

**NOTICE OF MEETING OF THE
CITY OF HOLLADAY CITY COUNCIL
THURSDAY, FEBRUARY 20, 2014**

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

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

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

6:00 p.m. Council Meeting

AGENDA

- I. **Welcome** – Mayor Dahle
- II. **Pledge of Allegiance**
- III. **Public Comments**
The public is invited to address the City Council on any subject for three minutes, five minutes for a group spokesperson, additional time allotted at the discretion of the Chair. Comments which cannot be made within these time limits should be submitted in writing to the City Recorder prior to noon the day before the meeting so they can be copied and distributed to the Council
- IV. **Consideration of Ordinance 2014-03 Amending Chapter 13.080.150A – Development Near Waterways** (*proposed change in the current stream setback exception approval process*)
- V. **Consideration of Ordinance 2014-04 Anti-Discrimination Ordinance** (*proposed ordinance prohibiting discrimination in employment and housing on the basis of sexual orientation and gender identity*)
- VI. **Consideration of Resolution 2014-08 Authorizing the Mayor to Execute a Tolling Agreement with Holladay Boulevard Ventures, L.L.C. for the Installation of Parking Stalls at Approximately 4646 Holladay Boulevard, Holladay UT** (*Allows the City an additional year to comply with agreement*)
- VII. **Consent Agenda**
 - a. **Approval of Minutes – Feb. 6**
- VIII. **City Manager Report** – Randy Fitts
- IX. **Council Reports**
- X. **Other Business**

- XI. ***Adjourn City Council Meeting and Convene to a Council Work Meeting***
- a. **Discussion on Highland Drive Master Plan**
 - b. **Discussion on Proposed PUD Ordinance**
 - c. **Discussion on Scholarship & Awards Dinner**
 - * amount of scholarship
 - * need for a dinner
 - * Holladay Foundation
 - d. **Discussion on Proposed Update of General Plan**
 - e. **Discussion on Council Priorities**
 - f. **Calendar** – *schedule of upcoming meetings*
 - March Meeting Schedule
 - ULCT Mid Year, April 9-11
 - g. **Other Business** – *as may properly be introduced*
- XII. ***Closed Session pursuant to Utah Code Section 52-4-204 & 205 to Discuss Personnel Issues, Potential Litigation and Property Acquisition and Disposition – (If needed)***
- XIII. ***Adjourn Work Meeting***

All details regarding the agenda may be found online at www.cityofholladay.com

On Tuesday, February 20, 2014 at 11:00 am 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 pursuant to Section 10-9-103.5 of the Utah Code. 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 the City Recorder's office at 272-9450 at least three days in advance. TTY/TDD users should call 7-1-1.

Dated this 20th day of February, 2014

Stephanie N. Carlson, MMC
Holladay City Recorder

CITY OF HOLLADAY

ORDINANCE NO. 2014-03_

**AN ORDINANCE AMENDING CHAPTER 13.76.400 – DEVELOPMENT
NEAR WATERWAYS.**

WHEREAS, Section 10-9A-501 *et seq.*, Utah Code Annotated, 1953, as amended, grants the authority to municipalities to enact land use ordinances; and

WHEREAS, the Holladay City Planning Commission has reviewed a potential amendment and held commission discussion during various public meetings during September through December 2013 to discuss a portion of Section 13.76.400 pertaining to development near waterways; and

WHEREAS, the Commission has held a noticed public hearing regarding Chapter 13.76.400 on January 7, 2014; and

WHEREAS, the Commission has recommended favorably to the Holladay City Council (“Council”) the section be considered to be revised; and

WHEREAS, the Council has also conducted a noticed public hearing regarding this section on February 6, 2014; and

WHEREAS, said section received favorable support during the hearings.

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Holladay, Utah as follows:

That Chapter 13.76.400 Development Near Waterways be amended to read as shown on Exhibit A attached hereto.

PASSED AND APPROVED this 20th day of February, 2014.

By: _____
Robert Dahle, Mayor

[SEAL]

VOTING:

Lynn H. Pace	Yea	___	Nay	___
J. James Palmer, Jr.	Yea	___	Nay	___
Sabrina R. Petersen	Yea	___	Nay	___
Patricia Pignanelli	Yea	___	Nay	___
Steven H. Gunn	Yea	___	Nay	___
Robert Dahle	Yea	___	Nay	___

ATTEST:

Stephanie N. Carlson, MMC
City Recorder

DEPOSITED in the office of the City Recorder this 20th day of February, 2014.

RECORDED this 20th day of February, 2014.

EXHIBIT A

Text recommended by Planning Commission
on January 7th 2014

13.76.400: Development Near Waterways:

- A. Any buildable area or portion of a buildable area, fence or structure shall not be closer than twenty feet (20') to any manmade drainage, fifty feet (50') to an ephemeral stream or natural drainage channel, or one hundred feet (100') to a perennial stream. The planning commission may grant an exception to this requirement with the consent of the city engineer and the concurrence of any state or federal regulatory body with jurisdiction over such waterways.
- B. Existing waterways including irrigation ditches, irrigation pipes, storm drain channels, storm drain pipes, and related facilities shall be preserved in function and capacity and a permit is required for any modification to any such waterway. (Ord. 2012-15, 9-20-2012)
- C. Piping of Existing, Canals and Ditches. Irrigation ditches, also known as "Laterals", and canals were historically designed and used as open-channel water conveyances, however, urban encroachment has created a need to pipe these facilities. Piping of existing open-channel facilities is permissible subject to the following:
1. A permit is required for changing any irrigation canal or ditch, means of conveyance or alignment. Applicant shall provide necessary details to the City Engineer and certify that the proposed changes will not adversely impact the capacity or functioning of the canal or ditch, nor hinder the ability to deliver water to those with a water right.
 2. The permit will be subject to the review and approval of the City Engineer.
 3. Current and future landowner(s) are responsible for the perpetual and continual maintenance and condition of the piping along and through the property

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CITY OF HOLLADAY GENERAL PLAN
APPENDIX K
HIGHLAND DRIVE MASTER PLAN

Adopted February, 2012

Recommended Amendments, Planning Commission July, 2013

DRAFT

Version 2.0 Adopted _____ 2014

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Prepared by:

City of Holladay Planning Commission

Lori Kohadadad, Chair

Spence Bowthorpe

Les Chatelain

John Garver

Chris Jensen

Matthew Snow

Brad Wright

Community Development Department,

Paul Allred, Community Development Director

Richard Whiting, City Planner

Patricia Hanson, Consultant

Josh Deifel and Jason Bond, Planning Interns

City Council,

Denniss Webb, Mayor (2013)

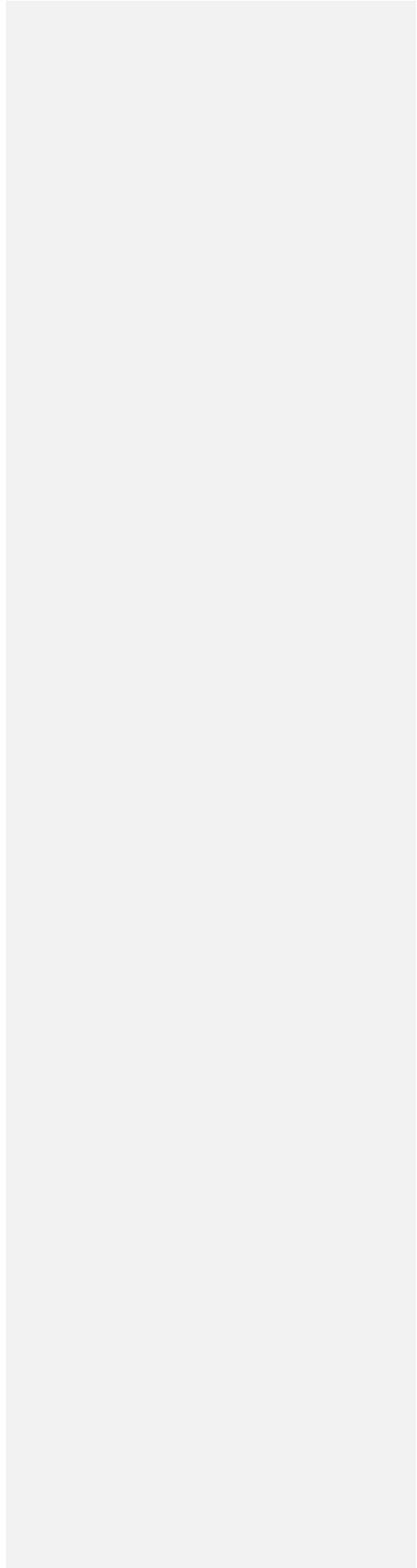
Robert Dahle, Mayor (2014)

Sabrina Petersen, District 1

Lynn Pace, District 2

Patricia Pignanelli, District 3

Steve Gunn, District 4



1 **I. HIGHLAND DRIVE MASTER PLAN**

2 This Appendix (K) to the City’s General Plan creates a Highland Drive Master Plan
3 (HDMP). This plan recognizes the continued evolution of the area surrounding Highland
4 Drive as part of the City’s lifecycle. While acknowledging the inevitability of growth and
5 change, the HDMP seeks to create policies that achieve balance between the constant
6 pressure for development and the protection of those characteristics that make this area and
7 the City of Holladay a unique and special place.
8

9 This plan recognizes that the historic development pattern along the Highland Drive corridor
10 includes the full range of uses from large lot single family residential to regional
11 commercial nodes. For ease of communication and for the purposes of this document,
12 Highland Drive and its associated properties will be considered in three segments. Each
13 segment has unique history, land use development patterns, streetscape characteristics and is
14 controlled by different jurisdictions.
15

16 | 1. Segment A: 3900 South to Arbor Lane (North end);

17 | Holladay controls the east side of Highland Drive to Murray Holladay Rd. and both sides
18 | from there south to Arbor Lane. The street is currently developed with right-of-way widths
19 ranging from 80 feet to 106 feet. Land use patterns are primarily commercial and multi-
20 family residential developments.
21

22 | 2. Segment B: Arbor Lane to Van Winkle Expressway (Middle section);

23 | Both sides of Highland Drive are within Holladay City. The street has a future planned
24 | right-of-way width of 80 feet. Land use patterns are primarily single-family residential with
25 | limited commercial and ~~higher-density (not high-density) single and multi-family residential~~
26 developments interspersed throughout the segment.
27

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28 | 3. Segment C: Van Winkle Expressway to City boundary at I-215 (South end);

29 | Holladay controls the east side of Highland Drive in this area. The street is currently
30 developed with a 106 foot right-of-way width. Land use patterns are exclusively
31 commercial development. ~~The west side of the road is in Murray City. UDOT manages this~~
32 section.

33 **II. HISTORY**

34 Over many years, Highland Drive in Holladay has
35 transformed from a quiet neighborhood street with roots in
36 residential settlement and farming to a very busy major
37 roadway. High traffic volume and increasing intensity of
38 land-use has eroded the number of single family homes along
39 Highland Drive south of Murray Holladay Road and virtually
40 eliminated the same along the northern segment of the street.



1 **III. CORE COMMUNITY VALUES AND GOALS**

- 2 | 1. Ensure the ongoing safety of Holladay residents ~~and~~ visitors and the general welfare of the community.
- 3
- 4
- 5 | 2. Promote safe and efficient road design, pedestrian safety and safe pathways to
- 6 | schools, parks, churches, recreational and commercial areas.
- 7
- 8 | 3. Implement land use planning and new development that does not compromise the
- 9 | quality of life of residents whose property is adjacent to or accessed from Highland Drive.
- 10
- 11 | 4. Expand public transit to minimize pollution, congestion, energy waste and encourage
- 12 | linkages to commercial areas where appropriate.
- 13
- 14 | 5. Protect existing trees where feasible while promoting planting of new trees.
- 15
- 16 | 6. Where feasible and within the context of financial realities, implement “Complete
- 17 | Streets” concepts.
- 18
- 19 | 7. Dialogue and input between area residents, the City, and developers, regarding
- 20 | potential impacts of new development proposals is of utmost importance. To that end,
- 21 | continued commitment to ample public notice and a thorough public process is both
- 22 | necessary and desirable.

23
24 8. As a major entrance into Holladay, Highland Drive must present a pleasant and welcome
25 feeling to visitors so they recognize they are in a special and unique City.

26 **IV. IMPLEMENTATION STRATEGIES**

27 **A. Land Use and Zoning**

28 Infill opportunities are limited, open spaces and energy resources are diminishing. The Plan
29 suggests new zoning patterns along Highland Drive.

30 1. Segment A:

31 Existing zoning in this segment has developed a
32 healthy mix of commercial and higher density
33 residential uses. Any changes to the current
34 zoning patterns should be considered only if the
35 new zoning will enhance the existing commercial
36 uses and strengthen the economy of the whole
37 City.

38
39 2. Segment B:



Café Madrid- 5244 S Highland Dr- 2011
Example of application of “NC” zone principles.

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1 a. Small areas of commercial development
2 should be allowed in this segment of Highland
3 Drive at the intersections of Spring Lane (west
4 side only), Walker Lane (northeast corner only),
5 and 5600 South (west side only) where current
6 zoning permits. Use of the Neighborhood
7 Commercial zone (NC) would be appropriate at
8 those intersection locations, where current R-M or C-1 Zoning exists. No new
9 commercial development should be allowed in other areas of Section B.

10
11
12 b. For the mid-block sections of Segment B, higher-density (not high-density) single
13 family uses such as the R-1-15, R-1-10, R-1-8 zones, and lower-density multi-family
14 residential zoning such as the R-2 zones should be given priority, in that order of
15 preference. For non-residential development in the mid-block sections of Segment B, the
16 Residential Office (RO) zone may be appropriate, where residential zoning is not viable.
17 No new R-M Zoning should be allowed in Section B.

18
19 c. When considering non-residential
20 zoning, the depth of the zone should be
21 appropriate to surrounding land uses. It
22 should not generally reach beyond 200 feet
23 deep from Highland Drive.



Example of existing higher density residential development.

24
25 d. The impact of new development on existing residents should be thoroughly
26 evaluated. Nuisance factors such as excess noise, light, and odors should be minimized
27 with buffering measures.

- 28
29 3. Segment C:
30 As with segment A, this area of Highland Drive is a strong economic key in the City.
31 This plan does not anticipate changes in the zoning patterns in this segment.

32 **B. Commerce**

33 Business is a key economic engine for the City of Holladay and the Plan recognizes its
34 importance. Measures that attract economic vitality while protecting core community
35 values should be encouraged along Highland Drive where commercial properties currently
36 exist in Segments A and C.

37
38 Strategies for revitalization of the existing commercial uses along all segments of Highland
39 Drive:

- 40
41 1. Allow new zoning that fosters the grouping of compatible businesses in order to
42 enhance economic synergy in the current commercial areas.
43
44 2. Allow existing businesses to upgrade building architecture, landscaping and other
45 site related factors to compliment the new vision of Highland Drive and to establish

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- 1 an ambience that is inviting for new businesses to locate ~~along this street~~ within the
2 existing commercial areas.
- 3
- 4 3. Improve access, infrastructure, easy pedestrian movement and other business
5 promoting factors when properties redevelop or when public funds become
6 available;
- 7
- 8 4. Adopt new commercial zoning regulations that include some architectural guidelines
9 and require the placement of new buildings close to the street to calm traffic and
10 create an aesthetically pleasing street wall that will invite more commerce and
11 economic activity within these current commercial areas.
- 12
- 13 5. Streamline entitlement processes and permitting / fee structures in order to support
14 appropriate development where appropriate;
- 15
- 16 6. Utilize economic assistance programs such as the Redevelopment Agency (RDA;)
17 and Economic Development Agency (EDA;) or Community Development Agency
18 (CDA) wherever feasible to stimulate appropriate development within the
19 established commercial areas.
- 20
- 21

22 **C. Traffic Control, Road Configuration, Streetscape Design**

- 23 1. Segment A: The current five lane road configuration for this segment of Highland
24 Drive is expected to remain indefinitely since Holladay only controls the east half of
25 this segment and the street has been fully improved within the last ten years.
- 26 2. Segment B: This section of Highland Drive is a residential Principal Arterial street
27 that connects a network of other roads, lanes and driveways that provide the sole or
28 primary access to hundreds of residential properties located in the Cottonwood
29 Historical District in the City of Holladay. All of these citizens are “stakeholders” in
30 the future of Highland Drive and special efforts should be made to inform them and
31 get input from them regarding future changes and developments along the street.

32 The road configuration for Segment B of Highland Drive should make a statement
33 about the community as a whole and the immediate neighborhood specifically. As a
34 major entrance into the City, it must present a pleasant and welcome feeling to
35 visitors so they recognize they are in a special and unique community. An evaluation
36 of the whole right-of-way needs to be determined so the future cross section can be
37 adopted by the City. This future discussion would include specific review of a
38 turning lane, lighting, right of way requirements and bicycle and transit
39 opportunities. The goal of a future evaluation would be to determine the best use
40 and configuration of Highland Drive and will only be implemented after careful
41 study and citizen input.

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1 a. Goals for Segment B:

2 (1) Reduction of unsafe traffic, especially speeding, must be a priority in the
3 long range plan for this segment of the street. Safe, practical turning areas and
4 ingress and egress to/from properties along Highland Drive are essential.

5 (2) As the southern entryway to an interesting and historic residential part of
6 Holladay, the street should showcase the history and enhance the character of the
7 City. This may be potentially achieved by making the street into an inviting "grand
8 boulevard" from Van Winkle Expressway north to Arbor Lane and the adjacent
9 Cottonwood project.

10 (i) The "grand boulevard" may include features such as landscaping and trees,
11 decorative overhead lighting, safe turning areas, a landscaped median, safe
12 sidewalks and convenient pedestrian crossings.

13 (ii) Highland Drive is both a residential and Primary Arterial street and one of
14 the most heavily used streets in the community. Its capacity should not be
15 unnecessarily curtailed in this particular location because of the important
16 commercial nodes located on both ends of this segment. The "grand boulevard",
17 could serve the purpose to remind travelers that long standing residential uses
18 and small scale office uses in the mid-block and at the intersections are to be
19 respected, protected and allowed to have ample and safe access to Highland
20 Drive.

21 b. Implementation Strategies for Segment B:

22 (1) Enable smooth and appropriate traffic flow with minimal delay.

23 (2) Ensure that public transit remains an integral part of Highland Drive.

24 (3) Provide sidewalks and accommodate mobility impaired citizens so as to
25 comply with requirements of the ADA.

26 (4) Provide left turn lanes at signalized intersections and major city streets.

27 (5) Pursue road dedications to achieve an eighty foot (80) right-of-way along this
28 entire segment.

29 3. Segment C: This segment is not expected to change its basic configuration for the
30 foreseeable future. Any plan to reconfigure it at this location will only be
31 contemplated after significant study and cooperation from UDOT, Murray City,
32 and/or other agencies.

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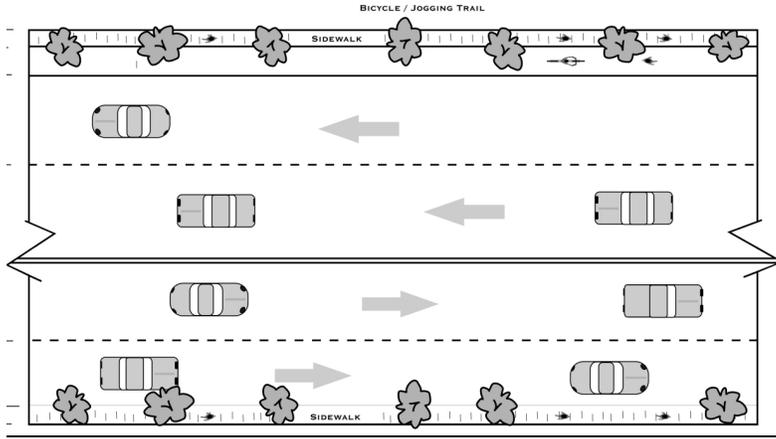
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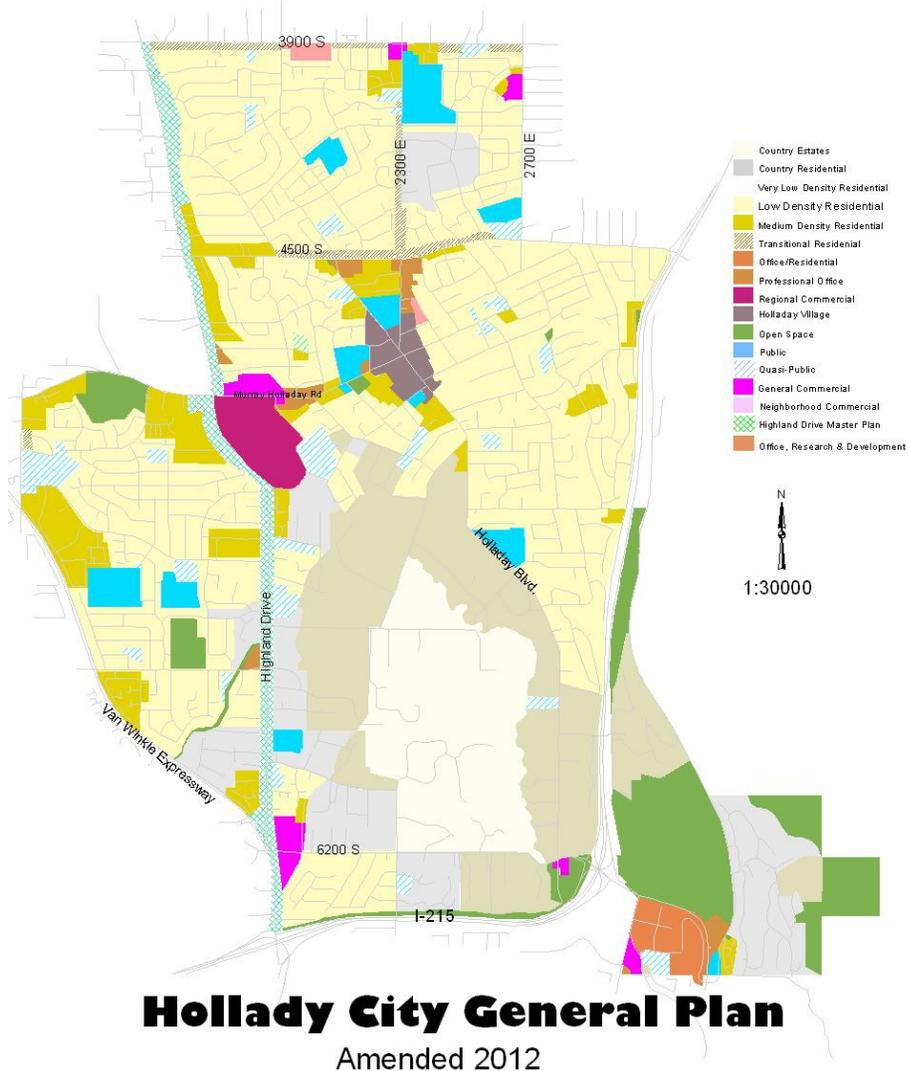
Highland Drive Road Configuration South of Murray-Holladay Road

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Conceptual Four Lane Road Configuration

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Chapter 13.78

PLANNED UNIT DEVELOPMENT

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- 13.78.010: Scope of Approval:
- 13.78.020: Purpose:
- 13.78.030: Planned Unit Development Defined:
- 13.78.040: Submission, Review and Approval; Site Plan and Permit:
- 13.78.050: Minimum Area:
- ~~13.78.060: Grading and Drainage Plans:~~
- 13.78.060: Land Use Amendment Required When:
- 13.78.070: Development Ownership:
- 13.78.080: Effect on Adjacent Properties:
- ~~13.78.090: Preservation of Open Space:~~
- 13.78.100: Landscaping, Fencing and Screening Requirements:
- 13.78.110: Signs and Floodlighting:
- ~~13.78.130: Site Plan Requirements:~~
- ~~13.78.140: Fees:~~
- 13.78.120: Construction Limitations:
- ~~13.78.160: Plan Review at Public Meeting:~~
- 13.78.130: Scope of Planning Commission Action:

13.78.010: **SCOPE OF APPROVAL:** Provision of a planned unit development by this chapter in no way guarantees a property owner the right to exercise the provisions of the planned unit development. Planned unit developments shall be approved by the planning commission as a conditional use only if, in its judgment, the proposed planned unit development fully meets the intent and purpose, and requirements of the land use ordinance and the general plan.

13.78.020: **PURPOSE:**

A. The purpose of planned unit development is to permit flexibility in land use, allow diversification in the interrelationships of various uses and structures with their sites and thus offer an alternative to conventional development. The application of planned unit development concepts is intended to encourage unique neighborhoods, high quality housing, exceptional design, additional open space, and facilities compatible with the present living environment in the city ~~as described by the general plan~~. Ensuring compliance with the purpose of this section protects the health, safety and public welfare of the future inhabitants of, or visitors to, the planned unit development. At the same time, securing the advantages of ~~large-scale~~ imaginative site planning for residential, commercial development or combinations thereof, as well as maximizing the energy utilization efficiency of the project. The objective is to preserve existing greenery and significant trees on site. The planned unit development process should create unique benefits for both the property owner and the city even though it does not allow additional density. Applicants must justify to the planning commission why the project would be better for the community than a project developed as the underlying zoning would normally allow. Development under the planned unit development process is a privilege that must be earned by the developer, not a right that must be granted by the planning commission.

B. Through the flexibility of the planned unit development regulations, the city seeks to achieve any of the following specific objectives:

- 1. Combination and coordination of architectural styles, building forms, building materials, and building relationships;
- 2. Preservation and enhancement of desirable site characteristics such as natural topography, vegetation and geologic features, and the prevention of soil erosion;

- 1 3. Preservation of buildings which are architecturally or historically significant or contribute
- 2 to the character of the city;
- 3
- 4 4. Use of design, landscape, or architectural features to create a pleasing environment;
- 5
- 6 5. Inclusion of special development amenities that are in the interest of the general public;
- 7
- 8 6. Elimination of blighted structures or incompatible uses through redevelopment or
- 9 rehabilitation;
- 10
- 11 7. Inclusion of affordable housing with market rate housing;
- 12
- 13 8. Utilization of "green" building techniques in development;
- 14
- 15 9. Efficiency in the utilization of valuable or other natural land resources; or
- 16
- 17 10. Increased public safety, health and welfare.

13.78.030: **PLANNED UNIT DEVELOPMENT DEFINED:**

- 21 A. "Planned unit development", for the purpose of this chapter, means a coordinated, integrated
- 22 design for development of residential, nonresidential, commercial, or a combination of such uses.
- 23
- 24 B. "Residential planned unit development", for the purpose of this chapter, means an integrated
- 25 design for development of primarily residential uses but may include some mixed, nonresidential
- 26 uses.
- 27
- 28 C. "Nonresidential planned unit development", for the purpose of this chapter, means an integrated
- 29 design for development of commercial uses which does not include any residential component.
- 30
- 31 ~~D. The planning commission may waive or vary one or more of the land use regulations To allow~~
- 32 ~~flexibility and initiative in site and building design other than use regulations overall building~~
- 33 ~~height regulations, and density and location in accordance with an approved plan and imposed~~
- 34 ~~general requirements as specified in this chapter. A planned unit development may be:~~
- 35 ~~1. The development of compatible land uses arranged in such a way as to provide desirable~~
- 36 ~~living environments that may include private and common open spaces for recreation, circulation~~
- 37 ~~and/or uses;~~
- 38 ~~2. The conservation of historic development patterns; and~~
- 39 ~~3. Creation of areas for multiple uses that are of benefit to the neighborhood.~~

13.78.040: **SUBMISSION, REVIEW AND APPROVAL; SITE PLAN AND CONDITIONAL USE PERMIT:**

Residential planned unit developments may be allowed by planning commission approval in any residential zoning district. Nonresidential planned unit developments may be allowed by planning commission approval in any nonresidential zoning district. An approved planned unit development shall consist of a final approval letter and a final approved site plan. A planned unit development permit shall not be granted unless the planned unit development meets the use limitations of the zoning district in which it is to be located and meets the density and other limitations of such districts. Compliance with the regulations of this chapter does not excuse the developer from the applicable requirements of the subdivision regulations, except as modifications thereof are specifically authorized in the approval of the application for the planned unit development. The permit shall be considered in two (2) parts:

- 53 A. Preliminary Approval: Preliminary approval subject to the public hearing provisions of section
- 54 13.06.030 of this title; and
- 55 B. Final Approval: Final approval based on construction drawings and specifications in general accord with
- 56 that granted preliminary approval. (Ord. 2012 15, 9 20 2012)

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- A. Allowed by Zone: Planned unit developments are allowed as per Chapter 13.100, Appendix A, of this title.
- B. Three-step Review of site plan: A planned unit development site plan shall be considered in three steps as required by Chapter 13.08.010 of this Title:
- C. Submission Requirements: The applicant shall submit a planned unit development site plan for the total area within the proposed development as required by Chapter 13.03 of this title.
 - 1. The site plan shall show, where pertinent:
 - a. The use or uses, dimensions, sketch elevations and locations of proposed structures;
 - b. Dimensions and locations of areas to be reserved and developed for vehicular and pedestrian circulation, parking, public uses such as schools and playgrounds, landscaping, and other open spaces;
 - c. Architectural drawings and sketches outlining the general design and character of the proposed uses and the physical relationships of the uses; and
 - d. Such other pertinent information such as, residential density, coverage and open space characteristics as may be necessary to make a determination that the proposed arrangement of buildings and uses makes it desirable to apply regulations and requirements differing from those ordinarily applicable under this Title.
 - 2. An explanation of how the proposed planned unit development satisfies the purposes set forth in Section 13.78.020 of this Chapter.
 - 3. If the planned unit development is to be developed on a phase basis, each phase shall be of such size, composition and arrangement that its construction, marketing and operation is feasible as a unit independent of any subsequent phases.
- D. Waiver of Zone District Regulations: To allow flexibility and initiative in site and building design, the planning commission may waive or vary one or more of the land use regulations as required by the zone in which the planned unit development is proposed, other than:
 - 1. use regulations;
 - 2. overall building height regulations, including graduated height restrictions, and;
 - 3. density.
- E. Limitations: A conditional use permit shall not be granted unless the planned unit development meets the use limitations of the zoning district in which it is to be located and meets the density and other limitations of such districts.
- F. Compliance with the Subdivision Regulations: Compliance with the regulations of this chapter does not excuse the developer from the applicable requirements of the subdivision regulations, as required by Chapter 13.11 of this title, except as modifications thereof are specifically authorized in the approval of the application for the planned unit development.
- G. Planning Commission: The planning commission may approve, approve with conditions, or deny a planned unit development based upon written findings of fact according to each of the following standards. It is the responsibility of the applicant to provide written and graphic evidence demonstrating compliance with the following standards:

DRAFT

- 1 1. *Planned unit development Objectives:* The planned unit development shall meet the
2 purpose statement for a planned unit development (section 13.78.020 of this chapter) and will
3 achieve at least one, and preferably more, of the objectives stated in said section;
4
- 5 2. *Master Plan and Zoning Ordinance Compliance:* The proposed planned unit
6 development shall be:
 - 7
 - 8 a. *Consistent with any adopted policy set forth in the future land use map applicable to the*
9 site where the planned unit development will be located, and
 - 10
 - 11 b. *Allowed by the zone where the planned unit development will be located or by another*
12 applicable provision of this title.
- 13
- 14 3. *Compatibility:* The proposed planned unit development shall be compatible with the character of
15 the site, adjacent properties, and existing development within the vicinity of the site where the use
16 will be located. In determining compatibility, the planning commission shall consider:
 - 17
 - 18 a. *Whether the street or other means of access to the site provide the necessary*
19 ingress/egress without materially degrading the service level on such street/access or any adjacent
20 street/access;
 - 21
 - 22 b. *Whether the planned unit development and its location will create unusual pedestrian or*
23 vehicle traffic patterns or volumes that would not be expected, based on:
 - 24
 - 25 (1) Orientation of driveways and whether they direct traffic to major or local streets, and,
26 if directed to local streets, the impact on the safety, purpose, and character of these streets;
27
 - 28 (2) Parking area locations and size, and whether parking plans are likely to encourage
29 street side parking for the planned unit development which will adversely impact the reasonable
30 use of adjacent property;
 - 31
 - 32 (3) Hours of peak traffic to the proposed planned unit development and whether such
33 traffic will unreasonably impair the use and enjoyment of adjacent property.
 - 34
 - 35 c. *Whether the internal circulation system of the proposed planned unit development will be*
36 designed to mitigate adverse impacts on adjacent property from motorized, nonmotorized, and
37 pedestrian traffic;
 - 38
 - 39 d. *Whether existing or proposed utility and public services will be adequate to support the*
40 proposed planned unit development at normal service levels and will be designed in a manner to
41 avoid adverse impacts on adjacent land uses, public services, and utility resources;
42
 - 43 e. *Whether appropriate buffering or other mitigation measures, such as, but not limited to,*
44 landscaping, setbacks, building location, sound attenuation, odor control, will be provided to
45 protect adjacent land uses from excessive light, noise, odor and visual impacts and other unusual
46 disturbances from trash collection, deliveries, and mechanical equipment resulting from the
47 proposed planned unit development; and
 - 48
 - 49 f. *Whether the intensity, size, and scale of the proposed planned unit development is*
50 compatible with adjacent properties.

51
52
53 **13.78.050: MINIMUM AREA:**

- 54
55 **A.** ~~No residential planned unit development in the R 1 4, R 1 8, R 1 10, R 1 15, R 2 8, R 2 10 or R-~~
56 ~~M zone shall have an area less than three (3) acres. B. No residential planned unit development in~~

1 the R-1-21, R-1-43, R-1-87 or forestry and recreation zones shall have an area less than five (5)
 2 acres. C. No nonresidential planned unit development shall have an area of less than five (5)
 3 acres.

4
 5 A planned unit development proposed for any parcel or tract of land under single ownership or control in
 6 certain zoning districts shall have a minimum net lot area as set forth in table 13.78.050.1 of this
 7 section.

8
 9 TABLE 13.78.050.1

<u>Zone Type</u>	<u>Designation</u>	<u>Minimum Area</u>
<u>Forestry and recreation zone</u>	<u>FR-0.5</u>	<u>1 acre</u>
<u>Forestry and recreation zone</u>	<u>FR-1</u>	<u>2 acres</u>
<u>Forestry and recreation zone</u>	<u>FR-2.5</u>	<u>5 acres</u>
<u>Forestry and recreation zone</u>	<u>FR-5</u>	<u>10 acres</u>
<u>Forestry and recreation zone</u>	<u>FR-10</u>	<u>20 acres</u>
<u>Forestry and recreation zone</u>	<u>FR-20</u>	<u>40 acres</u>
<u>Single Family Residential zone</u>	<u>R-1-4</u>	<u>8,000 SF</u>
<u>Single Family Residential zone</u>	<u>R-1-8</u>	<u>16,000 SF</u>
<u>Single Family Residential zone</u>	<u>R-1-10</u>	<u>20,000 SF</u>
<u>Single Family Residential zone</u>	<u>R-1-15</u>	<u>30,000 SF</u>
<u>Single Family Residential zone</u>	<u>R-1-21</u>	<u>1 acre</u>
<u>Single Family Residential zone</u>	<u>R-1-43</u>	<u>2 acres</u>
<u>Single Family Residential zone</u>	<u>R-1-87</u>	<u>4 acres</u>
<u>Multi-family Residential zone</u>	<u>R-2-8</u>	<u>10,000 SF</u>
<u>Multi-family Residential zone</u>	<u>R-2-10</u>	<u>20,000 SF</u>
<u>Multi-family Residential zone</u>	<u>R-M</u>	<u>9,000 SF</u>
<u>Commercial zone</u>	<u>C-1</u>	<u>no minimum</u>
<u>Commercial zone</u>	<u>C-2</u>	<u>no minimum</u>

10
 11
 12 ~~13.78.060: GRADING AND DRAINAGE PLANS: A grading and drainage plan shall be submitted to the~~
 13 ~~planning commission with the application.~~

14
 15 13.78.0760: **LAND USE AMENDMENT REQUIRED WHEN:** A planned unit
 16 development which will contain uses not permitted in the zoning district in which it is to be
 17 located will require a change of zoning district and shall be accompanied by an application for a
 18 land use amendment. ~~except that any residential use shall be considered a permitted use in a~~
 19 ~~planned unit development which allows residential uses and shall be governed by design and other~~
 20 ~~requirements of the planned unit development permit; provided, further, that in single family~~
 21 ~~zones, only single family dwellings may be allowed in the planned unit development.~~

22
 23 13.78.0870: **DEVELOPMENT OWNERSHIP:** The development shall be in single,
 24 partnership, or corporate ownership, or under option to purchase by an individual or a corporate
 25 entity at the time of application, or the application shall be filed jointly by all owners of the
 26 property.

27
 28 13.78.0980: **EFFECT ON ADJACENT PROPERTIES:** The planning commission shall
 29 require such arrangement of structures and open spaces within the site development plan, as
 30 necessary, to assure that adjacent properties will not be adversely affected.

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- A. *Height and Intensity:* Height and intensity of buildings and uses shall be arranged around the boundaries of the planned unit development to be compatible with existing adjacent developments or zones. However, unless conditions of the site so warrant, buildings located on the periphery of the development shall be limited to a maximum height of two (2) stories. All structures in the planned unit development shall comply with the graduated height restrictions of the underlying zone.
- B. *Area, Width, Yard and Coverage:* Lot area, lot width, yard and coverage regulations shall be determined by approval of the site plan and shall meet the requirements of the underlying zone wherever possible.
- C. *Density:* ~~Density of dwelling units per acre shall be the same as allowed in the zone in which the planned unit development is located.~~ Residential planned unit developments shall not exceed the density limitation of the zoning district where the planned unit development is proposed. The calculation of planned unit development density may include open space that is provided as an amenity to the planned unit development. Public or private roadways located within or adjacent to a planned unit development shall not be included in the planned unit development area for the purpose of calculating density except as allowed by section 15.28.020 of this code.

~~13.78.100090: PRESERVATION OF OPEN SPACE: Preservation, maintenance and ownership of required open spaces within the development shall be accomplished by:~~

- ~~A. Dedication of Land: Dedication of the land as a public park or parkway system;~~
- ~~B. Granting Easement: Granting to the city a permanent open space easement on or over the private open spaces to guarantee that the open space remain perpetually in recreational use with ownership and maintenance being the responsibility of the owner or an owners' association established with articles of association and bylaws which are satisfactory to the city; or~~
- ~~C. Compliance with Condominium Ownership Act: Compliance with the provisions of the condominium ownership act 1, which provides for the payment of common expenses for the upkeep of the common areas and facilities.~~

~~13.78.44090: LANDSCAPING, FENCING AND SCREENING REQUIREMENTS:~~ Landscaping, fencing and screening related to the uses within the site and as a means of integrating the proposed development into its surroundings shall be planned and presented to the planning commission for approval, together with other required plans for the development.

~~13.78.420 100: SIGNS AND FLOODLIGHTING:~~ The size, location, design and nature of signs, if any, and the intensity and direction of area floodlighting shall be detailed in the application.

~~13.78.130: SITE PLAN REQUIREMENTS:~~ The applicant shall submit a planned unit development plan for the total area within the proposed development. If the planned unit development is to be developed on a phase basis, each phase shall be of such size, composition and arrangement that its construction, marketing and operation is feasible as a unit independent of any subsequent phases. ~~The general site plan shall show, where pertinent:~~

- ~~A. The use or uses, dimensions, sketch elevations and locations of proposed structures;~~
- ~~B. Dimensions and locations of areas to be reserved and developed for vehicular and pedestrian circulation, parking, public uses such as schools and playgrounds, landscaping, and other open spaces;~~
- ~~C. Architectural drawings and sketches outlining the general design and character of the proposed uses and the physical relationships of the uses; and~~

~~D. Such other pertinent information, including, but not limited to, residential density, coverage and open space characteristics shall be included as may be necessary to make a determination that the contemplated arrangement of buildings and uses makes it desirable to apply regulations and requirements differing from those ordinarily applicable under this chapter. (Ord. 2012 15, 9 20 2012)~~

~~13.78.140: FEES: See title 3 of this code for the planned unit development and subdivision fees. (Ord. 2012 15, 9 20 2012)~~

~~13.78.150~~110: **CONSTRUCTION LIMITATIONS:**

A. *Compliance with Plan:* Upon approval of a planned unit development, construction shall proceed only in accordance with the ~~plans~~ site plan, subdivision, conditional use permit, and all specifications approved by the planning commission, and in conformity with any conditions attached by the commission to its approval.

B. *Amendments:* Amendments to approved plans and specifications for a planned unit development shall be approved by the planning commission and shown on the approved plans.

~~C. Building Permit: The building inspector or any other city department shall not issue any permit for any proposed building, structure, activity or use within the project unless such building, structure, activity or use is in accordance with the approved development plan and any conditions imposed in conjunction with its approval.~~

~~D. Certificate Of Occupancy: The community development director shall issue a certificate of occupancy for any building or structure upon its completion in accordance with the approved development plan.~~

~~13.78.160: PLAN REVIEW AT PUBLIC MEETING:~~

~~Preliminary development plans, including site plan (buildings, open space, parking, landscaping, pedestrian and traffic circulation), building elevations and general drainage and utility layout with topography shall be submitted for the purpose of staff analysis and planning commission review at a regularly scheduled meeting. (Ord. 2012 15, 9 20 2012)~~

~~13.78.170~~120: **SCOPE OF PLANNING COMMISSION ACTION:** In carrying out the intent of this chapter, the planning commission shall consider the following principles:

A. *Qualified Design Team:* It is the intent of this chapter that site and building plans for a planned unit development shall be prepared by a designer or team of designers having professional competence in urban planning as proposed in the application. The planning commission shall require the applicant to engage such a qualified designer or design team.

B. *Minimum Control Intended:* It is not the intent of this chapter that control of the design of a planned unit development by the planning commission be so rigidly exercised that individual initiative be stifled and substantial additional expense incurred; rather, it is the intent of this section that the control exercised be the minimum necessary to achieve the purpose of this chapter.

C. *Decision of Planning Commission; Appeal:* ~~The planning commission may approve or disapprove an application for a planned unit development.~~ In approving an application, the commission may attach such conditions as it may deem necessary to secure compliance with the purposes set forth in this title. The action of the planning commission may be appealed to the city council as allowed by Section 13.08.040H of this Title.

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1 **Additional changes required with this amendment.**

2

3 Chapter 13.100

4 **APPENDIX A- ALLOWED USES**

5

	All FR	R-1-4, R-1-8, R-1-10, R-1-15	R-1-21, R-1-43, R-1-87	R-2-8/ R-2-10	R-M	O-R-D	P	NC	C-1	C-2	HV	R/M-U	LU
<u>Planned Unit Development</u>	-	-	-	-	-	-	-	-	<u>C</u>	<u>C</u>	-	See SDMP	See <u>chapter 13.63</u> of this title
Nonresidential planned unit development	-	-	-	-	C	<u>C</u>	-	-	<u>C</u>	<u>C</u>	-		
Residential planned unit development	C	C	C	C	C	-	-	-	-	-	-		

6

TOLLING AGREEMENT

This Tolling Agreement (the "Agreement") is entered into as of the 28th day of January, 2014, by and between Holladay Boulevard Ventures, LLC ("HBV"), as assignee of Grantors under that certain Right of Way Contract (the "Contract") dated February 4, 2008, on the one hand, and the City of Holladay ("Holladay"), on the other hand. The HBV and Holladay are collectively the "Parties" and individually a "Party."

WHEREAS, on or about February 4, 2008, the Parties entered into the Contract by which HBV agreed to sell and convey to Holladay certain real property known as parcel number 22-03-377-012, being the East 16.00 feet of Lots 15, 16, and 17, Peony Gardens, City of Holladay, Salt Lake County, Utah, containing 960 square feet, more or less, as more fully described on Exhibit A to the Contract.

WHEREAS, potential claims have arisen under the Contract between the Parties (the "Claims") and they desire to discuss the Claims outside of litigation, without prejudice or admission of wrongdoing. As such, the Parties need additional time to attempt to resolve their differences.

WHEREAS, the Parties intend to toll the running of time-based bars and defenses during the period from the effective date of this Agreement through the end of the term specified in this Agreement.

NOW, THEREFORE, in consideration of the promises and representations contained herein, the sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. The period between the date of this Agreement and February 4, 2015 (the "Tolling Period") shall not be included in determining the applicability of any time-based bars including, but not limited to statutes of limitations and statutes of repose, in any action or proceeding arising from or related to the Claims or any claim arising from the Contract. Any statute of limitations, statute of repose, or other time-based bar for bringing claims shall be tolled entirely during the Tolling Period.
2. Nothing in this Agreement shall be treated as an admission either of liability by any Party or as to the date on which a statute of limitations or statute of repose for any alleged cause of action related to the Claims begins and ends in the absence of tolling.
3. Nothing in this Agreement shall waive the rights of the Parties or affect any defense available to any Party as of the date of this Agreement or after the termination of the Tolling Period, including without limitation, statutes of limitation or repose, or contractual periods of limitation or repose, that accrued and/or expired prior to the execution of this Agreement or that accrued and/or expired after the termination of the Tolling Period. Without limiting the generality of the foregoing, the Parties understand that it shall not be a violation of this Agreement if a Party files suit relating to the Claims during the Tolling Period.

4. This Agreement is to be construed, interpreted, and enforced in accordance with the laws of the state of Utah, and the Third Judicial District Court for the State of Utah shall have exclusive jurisdiction to resolve any and all disputes relating to this Agreement, including, but not limited to, its interpretation and enforcement.

5. This document constitutes the entire agreement between the Parties regarding any tolling of any period of limitations or repose and supersedes all prior communications, understandings, and/or agreements, oral or written, if any, regarding the same subject matter. This Agreement may not be modified, altered or changed in any way except in writing signed by the duly authorized representatives of the Parties to this Agreement.

6. This Agreement may be executed in counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same agreement. Signatures by facsimile or sent by email shall have the same force and effect as original signatures.

7. Each of the persons signing this Agreement on behalf of the parties hereto represents and warrants that he or she is duly authorized to execute this Agreement and to bind the Parties to the terms hereof.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement the date indicated above.

Holladay Boulevard Ventures, LLC

City of Holladay

By: _____

By: _____

Title: _____

Title: _____

CITY OF HOLLADAY

RESOLUTION NO. 2014-__

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A TOLLING AGREEMENT WITH HOLLADAY BOULEVARD VENTURES, L.L.C. FOR THE INSTALLATION OF PARKING STALLS AT APPROXIMATELY 4646 HOLLADAY BOULEVARD, HOLLADAY, UTAH.

WHEREAS, the City of Holladay (the “City”) entered into a Right of Way Contract (the “Contract”) with the assignor of Holladay Boulevard Ventures L.L.C. (“HBV”) for the purchase of Lots 15, 16 and 17, Peony Gardens, Parcel 22-03-377-012 on February 8, 2008; and

WHEREAS, said Contract required City to perform certain obligations in favor of HBV, which obligations have not been satisfied; and

WHEREAS, potential claims have arisen under the Contract between City and HBV and they desire to discuss the claims outside of litigation, without prejudice or admission of wrongdoing. As such, the parties need additional time to attempt to resolve their differences.

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. The Mayor is hereby authorized to sign the attached Tolling Agreement as Exhibit A between the parties.

Section 2. This Resolution shall take effect upon passing.

PASSED AND APPROVED this 20th day of February, 2014.

HOLLADAY CITY COUNCIL

By: _____
Robert Dahle, Mayor

[SEAL]

VOTING:

Lynn H. Pace Yea ___ Nay ___
J. James Palmer, Jr. Yea ___ Nay ___
Sabrina R. Petersen Yea ___ Nay ___
Patricia Pignanelli Yea ___ Nay ___
Steven H. Gunn Yea ___ Nay ___
Robert Dahle Yea ___ Nay ___

ATTEST:

Stephanie N. Carlson, MMC
City Recorder

DEPOSITED in the office of the City Recorder this 20th day of February, 2014.

RECORDED this 20th day of February, 2014.



HOLLADAY CITY COUNCIL SUMMARY REPORT

MEETING DATE: February 20, 2014

SUBJECT: Consideration of a Resolution Authorizing the Mayor to Execute a Tolling Agreement with Holladay Boulevard Ventures, LLC for property located at the corner of Holladay Boulevard and Laney Avenue Regarding Parking

SUBMITTED BY: H. Craig Hall, City Attorney

SUMMARY:

In 2008 the city purchased a portion of the eastern property of the old Spin Cycle building. The purpose of the acquisition was to enable the realignment of Laney Avenue and Holladay Boulevard. The Real Estate Purchase Agreement required the city to provide 8 parking spaces. The completed construction only provided 4 leaving the obligation unfulfilled. The property owner is willing to extend the period of time for the city to comply with this written obligation. If the tolling agreement is not approved, the property will initiate litigation.

RECOMMENDATION:

The city attorney's office recommends the passage of the resolution and the approval for the mayor to sign the tolling agreement.

ATTACHMENTS: Proposed tolling agreement and resolution.

FISCAL IMPACT: The potential unknown cost of acquiring the additional necessary parking spaces.

SUGGESTED MOTION: I move that Resolution No. 2014- ____ authorizing the mayor to execute a Tolling Agreement with Holladay Boulevard Ventures, LLC be approved.