ricks stated
40 that enforcement options were still being pursued.

41
42 Rita Wright gave her address as 4941 Naniloa Drive and was pleased that enforcement efforts
43 will continue. She had spoken with city planners from different municipalities about the debated
44 section of the Code and they all agreed there are various interpretations. She suggested the
45 Commission have the Code reviewed and clarified quickly. She appreciated members of the

1 Commission who took the impacted neighbors into account. Ms. Wright submitted written
2 comments to the City and stressed the importance of clarity.

3
4 *Jeff Ridges* gave his address as 4919 Naniloa Drive and stated he will be impacted by the
5 proposal. He and his wife reviewed the Code on fences and walls and it is clear that without a
6 neighbor's consent the wall must be 10 feet from the property line. It is also clear that eight feet
7 is the maximum height. He noted that the drawings submitted by the Tangas show a 14-foot
8 wall. He expressed a desire to have the wall measured to determine how much it encroaches on
9 neighboring properties. The homes in the area are over 50 years old and no variance should be
10 allowed. Mr. Ridges expressed concern that the proposed wall will improve the property value
11 of one property by decrease the value of another. He asked that the issue be resolved as soon as
12 possible. He expressed disappointment in the way the Winkle property was handled.

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

15
16 Commissioner Bradshaw expressed concern about granting approval until the other similar use
17 comes into compliance. She was not in favor of approving anything that abuts the wall that is
18 out of compliance. She suggested that the wall come down or they upgrade what will be in
19 compliance and not go beyond that to match what is existing. She stressed the need for a change.

20
21 Commissioner Layton was not in favor of even a four-foot wall if action is to be taken to correct
22 the existing error. The bigger problem in his mind was that it shows that there is an area of
23 zoning and interpretation that needs to be addressed. Mr. Teerlink stated that when the Code was
24 recommended this time last year, it was recommended that the City Council approve a set of
25 very open laws. He explained that whenever there is a proposal to backfill and retain if it is
26 within a setback it requires Planning Commission review.

27
28 Chair Ricks encouraged staff to set standards based on a number of retaining walls that have
29 been presented. It was recommended that language be added that retaining walls be considered
30 fences at property lines or within the setback and be specific.

31
32 Commissioner Layton commented that when a false grade is created by backfilling against an
33 eight-foot retaining wall it could be compliant but is not a good design solution. Mr. Teerlink
34 explained that to assume that a barrier is needed presumes that the grade will be taken to the top
35 of the retaining wall.

36
37 Mr. Allred pointed out that there is some gray area. He suggested involving the City Attorney
38 and getting his feedback on the interpretation of the Code.

39
40 *Nicholas Tanga* was disturbed that the three neighbors to the south of his property are opposed to
41 his request. Possible alternatives were discussed such as two four-foot walls. Chair Ricks stated
42 that if there is a four-foot wall at the front fence line, the applicant could build a two-foot fence
43 on top. Mr. Allred stated that that would be considered a six-foot fence and would not require
44 the approval of the neighbors. Commissioner Layton stated that the applicant could build two
45 retaining walls and accomplish what he would like to.

1
2 Jeff Ridges commented that the reason there is a fence height limit is that without one, it would
3 be far exceeded. He recommended not granting a variance and simply require Mr. Tanga to
4 adhere to the Code.

5
6 Chair Ricks clarified that the Commission is not endorsing any options and asked that staff
7 revisit the ordinance.
8

9 ***Commissioner Mackin moved to deny the Special Exception to grading standards for property***
10 ***located at 4932 South Waimea Way because the impact of the request affects the neighbors***
11 ***and implicates the fence that was built on the Winkle property, which was built in violation of***
12 ***the Code. The motion was seconded by Commissioner Bradshaw. Vote on motion: Chris***
13 ***Layton-Aye, Alyssa Lloyd-Aye, Ann Mackin-Aye, Jan Bradshaw-Aye, Troy Holbrook-Aye,***
14 ***~~Chair and Chair~~ Marianne Ricks-Aye. The motion passed unanimously.***
15

16 Chair Ricks asked staff to seek legal guidance and address the Winkle property. She also
17 clarified that the Tangas may return to the Commission after the interpretation of the Code is
18 clear and the City Engineer has analyzed the situation. If the Tangas return to the Commission
19 on this matter, the fee will be waived. Chair Ricks stated this is not a precedent that the
20 Commission will approve any further walls down.
21

22 **5. Residential Subdivision – “Weyburn Estates” Concept Plan (PUD) – 1306 East**
23 **Spring Lane (RM).**

24 Mr. Allred introduced the staff report and stated that the applicant is requesting subdivision
25 approval. He gave a slide presentation showing an initial design for 16 lots on the property. The
26 applicant eventually would like to obtain a Planned Unit Development (PUD) conditional use.
27 The zoning has been approved and every lot should have a minimum of 2,722.5 feet. The
28 approximate density is 16 units per acre. Tonight’s purpose is to discuss the multi-family zone,
29 which is the same as the zoning to the south. The homes will be lower in height than allowed by
30 Code. Mr. Allred pointed out that the west end of the property is heavily sloped, not unlike the
31 sites in Tobermory that were approved in 2013. At the meeting, there was a lot of comment
32 about access and safety. Public Works Director, Tosh Kano is strongly in favor of a second
33 access to the property. It was suggested that Tobermory be widened at least 40 feet back from
34 Spring Lane and the entrance widened to make it easier to turn in and out.
35

36 The applicant, Jeff Kruckenberg, gave his address as 5411 South Vine Street and stated that the
37 primary concern was traffic. He was willing to work with others to create safe access. He
38 reiterated that the private access used by Tobermory is owned by the subject property and has a
39 recorded right-of-way agreement allowing the residents to access their homes and is non-
40 exclusive. His subdivision intends to use the same access for the 16 homes that are proposed.
41 Mr. Kruckenberg did not believe it was reasonable to require a second access if there is
42 discussion about widening Tobermory. He would be creating two accesses for the subdivision
43 that he does not need. He asked that he be allowed to work through the issues with staff and his
44 Engineer. Mr. Allred encouraged this and stated that Mr. Kruckenberg’s Engineer is highly
45 regarded. There was a discussion of a traffic study on Tobermory and the need to review safety

1 and access more. Mr. Kruckenberg added that normally a public street in a subdivision would
2 require a width of 25 feet.

3
4 Chair Ricks opened the public hearing.

5
6 *Kristine Goddard* gave her address as 5061 South Oban Court and identified as one of the
7 Directors of the HOA Board. She also provided a letter from the HOA's attorney and referenced
8 the HOA concerns on page 2 of the letter. She appreciated what Mr. Allred had done to
9 understand the neighbor's concerns and explained that the road is the only way to in and out for
10 the residents. There are mailboxes next to a locked gated road for emergency access. Ms.
11 Goddard stated that there is an issue with Tobermory Way, which is undersized and inadequate
12 and barely manages to accommodate two passenger vehicles. She remarked that the
13 maintenance of Tobermory Way is the responsibility of the Tobermory residents. The HOA
14 feels there would be inequitable and disproportionate harm to the HOA if there was not some
15 sharing of the maintenance responsibility. She understands the increased cost concerns but did
16 not consider it a reason for the developer to not widen the roadway to improve the access.

17
18 *Jira Kratochvil* gave his address as 5059 South Moray Court and commented that the traffic will
19 be tremendous with the proposed project. He asked that the access issue be addressed.

20
21 *Julie Abrams* gave her address as 5044 South Moray Court and agreed with the previous
22 comments. She is a pet owner and uses Tobermory Way to walk her pets which is treacherous.
23 The view is obstructed when cars park on Spring Lane. She asked that the Commission look at
24 the installation of a sidewalk in the area. She supports a secondary entrance into the community.
25 Mr. Allred stated that the City can address parking on Spring Lane outside of this project.

26
27 *Doug Beck* gave his address as 1311 East Tobermory Way and thanked Mr. Allred for his
28 follow-up. He reported that the Tobermory entrance is 16 feet. The entrance into the church
29 parking lot is 21 ½ feet wide. He believes that currently, a vehicle approaching Spring Lane
30 must enter the sidewalk to be able to exit. He stated that the developer can widen the access.
31 Mr. Allred clarified that he has encouraged ~~insisted~~ that the developer stay away from
32 construction on steep slopes if possible.

33
34 *Diana Tyson* gave her address as 1319 East Tobermory Way and thanked everyone for their
35 work. She agreed with her neighbors' comments about safety.

36
37 There were no further public comments. The public hearing was closed.

38
39 Commissioner Lloyd asked staff to address the issue of road maintenance before the matter is
40 brought back to the Commission. Traffic standards were next reviewed. It was mentioned that
41 safety should also be considered.

42
43 ***Commissioner Mackin moved to continue the request for Conceptual Subdivision Review by***
44 ***Jeff Kruckenberg who resides at 1306 East Spring Lane and continue the public hearing. The***
45 ***Planning Commission would like staff to have the TRC, including Dr. Perrin, fully review the***

1 conceptual subdivision, have a formal evaluation by the specific engineers, and look at the
2 deceleration lane to formally evaluate the conceptual plan before it returns. The PC requested
3 that a re-notice to the neighbors be sent prior to this item returning for Commission
4 consideration.

5
6 Chair Ricks made a friendly amendment to amend the motion to add that the Commission
7 wants the City and the applicant's Engineers to evaluate the current situation, regardless of
8 the Conceptual Plan. Commissioner Mackin accepted the friendly amendment. The motion
9 was seconded by Commissioner Bradshaw. Vote on motion: Chris Layton-Aye, Alyssa Lloyd-
10 Aye, Ann Mackin-Aye, Jan Bradshaw-Aye, Troy Holbrook-Aye, ~~Chair~~ and Chair Marianne
11 Ricks-Aye. The motion passed unanimously.

12
13 6. Commercial Site Plan – “Cotton Bottom Inn” Redevelopment – Concept Plan –
14 6252 South Holladay Boulevard (LU).

15
16 Mr. Allred presented the staff report and stated that staff feels good about the proposed site plan.
17 ~~A subsequent submittal was provided.~~ He reminded the Commission that this is a Conceptual
18 Site Plan review. The Cotton Bottom Development will keep the old building and add a patio
19 area with a bar and a family restaurant. The project will maintain the flavor of the old Cotton
20 Bottom, refurbish the old sign, and the theme will remain along with many menu items. The use
21 is not changing, just the size of the property. The applicants, Jeff Bernard and Dave Hunt are
22 switching to a full service restaurant liquor license from a tavern license. The project will be
23 more of a family restaurant and they want to keep the restaurant as much the same as possible.
24 The bar will be for patrons 21 years and older.

25
26 There was a discussion about the layout of the project. The new building will look like an old a
27 factory warehouse with a lot of windows. The applicant is expected to close on the purchase on
28 April 14 and once plans are approved, they will begin construction. The hope was to open in
29 October 2020. A meeting took place with the neighbors previously who raised concerns about
30 traffic and noise. The applicant stated that they Cotton Bottom they will help minimize any
31 impacts and be the best neighbors they can. The neighbors indicated that they were pleased that
32 the restaurant was coming.

33
34 Mr. Allred reported that there is only one other Limited Use (LU) zone in the City (Tuscany and
35 Franck's) so the Commission will need to develop regulations including hours of operation,
36 parking, etc. There was discussion about the abutting landscaping and the potential for the
37 development to be dog friendly.

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

41
42 Mr. Allred stated that he received a significant amount of verbal public comment throughout the
43 day that included a great deal of support.
44

1 | Commissioner Mackin moved to approve the ~~Conditional~~ceptual Site Plan for the Cotton
2 | Bottom Restaurant and Bar at 6252 South Holladay Boulevard for the applicant, David Hunt
3 | and continue the discussion on the conditional use of the property. The motion was seconded
4 | by Commissioner Bradshaw. Vote on motion: Alyssa Lloyd-Aye, Ann Mackin-Aye, Jan
5 | Bradshaw-Aye, Troy Holbrook-Aye, ~~Chair~~and Chair Marianne Ricks-Aye. The motion passed
6 | unanimously. Chris Layton recused himself from the vote.
7 |

8 | 7. ADJOURN

9 | Commissioner Mackin moved to adjourn. The motion passed with the unanimous consent of
10 | the Commission.
11 |

12 | The Planning Commission Meeting adjourned at approximately 10:41 p.m.

DRAFT

1 *I hereby certify that the foregoing represents a true, accurate and complete record of the City*
2 *of Holladay Planning Commission Meeting held Tuesday, March 3, 2020.*
3

4 Teri Forbes

5 Teri Forbes

6 T Forbes Group

7 Minutes Secretary

8
9 Minutes Approved: _____

DRAFT

1 ~DRAFT~

2 13.76.700:

3 **FILL WORK AND LAND EXCAVATIONS; SPECIAL REQUIREMENTS:**

4
5 F. Standards And Specific Requirements For Grading And Retaining Wall Systems:

- 6
7 1. All grading, fill work and excavation shall comply with the requirements set forth in this chapter in addition to
8 other requirements of this Code.
- 9 2. All grading and excavation in or adjacent to residential neighborhoods shall ~~be carried on between the hours~~
10 ~~of eight o'clock (8:00) A.M. to seven o'clock (7:00) P.M. and shall~~ comply with the City's noise ordinance.
- 11
12 3. All graded or disturbed surfaces of excavations, and all equipment materials and roadways on the site shall
13 be dampened or suitably treated, managed, or contained to prevent the deposit of dust on neighboring
14 properties; all materials transported to or from the site shall be so contained during transportation as to
15 prevent spillage on streets or other property outside of the site.
- 16
17 4. Maximum unretained or exposed slope of a permanent cut and fill area shall be thirty percent (30%). The City
18 Engineer may require the percent of slope of a cut or fill to be reduced if it is found that the cut or fill is
19 subject to unusual or excessive erosion, or if other conditions make such requirements necessary for
20 stability.
- 21
22 5. All fill, except in publicly approved refuse disposal or other landfill operations, shall be earth, rock, or other
23 inert materials free from organic material and free of metal, and except that topsoil spread on cut and fill
24 surfaces may incorporate humus for desirable moisture retention and plant growth properties.
- 25
26 6. Adequate provisions shall be made to prevent any surface waters from damaging the cut face of an
27 excavation or any portion of a fill. All drainage ways and structures shall carry surface waters without
28 producing erosion to the nearest practical street, storm drain or natural watercourse acceptable to the City
29 Engineer as a safe place to deposit and receive such waters. The City Engineer may require such drainage
30 structures to be constructed or installed as necessary to prevent erosion damage or to prevent saturation of
31 the fill or material behind cut slopes.
- 32
33 7. Exposed or finished cuts or slopes of any fill or excavation shall be smoothly graded to a maximum slope of
34 thirty percent (30%). All exposed slopes of any cut or fill shall be protected from erosion or sloughing by
35 approved plantings or graded terracing, crib walls or walls and planting, terracing, or combination thereof.
- 36
37 8. Artificial grade alterations:
- 38 a. Grading intended to raise and level the developable area of a site to support driveways, patios or
39 other structures shall be limited to a maximum of two feet (2') above the averaged grades
40 elevations of the abutting properties. ~~Proposals to artificially change grades greater than the~~
41 ~~average of the abutting properties to a maximum of two feet (2') must be approved by the Planning~~
42 ~~Commission.~~
- 43 b. Maximum depth of backfilled grades within four feet (4') of a property line shall be two feet (2').
- 44
45 9. ~~Use of~~ Retaining walls or retaining wall systems within a required setback shall be designed and constructed
46 ~~be~~ as follows.
- 47
48 For the purposes of this section a retaining wall system shall include various types such as, but not limited to:
49 gravity, crib, gabion, cantilever, rip-rap boulder or anchored systems designed to retain lateral soil loads.
- 50 a. Prohibited locations: No retaining wall or retaining wall system shall be constructed on or straddling
51 property lines or within a required, recorded easement(s).
- 52 ~~a. b.~~ Retaining walls holding the cut soil of the natural slope: ~~within a required setback shall meet the~~
53 ~~following provisions:~~

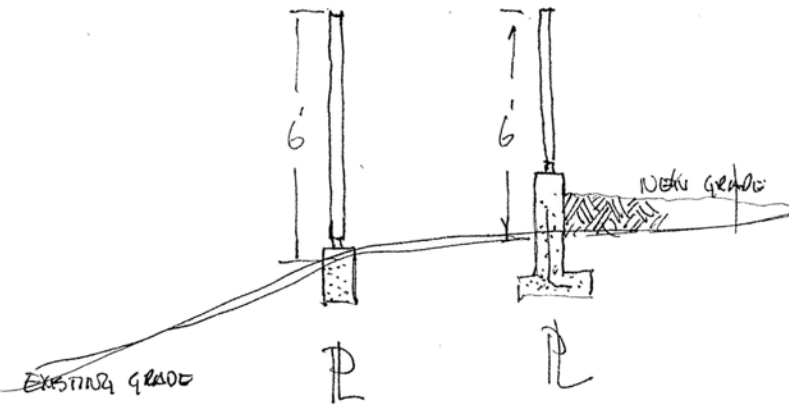
- (1) Minimum one foot (1') setback from property to any footing of retaining wall
- ~~(4)~~ (2) The maximum height of any retaining wall shall not exceed ~~four~~ six feet (~~4'6'~~) ~~from below~~ the natural grade.
- ~~(2)~~ (3) Area cut and retained shall not to exceed twenty percent (20%) of the required setback area.
- ~~(3)~~ (4) Retaining walls located in a required front yard setback, along a public or private right-of-way shall be set back a minimum of four feet (4') from the right-of-way line.
- ~~(4)~~ (5) Each subsequent retaining wall must be accompanied by a horizontal landscaped offset measuring no less than the height of the retaining wall.

~~b. c.~~ Retaining walls or retaining wall systems holding artificially backfilled grades within a required setback: ~~must be approved by the Planning Commission according to section 13.08.080 of this title.~~

- (1) Minimum of a four foot (4') setback required for any retaining wall system
- (2) The maximum height of any retaining wall shall not exceed four feet (4') measured from the natural grade. Height shall be stepped every ten feet (10') to accommodate changes in the natural topography
- (3) Each subsequent retaining wall must be accompanied by an additional, horizontal landscaped offset of four feet (4')
- (4) _____

10. Retaining walls ~~up to eight feet (8') in height and retaining walls~~ associated with a residential or nonresidential, planned development use may be approved by the Planning Commission upon recommendation of the Technical Review Committee according to procedures set forth in section 13.78 of this Title.
11. Any pipe trench or other trenching or excavation made in any slope of any excavation or filled site shall be backfilled and compacted to the level of the surrounding grades.

1.



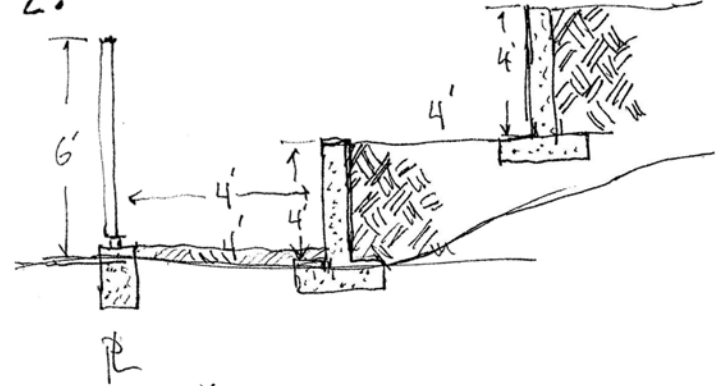
* FENCE / COMBO Retaining wall

• Max 6' fence

• Max 6' fence + combo retaining wall

→ • Back filled grades maximum 2' fill within 4' of property line.

2.

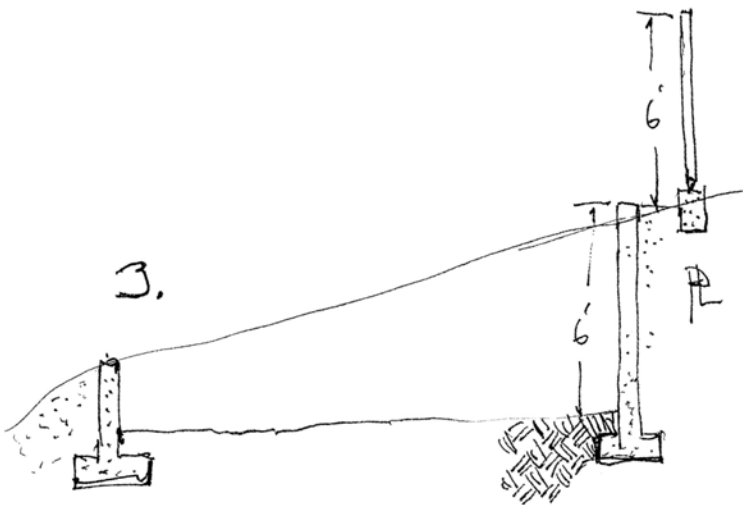


* FENCE + RETAINING WALL SYSTEM SUPPORTING BACKFILL

• Max 4' Retaining wall supporting backfilled slope

• Min 4' setback off prop line for 1st retaining wall

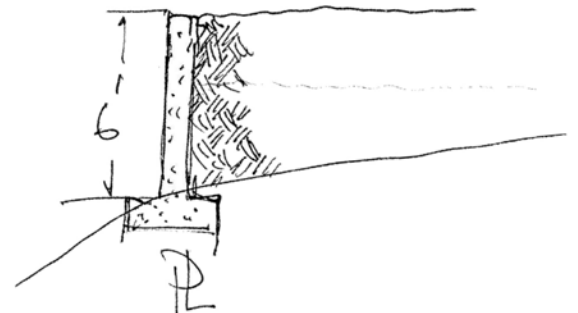
3.



* FENCE + RETAINING WALL SYSTEM SUPPORT CUT SLOPE.

• Maximum cut at existing slope 6' within 8' of property line within required setback area.

4.



* RETAINING WALL AS FENCE BARRIER.

[Proprietary Situation]

* DEF OF FENCE: Barrier into prop. an Line.