

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

**Tuesday, January 19, 2016
6:30 p.m.
Holladay Municipal Center
4580 South 2300 East**

ATTENDANCE:

Planning Commission Members:

Jim Carter, Vice Chair
Jan Bradshaw
Spence Bowthorpe
John Garver
Chris Jensen
Marianne Ricks

City Staff:

Paul Allred, Community Development Director
Jonathan Teerlink, City Planner
Pat Hanson, City Planner
Todd Godfrey, City Attorney
Tosh Kano, Traffic Engineer
Shay Smith, City Engineer

PRE-MEETING/WORK SESSION

In the absence of Chair Snow, Vice Chair Jim Carter called the meeting to order at 6:32 p.m.

City Planner, Jonathan Teerlink, briefed the Commission on the first agenda item involving the Wasatch Waldorf Elementary Charter School. He explained that State law allows public schools to be located in any zone as long as they meet certain criteria. The State requires municipalities to move any State project to the top of their priority list. Staff moved as quickly as possible with the project. The new site plan shows that the road has been moved away from the stream. It was noted that the City's parking standard requires one stall per faculty member and one stall for every 3.5 seats in the auditorium.

With regard to ingress and egress from Murray Holladay Road, Mr. Teerlink stated that the approach was widened considerably. He stated that traffic is an issue the City can address with the applicant. In addition, parking must meet the standard in the zone. Parking issues were discussed. A Reciprocal Parking Agreement is in place that would result in 34 parking stalls that could be shared during daytime hours. Trees on the site were discussed. It was noted that at the time the staff report was written staff was not recommending action be taken tonight. Certain events had transpired, however, and action was not completely ruled out.

Agenda item number three was reviewed, which would allow private catteries in all residential zones. It was noted that currently catteries are not allowed in residential zones. They are, however, allowed on lots of one acre or more. City Planner, Pat Hanson, reported that a permit would be required for the use. Enforcement issues were discussed. Ms. Hanson recommended removing all regulatory language so that enforce is performed by Animal Control. The impacts of breeding cats were discussed. It was noted that the use is allowed under Title 8.

(18:52:39) The fourth agenda item was described as an ordinance amendment to address public noticing procedures.

The action item on the agenda was identified as the Hampton Inn at Millrock. The conceptual plan was presented at the last meeting. Final approval was delegated to the Technical Review Committee (TRC). Community Development Director, Paul Allred, reported that the proposed hotel meets the underlying restrictions and conditions of the City ordinances.

(18:58:38) Commissioner Jensen moved to adjourn the Work Meeting and convene in the Council Chambers. Commissioner Bradshaw seconded the motion. The motion passed with the unanimous consent of the Commission.

CONVENE REGULAR MEETING

1. Welcome and Chair Opening Statement.

Vice Chair Carter called the Regular Meeting to order at 7:03 p.m.

Those present were welcomed and the role of the Planning Commission was described.

PUBLIC HEARINGS

2. Wasatch Waldorf Elementary School – 1458 East Murray Holladay Road – Permitted Use Site Plan/Stream Protection Approval.

(19:06:12) Vice Chair Carter reported that the two elements the Planning Commission will look at include the permitted use site plan and a stream protection exception that may be necessitated based on how the site plan is proposed. The request is unique in that it is one that Utah State law identifies as a use that is allowed in all zones. As a result, the purview of the City of Holladay and the Planning Commission is somewhat limited.

Mr. Teerlink presented the staff report and stated that the property is currently developed with a single-family home and is in the R-1-10 Zone, which only allows for detached single-family residences. The General Plan envisions the property to already be at a maximum potential density for what would be considered Residential Multi-Family (RM). The zone typically allows for apartments and townhomes. The issue is that there is an overriding set of regulations in State law that restricts municipalities with respect to what they can regulate on State projects. The City can regulate life safety, traffic control issues, and adhering to the current zoning as they pertain to massing and setbacks. The proposal is to add on the element of interface between the project and Big Cottonwood Creek and the protection of that facility as both an open water body, a riparian corridor, and a flood control facility for Salt Lake County.

Mr. Teerlink reported that the issue was reviewed by the Technical Review Committee, which consists of staff members who represent the Public Works, Engineering, Planning and Zoning, and Fire Departments. Representatives from each department were present and prepared to answer questions. Their interpretation of State law in the site plan was included in the staff report. Since the report was prepared, staff had not had a chance to review the updated site plan where the applicant addressed the issues presented. Staff's recommendation was to take public comment, address any concerns with staff, the TRC, and the applicant. If all concerns have been addressed, it would be at the discretion of the Planning Commission to approve the site plan with the stream exception.

Commissioner Jensen commented on parking and stated that there will be 40 faculty members and 50 parking stalls. He noted that the school will also have an assembly area. He asked the applicants if they feel that enough parking has been proposed. The applicant, Mike Wright, stated that most assemblies are held after school and there is significant street parking on 4750 South, which is across the street to the north. There is also parking at the park, which is on the same side of the street, and a senior center to the east.

In response to a question raised, it was noted that the proposed facility is a Waldorf Charter School and is the first of its kind in the State of Utah. Because it is a public charter school, it is a public entity and will be open to all students in the State. The applicants expect to pull from a wide range of areas and will serve students from Kindergarten to 8th grade. Their program is very arts integrated and they have a very holistic way of teaching and use movement, activity, and nature-based experiences. The school year will begin the end of August and end the beginning of June. School will be in session from 8:30 a.m. until 3:15 p.m. The pickup and drop off times will be staggered to help address traffic issues. It was reported that the school can serve up to 540 students under their charter between the various grade levels. Because of the nature of the site and the charter, they will never expand in the proposed location.

With regard to parking, the part and full-time staff will consist of no more than 40. The intent is to hold most school-wide events after school hours to avail themselves of the agreement they will have with the office complex next door and other parking sites. They may have class-based events as well. It was noted that class maximums are 30 students. The acreage for the proposed project is significantly less than a typical elementary school of its size. The issue of outside play was discussed. A typical elementary school typically is built on 5 to 7 acres. The proposed site is just over three acres. The design of the building includes multiple stories, which consolidates the space taken up by the building. They are also looking to lease an adjacent parcel to provide additional space for outside play. The drop off and pickup area will be closed during the day and will connect to a hard surface play area.

(19:19:00) A question was raised about the background of the Waldorf School. It was reported that the Waldorf School began nearly 100 years ago in Germany and they are currently located throughout the world. In fact, Waldorf education is the fastest growing independent school movement in the world. There are over 50 private Waldorf Schools in the country and nearly 50 public charter schools that utilize this approach to education. Mr. Teerlink reported that a neighborhood meeting was held.

(19:21:00) Vice Chair Carter opened the public hearing. He described the scope of the review of the Planning Commission. He explained that the application is unusual because under State law, charter schools and other educational facilities are permitted uses in all zones. As a result, no rezoning of the land is required.

Dr. Melissa Jenkins gave her address as 4807 South Yorktown Drive, and spoke on behalf of the neighbors immediately adjacent to the proposed school. The neighbors first heard about the proposed school on January 8 and felt it was being forced on the community. The residents were surprised to hear that there would be 540 students on three acres. After conducting research, they found that most K through 8 schools are on 7 to 10 acres. Issues brought up at a meeting on

January 11 included traffic and Murray Holladay Road safety. Since tonight's meeting was noticed, the neighborhood convened to discuss the proposal and have valid concerns they feel need to be addressed. Dr. Jenkins stated that the neighbors are not anti-school and she expressed support for the Waldorf School methodology.

Dr. Jenkins gave reasons why the neighbors are concerned that the site feels unfinished and defunct including neighborhood encroachment, environmental concerns, and child concerns. With respect to neighborhood encroachment, they are concerned with traffic and motorists using the neighborhood to travel west down Kings Row. The neighbors are also concerned about the volume of cars in the back of the building and lights shining onto the back of the homes since most have windows facing the river. There was also concern expressed about older children being drawn to the river and jumping the fence into the neighborhood. Lack of privacy, the proximity of the playground overflow to the residences, and foot traffic through the neighborhood were also of concern. With regard to environmental concerns, it was noted that there will be 540 children taking recess in the back overflow area and there was a potential for erosion of the river bank. Dr. Jenkins stated that the river area is very delicate and there are ducks, birds, and fish that may suffer since they seek respite in the areas behind the homes. The density on the property was also of concern as well as air pollution from idling cars waiting to pick up students.

Most importantly, Dr. Jenkins was afraid for children because of the potential danger associated with the river. She informed those present that the park next door has also been a home to illicit activity. A photo of the river was displayed, which Dr. Jenkins stated can be deadly. She appreciated the opportunity to speak and stated that once the school is built the neighbors will be left with the repercussions and possible safety concerns. The citizens felt they had conceded enough and the applicants should modify the site plan. They feel that that concessions made warrant the installation of a solid, unclimbable, sound proof fence around the west, south, and east borders of the property with no gate access to the river or the land to the south. A signed petition was submitted containing the names of 44 residents who live adjacent to the proposed project. A copy was to be provided to staff as well.

Traffic concerns were addressed and a question was raised with regard to whether a traffic study was conducted. Traffic Engineer, Tosh Kano, reported that he helped build the road back in 1970. It was widened to 80 feet of right-of-way and 55 feet of asphalt from curb to curb. Unfortunately, to the east of the property, the County built the Flood Control Detention Basin. They built the berm next to the road, which creates a blind spot when looking to the east. Mr. Kano was concerned about the ingress and egress on the property and stated that the existing property is also below the existing road. In order to make it safe to create a plateau before coming to the road, it is necessary to gradually create a flat spot on the south side of Murray Holladay Road to provide visibility. Mr. Kano's biggest concern was parking next to the ingress and egress. He had observed the Challenger School in the area and stated that every day parents park on both sides of 2300 East to pick their students up. With a limited amount of parking, the Challenger School creates a hazard for parents and children. Mr. Kano was very surprised to hear that the proposed facility is planning for 540 students and 40 staff. His major question had to do with parking. The applicant indicated that they can park across the street, however, that is

not in the City's jurisdiction and is part of Salt Lake County. In 2017, it will be in Millcreek City. For the City to impose that on another jurisdiction was unfair in his opinion.

(19:34:44) Mr. Kano stated that the speed limit is posted as 40 mph. The applicant has offered to install a crosswalk and provide a crossing guard, which will with a cost. He noted that the City will have to pay for the crossing guard. Because there is 55 feet of asphalt, it will be necessary to have two crossing guards. Mr. Kano stated that flashing school lights, like the ones at Oakwood Elementary, cost the City \$35,000. A signal will cost \$250,000, which will be a burden to the City. Mr. Kano commented that he has seen many schools be developed on busy roads and in every case the municipality is asked to resolve the traffic issue. He reported that he deals with a school traffic issues often and just last summer the relocation of a flashing light zone for Oakwood Elementary cost the City \$30,000.

(19:37:35) Tessa Harris, a new Holladay resident, gave her address as 4958 Wander Lane. She reported that previously she lived near a private school in downtown Salt Lake City and she got a good idea of the noise associated with this type of school. During the seven years she lived there she never had a bad experience being so close to an elementary school. The noises they heard were joyous and pleasant and the children were very respectful. Ms. Harris stated that she has two prospective students and was excited to have the school coming to Holladay. She visited the proposed school site and stated that based on the Waldorf philosophy, she expects them to take very good care of the property. Ms. Harris expressed her support.

Cliff White gave his address as 4811 South 1395 East, near the proposed school. His opinion was that the applicants are overbuilding. They are proposing to construct a 42,000 square-foot building on 2.7 acres of property. They hope to reach an agreement with the County to obtain another one-half acre parcel. Mr. White considered parking to be the biggest problem and stated that traffic on Murray Holladay Road will be greatly impacted. He noted that the school will be unable to meet any of the standards. Most schools are 100-year buildings, however, the facility proposed is a 50-year building. A traffic study was not conducted and should have been. Mr. White did not think approval could be granted without a traffic study and pointed out that the cost to the City will be huge. He commented that water is a major problem in the area and there will need to be a 20-foot separation between the school and the river. He suggested that the City be firm and deny the request because of the negative traffic impacts.

(19:44:25) Karen Theriot, a Tidewater Village Condominiums residents, reported that they have had numerous problems with the ground water in the area. She had read several articles that reported that if there is an earthquake in the area, everything will sink. She commented that the ground is not stable.

Roger Evans gave his address as 1684 Bunkerhill Road and agreed with the traffic concerns raised. He commended Mr. Kano for doing an excellent job of describing the issues. Mr. Evans stated that he currently represents the Utah League of Cities and Towns on the Utah Seismic Safety Commission and is nearing completion of a 10-year term. He had been heavily involved in schools throughout the state. Two bills that were submitted in the past five years included rapid visual screening for schools for earthquakes. The other involved Mr. Evans being asked to write a bill to require carbon monoxide detectors be placed in school buildings. He stated that

there is a huge liquefaction potential in the area. Salt Lake County provides a liquefaction map for Salt Lake County that amplifies what happens during an earthquake. Mr. Evans considered traffic and the soil problem on the site to be the most significant.

(19:47:14) John Parr gave his address as 1430 East Saratoga Road, which is adjacent to the subject property. He stated that during the spring he walked the proposed playground area and there was water on the site, which caused him to get stuck. He noted that it is basically a swamp, which is the reason it has not been developed.

Holly Christiansen gave her address as 4795 South Yorktown Drive and reported that she attended the neighborhood meeting the previous week and was concerned about safety. A woman present at the neighborhood meeting stated that last year there was a proposal to develop an assisted living center on the property. The County would not approve it because in the event of a flood they would not be able to evacuate the patients fast enough. Ms. Christiansen's concern was for the safety of children in the event of a flood.

(19:50:31) Russell Mason gave his address as 4831 Yorktown Drive and stated that the disk golf course is on the opposite side of the river near the edge of this property. He addressed child safety and stated that issues need to be resolved with the County Park such as controlling off leash dogs and eliminating drug use in the park. He was concerned about having a school right next door.

Royce VanTassel was present on behalf of the Executive Director of the Association of Public Charter Schools. The question and concerns expressed tonight are actually fairly common across the State. He reported that last year the Legislature created a process that was designed to stimulate this type of dialog. The window of time for charter schools from the time they are approved until they open is much more compressed than in a district environment, which creates challenges. Typically, 18 months' elapse from the time a school is approved until it opens its doors.

(19:53:54) Jeff Biesinger, an Ogden resident, reported that he works with one-third of the charter schools in the State and has attended several meetings of this type and has heard similar concerns. With regard to parking, at any given time there will be 25 full-time staff members at the school. He felt that the proposed location offers parking options for special events that are held in the evenings. With regard to traffic, he stated that there will be two times each day when there will be increased traffic; once in the morning and once in the afternoon. The morning tends to not have a significant impact because there is a longer time period between when children are dropped off and when school starts. In the afternoon there will be a rush of parents coming to pick up students but the situation is not as bad as many think. In a new school of a similar size from the time school gets out until the last cars leave is about 12 minutes. A handful of parents come early and park in the parking lot to wait for their children but there is not a backup. As a parent of charter school students, Mr. Biesinger considered the stream and the park to be opportunities rather than hindrances. With regard to the lot size, he stated that they work with a number of schools of similar size that work very well on a lot of this size. He considered this to be a phenomenal site and stated that the school will be a great neighbor.

Jeff Merchant gave his address as 1866 Orchard Hollow Lane and expressed his support for the school. He was glad that his three daughters will be able to attend a school that can provide the type of education he currently has to pay a lot of money for. He was thrilled that the school has chosen to locate in Holladay. He recognized that there are valid concerns but felt that the benefits are great. He addressed some of the safety concerns identified and stated that Waldorf Education is led by teachers that follow children through the grades and someone they spend many years with. Mr. Merchant was confident that the teachers will not allow the children to wander off into a bog to get buried waist deep in mud. He explained that Waldorf Education is focused on preserving the environment, being environmentally sensitive, and bringing students into nature. He thought the proposed site was perfect to provide that experience. He urged the Commission to approve the request and allow the school to move forward.

(20:01:18) Barry Bell gave his address as 1397 Saratoga Road and identified himself as an educator for the last 39 years. He has also been associated with water for 36 years and stated that there is no guarantee that children will not wander off. He expressed concerns with the safety of the children and recommended a barrier be constructed.

Hannah Lambert, a Highland resident, spoke on behalf of the school. She was very passionate about the issue since she was a student at a Waldorf School growing up in California. She was happy about the opportunity to have a similar school in Utah. She stated that the school will bless the community. Waldorf Education is strongly focused on the arts, protecting the environment, and integrating the arts into everything that is taught in sciences and math. She was grateful for the wonderful learning opportunities it gave her. Ms. Lambert stated that part of the Waldorf philosophy involves protecting the surrounding community. Many people carpooled and rode their bikes to school, including her teacher, to protect the environment. She has lived next to schools before and enjoyed the happy sounds of children. Her sister attends a charter school in Highland and while there is traffic before and after school, it usually only lasts for about 10 minutes. The school directors will do what they can to provide for the safety of the children.

(20:05:45) Kevin Emerson, a Salt Lake City resident, identified himself as a parent of a student who he hopes will attend the Wasatch Waldorf School. He also serves as a board member, however, his comments were his own. Mr. Emerson stated that he does not spend as much time as he would like to in Holladay. One of the outcomes of the school will be that he will be able to spend more time getting to know the City and spending more time with his family in the City. He also appreciated the feedback from the community about the various issues with respect to traffic, safety, and risks. He stated that the issues raised will be taken seriously by the board. He urged the Commission to recommend approval of the proposed school.

Dave Pulley gave his address as 4818 Yorktown Drive and his biggest concern was liquefaction. Even if all of the safety problems can be resolved, there is no way to prevent an earthquake.

(20:08:13) Rachel Lauritzen gave her address as 568 East 3635 South in South Salt Lake City and stated that she serves on her own Planning Commission and appreciates the issues being considered. She thought a lot of good points had been raised both for and against the proposal but she felt they the Commission had the ability to move the project forward while still

specifying parameters to ensure that all of safety concerns are addressed. Ms. Lauritzen reported that she has a child she hopes to enroll at the school who is currently attending another charter school where they have had similar parking and traffic concerns. With creative planning, they have been able to streamline pickups and drop offs and events. They coordinated with a shuttle company to help get people to events and staggering events for different grades. She noted that there are several creative options to work out logistics. She felt that a traffic study would be beneficial and perhaps will produce some surprises. She suspected that having a school in the proposed location would have a calming effect on the road.

Elizabeth Bishop, a Yorktown Drive resident, could not see the school children going to Creekside Park where there is a Frisbee golf area. She also could not see field trips or gardening techniques taking place in his area because it is not feasible. Ms. Bishop felt that the school should be built but not in the proposed location. She stated that the Cottonwood Mall area would be an ideal place for the school and has the needed infrastructure.

(20:12:55) Ary Faraji gave his address as 7920 South Da Vinci Drive and stated that he is an Entomologist by trade and has spent many years pursuing his Ph.D. He is also a board member for the Wasatch Waldorf Charter School and the parent of two students. He addressed the river and stated that he spent several years in the Princeton area of New Jersey and his children went to the Princeton Waldorf where they had a very large river bisecting the property. They experienced several hurricanes and in the last several decades of operation, there has not been a single incident at the school involving a student, parent, or member of the community. He did not expect the river to be an issue with this property. Students are supervised at all times and there is always a teacher and an assistant with the students. Mr. Faraji stated that Waldorf Education is not just about the students and is also about the parents, faculty, and the community as a whole. Many are vested in the system and have an interest in alternative education for the benefit of their children.

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

Vice Chair Carter referred to Section 10-9a-305 (3), which lists things a municipality cannot do. One was that the school district or charter school may not be required to participate in the cost of a roadway, sidewalk, or study of the impact of the school on a roadway or sidewalk that is not reasonably necessary for the safety of school children and not located on or contiguous to the school property. In this case, Murray Holladay Road is adjacent to the property so safety is a consideration. The City also may not impose regulations on the location of an educational facility except as necessary to avoid unreasonable risks to health or safety.

Commissioner Jensen asked City Engineer, Shay Smith, about the application presented one year ago and if the property is in a FEMA flood plain. Mr. Smith responded that the proposed property, based on the FEMA flood plain maps, is not in the 100-year flood plain. He had not looked at individual elevations or recorded history of elevations and flooding in the area. The review was based on the 100-year flood plain map. With regard to liquefaction issues associated with the site, in the stream exception letter sent out, they expressed concern with saturated soils and the need to address that as the site is developed. In terms of the impact of raising the building, he did not see it affecting the stability of the bank. The initial site plan showed the

access road around the school abutting the creek bed. Mr. Smith recommended the applicants have that moved further away. He noted that the road has been moved away from the stream bank. One of the concerns with the original site plan was that many of the trees would have had to be taken out if the access road were built adjacent to the bank. Staff planned to meet with the applicants the following day and review their most recent site plan to see how it affects the existing foliage and trees in the area. The recommendation was 30 feet from the stream bank. Mr. Smith stated that the school was further away from the stream but the road access was closer in the initial site plan.

(20:25:11) Mr. Wright reported that the neighborhood meeting was held the previous week and he took note of the resident's concerns and addressed them in the email provided to the Commission Members. A concern for traffic was identified. An extensive queuing plan was proposed to move 90 plus cars through in a 10 to 12-minute time period. With regard to reciprocal parking, Mr. Wright explained there is a significant parking available in the evenings and Saturdays. Fencing along the play area was discussed. The applicants were asked to provide fencing that will serve as a barrier. A vinyl fence was discussed, which will help visually and with sound. That was taken into consideration and they would coordinate with the County Flood Director to ensure that there is access through a locked gate along the west side for stream maintenance. With regard to lighting, Mr. Wright stated that cut offs will be maintained and lighting will remain on their side. During the time of year when HVAC noise is the greatest, school will not be in session.

Commissioner Ricks identified parking as one of the major issues. Her understanding was that there are temporary leases for parking on the west side. She asked what kind of situation they were planning to work out with the building to the west. Mr. Wright stated that it is actually a recorded Reciprocal Parking Easement that has been in place since 1989. Parking will take place there during afterhours activities when the office is closed. Commissioner Ricks was not comfortable limiting it to afterhours parking and referred to daily volunteers and visitors to the school. Mr. Wright stated that the 40 faculty members referred to include all of the aides and volunteers that will be at the school at any given time.

Emily Thunberg commented on a blind spot to the east. She explained that their intention is to have it be a right turn only out. She noted that their desire is to good neighbors and to run the safest and most efficient school possible. This means that they will dedicate staff to help direct traffic. She voiced their commitment to making things as workable as possible for the community, parents, and staff. Ms. Thunberg reported that locating a charter school in Holladay poses numerous challenges. It is a much more expensive place to locate a school, the land access is highly limited, and there are few options available. She stated that the subject property is highly unique. Statewide 11% of children are able to attend charter schools. In the Holladay area, it is only 5% because there is no access and no public choice options. What they are providing is very unique but they must be creative. They want to be good stewards, however, that requires flexibility on all sides.

Vice Chair Carter clarified that the staff report was prepared before the final site plan was submitted and as a result, a formal staff recommendation was not available. He recommended

that a Work Session be scheduled with the City Attorney to review the purview of the Planning Commission in conjunction with the application.

Commissioner Jensen agreed and read from Item 2(a), which states that a school district or charter school is subject to a municipality's land use ordinances. A municipality may subject a charter school to standards within each zone pertaining to setbacks, height, bulk, massing regulations, offsite parking, curb cut, traffic circulation, and construction staging. In addition, regulations are imposed on the location of a project that are necessary to avoid unreasonable risk to health or safety. Section 53-A-20-108 specifies that a school district or charter school shall coordinate the siting of a new school with the municipality in which the school is to be located to avoid or mitigate existing and potential traffic hazards including consideration of impact between the new school and future highways and maximize school, student, and site safety. He recommended the input received be taken under advisement and a Work Session scheduled to review the information provided and come back at a future meeting prepared to make a decision.

(20:37:05) Commissioner Jensen moved to continue the matter to a future meeting pending staff's complete review and a Work Session with the City Attorney to review the items the Planning Commission has purview to review and make a recommendation at a future time. The Work Session shall take place once the applicant has presented all information to staff and staff has had adequate time to review it. If a traffic study is needed, it should be done prior to the meeting with the City Attorney.

Vice Chair Carter questioned whether it makes sense to convene a meeting of the TRC and invite the City Attorney to be present to work through the factual and technical issues. Commissioner Jensen felt there were too many loose ends to be finalized before the Planning Commission can make a formal motion.

Commissioner Bradshaw seconded the motion. Vote on motion: John Garver-Aye, Jan Bradshaw-Aye, Chris Jensen-Aye, Spence Bowthorpe-Aye, Marianne Ricks-Aye, Vice Chair Carter-Aye. The motion passed unanimously.

Commissioner Jensen expressed his condolences for Officer Barney. He reported that a candlelight vigil was scheduled for the following evening at 6:00 p.m. on the Plaza to honor Officer Barney and his family. All were invited to participate. Officer Barney was described as a wonderful man who was well-loved in the community.

The Commission took a short recess.

3. Holladay Ordinance Amendment – Allowing Private Catteries in all Residential Zones.

(20:45:58) City Planner, Pat Hanson, introduced the proposed amendment and stated that it was proposed by a Ms. Mindie Booth. She is requesting that the ordinance be modified to allow her to have a cattery. Under the City's definition, the use would be accessory to a single-family dwelling with three to not more than five adult breeding cats. Ms. Hanson clarified that the maximum does not include kittens. The ordinance currently requires such a use to be on lots of one acre or more. The applicant is requesting that the City remove the caveat dealing with lot

size. In response to a question raised, Ms. Hanson stated that the use would be included in one of three categories including Sportsman's Kennel, Cattery, or Animal Hobby Permit. Ms. Hanson explained that applicants will still have to obtain a permit from the City's Animal Control Officer and the permit will be constantly monitored.

Vice Chair Carter's understanding was that the regulation of catteries is being shifted from a land use regulatory matter to an Animal Control regulatory matter. He suggested the City be as permissive as possible with regard to what people can do on their property as long as they are not creating adverse influences or effects off site. There was discussion of the potential intended or unintended consequences the use might have. It was noted that the Animal Control Officer is subject to the provisions of Title 8.

The applicant, Mindie Booth, gave her address as 2225 East Panorama Way and stated that her home is on a one-half acre lot. She commented that when people hear the word "cattery" or "kennel" they think of a large number of animals stuck in cages and that the owner is just doing it to make money. Ms. Booth stated that that is not the case. She does it for the love of the animal and stated that the cats will not be in cages. If she has male "stud" cats, however, they can spray so they will be in large enclosures and not in small cages. The animals will be their pets. Ms. Booth has five young children and wants them to be involved in the process. The cats are an investment and are very expensive and will be vaccinated, microchipped, and spade or neutered when they are sold. The cat breed is known as a Savannah and they are will not be allowed to run loose outside. In response to a question raised, Ms. Booth stated that she plans to sell the cats through social media and on occasion may ship them.

(21:01:51) Vice Chair Carter opened the public hearing. There were no public comments. The public hearing was closed.

Commissioner Ricks asked if there was any benefit to the City for having a land designation in Title 8. Mr. Allred reported that a number of years ago the City created a Family Food Production section in the ordinance that seemed to be working well. Currently all that is required is a 10,000 square-foot lot. He pointed out that much of the City is eligible for Family Food Production. The trend currently is to allow for more liberal family food production in residential areas. In terms of pets, many cities regulate the number of pets that can be kept based on lot size. In terms of enforcement, lot size often has very little to do with the quality and manner in which pets are managed. He stated that it is almost never the number of animals that someone has but how they are managed. Enforcement issues were discussed. It was noted that enforcement of pet issues would be conceded to Animal Control rather than use land use tools to control them.

(21:11:55) Commissioner Jensen moved to forward a recommendation on the text amendment to Title 13 to the City Council, as proposed, with no changes. Commissioner Bradshaw seconded the motion. Vote on motion: John Garver-Aye, Jan Bradshaw-Aye, Chris Jensen-Aye, Spence Bowthorpe-Aye, Marianne Ricks-Aye, Vice Chair Carter-Aye. The motion passed unanimously.

4. Holladay Ordinance Amendment – Public Noticing Procedures.

(21:12:50) Ms. Hanson stated that the above matter modifies the public hearing and noticing requirement addressed in the 2010 LUDMA change. She clarified that the first change is to clarify that the first public hearing on any legislative matter will be noticed in the newspaper. Mr. Allred explained that it is required with the first public hearing. Ms. Hanson stated that notice is always sent to property owners within 500 feet. Mr. Allred reported that the expense is significant every time notice is put in the newspaper, which consists of both *The Deseret News* and *The Salt Lake Tribune*.

Ms. Hanson indicated that because the Board of Adjustment variance process changed, the noticing changed as well and no longer requires a public hearing. In addition, the section dealing with Conditional Use Permits was not included and involves only a public hearing and no notice in the newspaper. With regard to when a plat goes to the City Council, under the ordinance it only does so at final plat when there is a public street. The Commission is the recommending body. State Code specifies that when it goes to the Council it has to be a public hearing.

(21:22:05) Vice Chair Carter opened the public hearing. There were no public comments. The public hearing was closed.

Commissioner Bowthorpe moved to recommend the amendment as outlined in the staff report. Commissioner Jensen seconded the motion. Vote on motion: John Garver-Aye, Jan Bradshaw-Aye, Chris Jensen-Aye, Spence Bowthorpe-Aye, Marianne Ricks-Aye, Vice Chair Carter-Aye. The motion passed unanimously.

ACTION ITEMS

5. Site Plan – Hampton Inn at Millrock – Amendment of Development Agreement.

(21:23:00) Vice Chair Carter stated that the above matter involves consideration of a proposed amendment to the Development Agreement, which would allow the Hampton Inn at Millrock to be excluded from the cap of 490,000 square feet. Mr. Allred reported that the Commission granted preliminary approval with final approval delegated to staff. The proposed amendments were reviewed and discussed. City Attorney, Todd Godfrey, recommended that the amendment be approved by the Council as well in terms of the RDA, which expires in three years.

(21:28:50) *Commissioner Jensen moved to approve the proposed Development Agreement and modifications prepared by City Attorney, Todd Godfrey, as included in the staff report. Commissioner Ricks seconded the motion. Vote on motion: John Garver-Aye, Jan Bradshaw-Abstained, Chris Jensen-Aye, Spence Bowthorpe-Aye, Marianne Ricks-Aye, Vice Chair Carter-Aye. The motion passed unanimously. Commissioner Bradshaw abstained from the vote because her husband does business with Western States.*

OTHER BUSINESS

• **Report from Staff on Upcoming Applications.**

(21:30:18) Mr. Teerlink commented that he had seen the very contentious Kennard Subdivision revision and expected it to be ready for review at the next meeting. The lot lines are being amended and the applicant is trading property with the property owner to the west, which is a big improvement.

Mr. Allred reported that one of the residents who complained to the Planning Commission, also approached the City Council. Prior to the City Council Meeting, Mr. Allred sent out a long email explaining what had happened and how Mr. Kennard had declared his status with the neighborhood. The Council asked for further clarification so he sat down with Mr. Kennard and got his side of the story. Mr. Allred explained that Mr. Kennard's son was dating a woman who lived in the rental property on the western half of the property. Mr. Kennard's son was doing yard work with his girlfriend's family and was talking to the neighbor across the fence who happened to mention that he had a building permit and planned to tear the house down. The son stated that his father might be interested in buying the property and put the two men in contact. Eventually Mr. Kennard made a deal to purchase the home on the east. He then approached the property owner on the west and asked if he would be interested in selling part of his property. The property owner agreed to sell Mr. Kennard a portion of the property, which would allow him to create a three-lot subdivision.

Mr. Kennard informed Mr. Allred that he never represented himself as the City Inspector but divulged that he conducts inspections for the City in his capacity as a contract employee. With regard to claims that threats were made, Mr. Kennard indicated that he approached the neighbor to see if he would be interested in purchasing some of his property so he could avoid building the proposed home so far back on the lot. The neighbor allegedly told Mr. Kennard that he was not interested in purchasing any of his property. Mr. Kennard let the neighbor know that he may end up placing the home farther back on the lot. He claimed that he did not make a threat. Mr. Allred was asked to talk to the neighbor again outside of a public hearing to get more clarification.

With regard to public safety, Commissioner Jensen reported that there is no fence on the property, there is open rebar, and piles of concrete near the street. Mr. Kennard was directed to get the property cleaned up and make it safe but has not. Mr. Allred agreed to follow up with Mr. Kennard. Commissioner Jensen also stated that there needs to be a fence on the property to restrict access.

Mr. Allred stated that he had concerns from the beginning and was uncomfortable. He expressed his concerns to Mr. Kennard's supervisor, Clarence Kemp who told Mr. Allred to treat Mr. Kennard like any other applicant. Mr. Allred saw the situation differently and considered it a potential problem. Commissioner Jensen liked that Mr. Kennard listened to the public comments and the Commission and made changes.

Traffic problems typically associated with charter schools were discussed. Commissioner Jensen suggested additional research be conducted on other charter schools with respect to the number of students and parking stalls. While the City is being asked by the applicant to be flexible, the applicants also need to be flexible and be willing to make concessions. The applicants indicated that they plan to lease property from the County. Commissioner Jensen asked that they provide the City with a copy of the lease.

(21:53:50) There was discussion about the impact the school will have, both positive and negative. It was thought that having children in the area would discourage illicit behavior.

Commissioner Jensen suggested that a traffic study be conducted as well as an evaluation of other charter schools to compare the parking to the number of students.

Mr. Allred stated that the school request is a top priority. Staff and the Commission have only had two weeks to digest the complicated State law and move the request to the front of the line. It was reported that the drawing received earlier in the day is backward, there are no contours, grading, or drainage plans, and no utility information. Staff was supposed to be doing conceptual and preliminary tonight but stated that the level of detail was not provided. The developer and Ms. Thunberg approached the City in December and met with Mr. Allred, the City Attorney, and the Mayor and described what the proposal. The City did not offer their support since the use offers nothing to the community.

Commissioner Jensen suggested that a Work Meeting be held prior to the next Regular Meeting to review the request. The stream exception issue was discussed as well as the potential for flooding. Mr. Allred pointed out that he has statutory authority as the Community Development Director to decline a request to remove the trees on the site. He was frustrated that the trees were not shown on the plan. He commented that the applicants are not exempt from the City ordinance.

- **Discussion of Future Possible Amendments to Code.**
- **Commissioner Availability for Future Meetings.**

ADJOURN

(22:02:45) Commissioner Jensen moved to adjourn. Vice Chair Carter seconded the motion. The motion passed with the unanimous consent of the Commission.

The Planning Commission Meeting adjourned at 10:03 p.m.

I hereby certify that the foregoing represents a true, accurate and complete record of the City of Holladay Planning Commission Meeting held Tuesday, January 19, 2016.



Teri Forbes
T Forbes Group
Minutes Secretary

Minutes approved: 2/2/2016