

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

**Tuesday, February 16, 2016
6:30 p.m.
Holladay Municipal Center
4580 South 2300 East**

ATTENDANCE:

Planning Commission Members:

Matt Snow, Chair
Jan Bradshaw
Spence Bowthorpe
Jim Carter
John Garver
Chris Jensen (excused at 9:00 p.m.)
Marianne Ricks

City Staff:

Paul Allred, Community Development Director
Jonathan Teerlink, City Planner
Tosh Kano, City Traffic Engineer
Shay Smith, City Engineer

PRE-MEETING/WORK SESSION

Chair Matt Snow called the meeting to order at 6:30 p.m.

The Commission discussed each of the agenda items. Community Development Director, Paul Allred, introduced the Nettie's Lane Condominiums item and stated that the request is to convert it from a condominium project to a PUD. The property is currently developed at six units per acre. The applicants are asking for the lowest density necessary to obtain their objective; the R-2-10 Zone. The project cannot be converted to a PUD in the present zone, R-1-15. He noted that the zoning is inaccurate, misleading, and incorrect since R-1-15 should not exist where there are six homes on 6,000 square-foot lots. The project was approved in 2001 when that area was not part of the City. The portion north of 4500 South came into the City in 2003. Mr. Allred explained that the owners simply want to own their lots and buildings. Once the zone change is complete, the applicants will seek a Conditional Use Permit for the PUD. Staff's strong recommendation was to go to the R-2-10 zoning.

The IC Rezone Proposal was next discussed. Mr. Allred described the location. Commissioner Ricks commented that every time she has driven by the parking lot there have been several cars there. She questioned whether they can afford to lose parking and construct another commercial building on the property. Parking requirements were discussed, which are four stalls per 1,000 square feet of office space in the proposed office building. Mr. Allred stated that the applicant is proposing to remove one building.

CONVENE REGULAR MEETING

1. Welcome and Chair Opening Statement.

Vice Chair Carter called the Regular Meeting to order at 7:06 p.m.

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

(19:45:35) Chair Snow welcomed Scouts present in the audience who were working on their Citizenship in the Community Merit Badges.

ACTION ITEMS

2. Nettie's Lane Condominiums – Rezone Proposal, Located at 2165 East 4500 South.

(19:08:15) Community Development Director, Paul Allred, presented the staff report and stated that the proposed rezone is for the Nettie's Lane Condominiums. It is a six-unit, single-family detached condominium project located immediately north of Highland Drive on a private road. The applicants would like to change from a condominium project to a Planned Unit Development (PUD) for the purposes outlined in their narrative. In order to do so, they are willing to rezone the site. Currently, the zoning requires one-third acre lots, however, the existing lots are 6,000 to 7,000 square feet in size including the green space. The density that exists is twice what the zoning allows. Staff recommended public input be taken on the request. The intent of the zone change would be to more accurately reflect the land use that currently exists there.

In terms of the General Plan, the front of the property touches 4500 South, which is in the Transitional Residential area. Because the property has already been developed, it makes sense to have the zoning reflect the land use that exists. If the zoning is approved by the City Council after a recommendation from the Planning Commission, the applicants will come back to the Planning Commission for another hearing for a Conditional Use Permit to simply change the property from a condominium to a PUD. This was expected to be fairly non-controversial and will not change the nature of the site. Staff recommended the Commission forward a positive recommendation on the request to the City Council.

(19:13:30) The applicant, Bob Davis, gave his address as 2177 East Nettie's Place and reported that he serves as the secretary of the HOA. Accompanying him were two residents and the HOA President. He reported that all of the residents are semi-retired or retired. No children live in the project.

Chair Snow opened the public hearing. There were no public comments. The public hearing was closed.

Commissioner Carter observed that the project functions as a PUD and is a condominium in name only. Mr. Allred reported that the project was not approved by the City of Holladay but rather under Salt Lake County ordinances. The property was part of the unincorporated area in 2001 and became part of the City in 2003. Mr. Allred thought it made sense now to change the zoning to reflect what is actually there.

(19:16:00) Commissioner Carter moved to recommend a zone change for the property located at 2165 East 4500 South from R-1-15 to R-2-10 based on the following:

Findings:

- 1. No change to the size, nature, appearance, number of homes, private road, landscaping, common area, etc. is desired or requested.***

2. *The change in zoning is for the purpose of changing ownership opportunities for the property owners; not to alter the essential nature or scope of the existing development or disrupt the surrounding land uses by resulting in higher density at this particular location.*
3. *The current zoning is misleading and does not reflect the current reality of the development already in place – the requested zoning will.*
4. *The change from R-1-15 to R-2 at this location is appropriate given that the zoning in the immediate vicinity is a mixture of R-1-15, RM, other existing R-2-10 to the east and west, and R-2-8.*
5. *The predominant zoning pattern along 4500 South from Highland Drive to 2300 East is medium density; not (R-1-15).*
6. *The General Plan calls for this as a transitional residential area and Low Density Residential (LDR). In this regard the rezone does not appear to be in conflict with the General Plan.*

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

3. IC Development – Rezone Proposal, Located at 4685 South Highland Drive.

(19:17:13) City Planner, Jonathan Teerlink, presented the staff report and stated that the applicant is Matthew Steiner who represents IC Development who owns property on the corner of 4625 South Highland Drive. They propose to redevelop two parcels there, which are currently developed with a professional office building and a duplex. The western portion of the lot is currently a parking lot that is somewhat underutilized. The applicant is proposing to rezone this portion of the property from RM to C-2. There are two commercial zones in Holladay, the C-1 and C-2 zones. The C-2 zone is more intense and allows more uses than C-1. The applicant has proposed to rearrange the parking stalls in favor of a smaller 2,000 square-foot building pad. Staff's biggest concern was whether the application fits within the Highland Drive Master Plan, which is a General Plan for Highland Drive and the Corridor all the way from the northern portion of the City to the south. This particular property falls within Segment A, which has fairly new established uses. Segment B is the portion of Highland Drive south of Murray Holladay all the way down to the freeway.

Mr. Teerlink reported that in the Highland Drive Master Plan, Segment A calls for existing zoning or changes to current zoning patterns that should only be considered if new zoning will enhance the existing uses and strengthen the entire City in a holistic view. Additionally, the Highland Drive Master Plan encourages new zoning that fosters the grouping of compatible businesses to enhance economic synergy in current commercial areas. The proposal, which is next to Primo's, which has the same use, would continue the C-2 zoning. From staff's perspective, 4625 would be a physical limiter of the zoning. Staff recommended the Planning Commission take public comment on the rezone proposal and hears from the applicant. In terms

of the Highland Drive Master Plan, staff was comfortable with the Planning Commission recommending approval to the City Council.

Chair Snow referred to the zoning map and identified a piece of property behind Primo's Restaurant. It was clarified that it would not change and would remain a small piece of RM in that location.

The applicant, Matthew Steiner, gave his address as 4571 Holladay Boulevard, and referred to the exhibits provided to the Commission showing different elements of the application. He explained that part of the plan incorporates the lot that contains the duplex next to the existing office building and tearing down the duplex and making parking there for the office building. They intend to redesign the parking out front and add the small building. Mr. Steiner indicated that they are working with the owner of the building to take down the duplex. Adding parking to the north of the building makes the building better in terms of it being more tenantable and functional. By moving the parking along the north side of the building, the intent is to put C-2 zoning out front similar to what is drawn. It would also consolidate entrances. The most westerly office building driveway and the two duplex driveways would be eliminated. If the rezone is granted, the front portion that is rezoned would be a separate lot. The duplex portion would be incorporated into the office building lot so they would do a lot line adjustment. There would still be two lots but the front would be one lot and the back portion would be another. The lot containing the duplex would be incorporated. Mr. Steiner indicated that most likely the proposed retail will include a drive-thru. The tenants they expect to attract will likely do 30 to 60% of their business through the drive-thru. As a result, they consider that to be a key component of the project.

Mr. Teerlink clarified that the zoning of the duplex lot is R-1-10 and differs from the building lot. Both the parking lot and the office building will be on the same parcel. There will not be a use there without a primary use, which would have to be a residence. In response to a question raised, Mr. Steiner indicated that they have not yet closed on the duplex but are under contract. In response to a question raised by Chair Snow, Mr. Teerlink clarified that drive-thrus are a permitted use in the C-2 zone.

(21:27:09) Chair Snow opened the public hearing. There were no public comments. The public hearing was closed.

Commissioner Carter asked if the use proposed for the newly rezoned C-2 parcel would need to be self-contained. Mr. Steiner explained that their plan in terms of parking will be cross-access parking between the office building and the front. As the plans are drawn, there would be a net five gain in parking stalls with the parking ratio being just over four per 1,000 square feet on a blended use. Commissioner Jensen expressed concern and did not want to add to it and recommended the building stand on its own. Mr. Steiner stated that it will depend on how the building is utilized. Commissioner Jensen wanted to make sure that each building can stand on its own. Mr. Steiner indicated that their drawings do not include additional parking on the back of the lot. He was not sure how many additional stalls there will be. After looking at the Code, he thought the front parcel would easily stand on its own without a blended use and without a cross-access easement. The office building also would stand on its own. He did not expect the building to self-park on the parcel they are proposing to leave as RM without a cross-access or

blended use. He thought that potentially with the neighboring property there might be a way to achieve more parking for the building. He indicated that there is a large parking lot in the back that is not utilized by the day spa or the restaurant.

Mr. Teerlink stated that there are parking requirements, however, in 2010 the City adopted shared parking agreement requirements. The problem is that they have mostly infill development and as uses change, if there are uses in buildings that are opposite each other with day and night uses, they could easily share parking. That, however, would have to be reviewed and approved by the Community Development Director. Chair Snow asked for clarification on whether the applicant would be able to pull a permit to construct a building that will take an existing building out of conformance with the parking requirements. Mr. Allred confirmed that that is the case and explained that the applicant will have to come to the Planning Commission for a site plan review where they will have to propose how to meet the minimum parking for each building or enter into a shared parking arrangement.

Mr. Teerlink explained that the C-1 zone allows drive-thrus as conditional uses but all retail use of commercial and office uses when they are developed, go through a site plan process that comes before the Planning Commission.

Commissioner Bradshaw asked Mr. Steiner if his purchase of the property is conditioned on the rezoning. Mr. Steiner responded that they would likely not move forward without it. He indicated that the office building stands alone in terms of parking without additional stalls. Mr. Teerlink stated that with the proposed change there would be either a trade off or a small gain in the number of parking stalls.

(19:38:04) Commissioner Carter asked if a C-2 zone is appropriate for this piece of property. Based on the context of the uses and where the property is located, he suspected that was the case. The question remained as to whether the uses the applicants have in mind can be parked successfully. He shared Chair Snow's concern about drive-thrus in general but saw that as a matter to address in the Code in terms of what uses are and are not allowed in the City. Given that, he was generally supportive of the rezone request.

In response to a question raised, Mr. Teerlink stated that if the property were to remain as-is, the duplex would be razed and parking placed there. He noted that a parking lot is not a primary use in the R-1 Zone. If it were added to the lot with the office building and they were all one parcel, having the parking lot divide the building between zones would not necessarily be a problem. The example Mr. Teerlink gave was the Primo's property to the south where all of their parking is in RM but their use is in C-2.

Mr. Allred stated that the applicant had not asked for the rear property to be rezoned. The danger of rezoning the property all the way to the back is that a more intense use could be proposed there. Shared parking was determined to be an option available to the applicant. Also, for new uses, off-site parking can be arranged for if it is within 300 feet.

(19:42:20) Commissioner Carter moved to recommend approval of the zoning request from RM to C-2 for property located at 4685 South Highland Drive, as requested, noting that the remaining conversations about what goes there and how the adjacent uses might relate to

each other and shared parking still need to be addressed. The motion was subject to the following:

Findings:

- 1. Commercial uses, both C-2 and RM, either touch or are immediately adjacent to the proposed C-2 zone.*
- 2. Highland Drive at this location is appropriate for additional commercial use given current and projected traffic patterns and surrounding land uses in both Holladay and across the street in Salt Lake County.*
- 3. A new commercial use at the intersection of these two streets provides for efficient ingress/egress and better turn movements than the C-2 use immediately to the south.*
- 4. The .46 acres in question is producing little in the way of services, goods, or needs for the community.*
- 5. The rezone at this location represents an infusion of investment into Holladay and provides a location for Holladay and Salt Lake County residents to support our tax base instead of continuing to leak sales tax outside the City.*
- 6. A commercial site at this location will have minimal impact on surrounding residential property given the proposed shallow depth along Highland Drive.*
- 7. A commercial use at this location will result in a site plan that provides efficient and symbiotic parking arrangements.*
- 8. The rezone, if approved, will result in a natural extension of retail use up to the intersection of 4675 South and Highland Drive where 4675 effectively creates a transition from C-2 to RM.*
- 9. The rezoning of this property is not in conflict with the General Plan.*

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

4. Wasatch Waldorf Charter School – Conceptual/Preliminary Review, 4685 South Murray Holladay Road – Continued Item.

(19:44:30) The above item was shown on the agenda as commencing at 8:00 p.m., Mr. Allred suggested other issues be addressed first. The Commission next addressed other items on the agenda and then resumed the discussion.

(19:59:15) Chair Snow commented that schools are unique in terms of land use. They are allowed in any zone so the issue involves the site plan regardless of whether it works with the current zoning. Mr. Teerlink reported that state and federal law only allows municipalities at the local jurisdiction level to regulate land uses. Some uses that are protected include schools,

manufactured homes, group homes, elderly care, and assisted living centers. Schools and charter schools fall into this category and the state usually takes control of them. The state allows the local jurisdiction to be involved as long as they do it in a manner that is restricted to traffic and health and safety issues. They allow the City to impose zoning regulations as far as overall height and setbacks. On January 19, the conceptual site plan was reviewed and public comment was taken. In the meantime, the applicant worked diligently to prepare a comprehensive re-review of the project based on public comment, the Technical Review Meeting, and staff and Planning Commission comments ranging from traffic to the protection of Big Cottonwood Creek to zoning and fire protection. He stated that the list provided by the applicants is extensive.

Mr. Teerlink summarized a few of the points from the review conducted by the Technical Review Committee, which consisted of traffic control, planning and zoning, engineering, fire safety, and emergency access. With regard to traffic control, the applicants came back with an extensive Traffic Control Plan addressing parking, traffic circulation, and getting cars off Murray Holladay Road during pick up and drop off times. The City's Public Works Engineer, Tosh Kano, reviewed the study along with a third party review conducted by Dr. Joe Perrin from A-Trans Engineering. Both looked favorably on the study as something that is implementable without harming the level of service on Murray Holladay Road and the intersections at 1300 East and Highland Drive. Specific standards are included in the study that were required by Dr. Perrin and Mr. Kano. They also added approximately 40 additional parking stalls to the site. Doing so shifted the entire building to the northeast corner the lot. That also pertained to staff's concern of how close the road and school are to Big Cottonwood Creek. Regulations were in place to allow control over how close construction practices are for proposed buildings, roads, etc. to waterways. Currently, the applicants are proposing that the loop road be no closer to the stream than a current home is now. That was considered a significant improvement over what was proposed previously.

(20:04:05) Mr. Teerlink reported that City Engineer, Shay Smith, reviewed the proposal and was in favor of it based on his concern that it was too close to the stream. It was noted that there is already stream destabilization and guard rail improvements will be needed. There was concern that too many trees were to be removed along the bank. Pulling the building away from the stream has saved a majority of the trees along the creek bank and moves the road away from a potential hazard at the top of the bank. With respect to planning and zoning issues, the state allows the project to be reviewed in comparison to the zone in which it is located. Currently it is in the R-1 zone. The request meets all of the requirements of an R-1. The only requirement it does not meet is overall lot coverage. The next comparable zone is the Public (P) zone where schools and churches are allowed uses. The coverages in those zones are 50% and the proposal is well below that. With regard to parking, there has been discussion of a cross-access parking agreement with the office property to the west to allow for off-peak parking during events.

Fencing issues were discussed. Mr. Teerlink stated that some of the very specific language in State Code prohibits a municipality from requiring any type of fencing, landscaping, or architectural features; however, because the use is in close proximity to Big Cottonwood Creek, staff thought it was imperative to include some type of fencing or protective barrier of the stream bank. The applicant has proposed a fencing plan that extends along the east side of the bank but it will most likely end at their property. The intent was to have a majority of the County park space be leased and fenced for the playground area.

Mr. Teerlink reported that the TRC has pursued measures to minimize the impact on Holladay residents, the creek, and Murray Holladay Road to the extent allowed by state law. He noted that the applicants also pursued full agricultural and geotechnical reviews of the site. No significant issues were found by using the site as a school ground. With the accommodations made including the traffic study and the accommodations for parking and traffic circulation, staff was confident that the request falls under the purview of State law and can be defensible. It was noted that the applicant has voluntarily included additional amenities that may help in areas the City cannot control legally. Mr. Allred indicated that the applicant has offered to make a request to rezone the property to “P” zone once construction is underway.

(20:11:53) Mike Wright from Waldorf Land Holding gave his address as 801 North 500 West, Suite 300, in Bountiful. He reported that they have worked extensively with a third-party traffic engineer and staff to modify their traffic plan. Staff’s recommendations were incorporated into their traffic plan as well. With respect to stream protection, they worked with City Engineer, Shay Smith, and staff to move the building further to the northeast away from the creek to preserve the trees and protect the stream. A Horticulturist was engaged to study the trees and the findings were taken into consideration and included in their Tree Plan. Seismic and earthquake issues were addressed. Mr. Wright stated that previously they performed a geotechnical study on site and the soils report was very favorable. Per State Code they fall within an E occupancy, which is a stricter standard in terms of seismic conditions. As a result, their building was designed to a higher standard. With regard to fencing, they tried to obtain a lease with the County who owns the property to the south. Due to fallout, the County held off on providing the lease for the time being although the property remains as open space. The applicants will continue to work with the County to come up with a fencing plan that keeps students safe and protects the stream. With regard to parking, additional stalls were added to bring the total number to 72. Of those, 27 would not be accessible during pick up and drop off times. That leaves 45 stalls for the 30 staff members with an additional 15 parking stalls on site. A Reciprocal Easement was recorded with the office building to the west, which allows the school to use those stalls as overflow for evening events.

Mr. Wright commented on fire access and stated that they have worked with staff to widen the road where necessitated by the fire hydrants and to accommodate emergency vehicle access. They will also post “no parking” signs to maintain constant flow for fire access. Per staff’s recommendation they also added two additional fire hydrants for a total of three. Lighting issues were discussed. Mr. Wright stated that the school will continue to follow their photometric plan, which measures light around the building. It shows that there is no light leaving the site. With regard to sound, they can take steps to reduce noise during recess. In addition, the school does not intend to use a PA system for announcements or an electronic bell system outdoors.

(20:18:04) Chair Snow opened the public hearing. Commissioner Bowthorpe’s recollection was that the public hearing was conducted at a previous meeting and there was no need for a public hearing tonight. Mr. Allred indicated that the item was listed on the agenda as a “continued item”. A public hearing could be conducted at the discretion of the Commission. An additional notice was not sent but staff had been in contact with some residents to make them aware of tonight’s meeting.

Commissioner Carter moved to reopen the public hearing. Commissioner Bowthorpe seconded the motion. The motion passed with the unanimous consent of the Commission.

(20:20:35) Gwyneth McNeil reported that she serves on the Tree Board and that a great deal of time has been spent working to gain community support for the school. She referred to a 2014 study that showed a dramatic increase in interest in Waldorf Schools. She was very happy for this educational option to be available in the community. She reported that her son is the Project Manager for Stout Construction on this project and he will work directly to break ground as soon as possible and complete the school by this fall. She thanked the Commission for their efforts.

(20:23:42) Roger Evans gave his address as 1684 Bunker Hill Road and asked if the Traffic Study is available on the City's website. Mr. Teerlink stated that it has or will be posted for the public to view. Mr. Evans asked how much traffic the study took into account in terms of the number of cars for pick up and drop off. It was noted that even with carpooling there will be over 200 cars involved. Mr. Teerlink recalled that there were 320 cars for both schedules. Mr. Evans asked how the site will facilitate that number of vehicles. Commissioner Jensen stated that since the last meeting the applicants have submitted a new traffic queuing pattern to get cars off of Murray Holladay Road that is greatly enhanced from what was previously submitted.

(20:27:44) Heather McIntyre, a Sandy resident, identified herself as a future teacher at the school as well as a parent of future Waldorf students. She thanked the Commission for considering the request and keeping an open mind when reviewing the plan. She noted that this will be the first Waldorf School in Utah and it is greatly sought after.

(20:28:35) Harold Bateman, a more than 40-year resident, gave his address as 1694 Bunker Hill Road. He did not understand why the City would allow a school to be built in a flood basin and reported that he has seen the park completely full of water. He expressed support for the comments made by Mr. Evans and stated that the park will be greatly missed.

(20:29:28) Dr. Melissa Jenkins gave her address as 4807 Yorktown Drive and identified herself as a parent and resident who lives directly behind the proposed school. She drew a diagram of the site and access to the school and the river. Originally, there was discussion about fencing from the property to limit access. She was considering sending her children to the school because they like the ideology behind it. Access issues were discussed. Dr. Jenkins stressed that they are concerned as a community about access to the stream. She requested that there be some kind of gated access to ensure that there is control over how children access the property. She was also concerned with foot traffic since the back of their neighborhoods will be opened up. Mr. Teerlink stated that the County has indicated that they do not want any structures there, which he assumed also means fencing.

(20:36:09) Boyd Bishop gave his address as 4010 South Yorktown Drive, across from Dr. Jenkins. His understanding was that the City has no jurisdiction over the fencing but they need to ensure that risk and safety are optimum. He believed that not having a fence at the south end of the Waldorf property gives total access to the stream and puts safety at risk.

(20:36:55) John Harley gave his address as 1677 Bunker Hill Road. He considered traffic to be the most significant issue. While the issue has centered around Murray Holladay Road, a good

portion of those leaving the school will travel west to 1300 East and turn south. Kings Row Drive runs from Murray Holladay Road through the Crown Colony Subdivision and exits onto 1300 East. That is already a fairly difficult road to get onto and the additional traffic will make it even more difficult. He asked if there were plans to put a traffic light there. He stated that in addition to Murray Holladay Road, 1300 East will be impacted at that intersection. He urged the City to address the issue in some manner.

(20:38:30) Bryan Jensen gave his address as 3119 Crimson King Cove in West Valley City. He reported that he grew up in Murray and worked in the City of Holladay for a number of years. As a parent and future teacher at the school, he was in favor of what the landowners have been doing to address the concerns identified. He agreed that a fence is a good option but stated that it is not the only way to protect the stream and students. He has worked as a camp director for a youth camp with over 5,000 youth every summer, with a river going through the camp. They were able to maintain the safety of the children by maintaining trails and the distance from the stream without having physical boundaries there.

(20:40:18) Dr. Arie Farajy identified himself as a Waldorf parent and was present representing the Wasatch Waldorf Charter School. He spoke on behalf of the school and stated that there is a lot of enthusiasm nationally about it. He reported that Waldorf education has traditionally been a very private type of education that is generally geared toward the upper middle or upper classes. The Commission is in a position to bring not only a Waldorf school but a public charter school to the State of Utah. The school will not be a detriment to the community and will be a benefit and asset that will help define the City of Holladay.

(20:41:33) Ryan Frisch gave his address as 4807 Yorktown Drive and seconded the comments made by Dr. Jenkins. His primary concern is a fence especially on the south side of the building near the County property. The main reason is the safety of the children and potential damage to the river bank.

(20:42:14) Cliff White gave his address as 4811 South 1395 East and considered the traffic study to be of utmost importance. He also thought a traffic light would be needed at the corner where traffic will cross Murray Holladay Road. He wanted to hear from Mr. Kano in terms of what will be done to address traffic concerns. Mr. White stated that a crosswalk will also be necessary because there had been talk of using parking facilities across the street. He was concerned that the traffic will create safety hazards and cars will back up. He thought that having 300 cars on the site would be problematic and that not enough thought had been given to the situation. Mr. White clarified that no one is opposed to the school but rather that what is proposed on the site was overbuilt. He agreed with the previous comment about traffic coming around on Kings Row.

(20:45:48) Jeff Merchant gave his address as 4245 Holladay Boulevard and stated that many have spoken in support of the school who are not from Holladay. He stated that there are also people in the City who are fully supportive of it. He reminded the Commission that while there may be some traffic issues, they will only occur before and after school. Mr. Merchant currently opts to send his children to a private school to give them the quality of education they want. He suggested the City be cognizant of the policy decision that needs to be made to bring a charter school to the area. He hoped that a pragmatic approach would be taken to understand that the

traffic issues will only occur for a short time. He did not expect the school to be a significant problem.

Elizabeth Bishop echoed the comments made by Dr. Jenkins.

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

City Traffic Engineer, Tosh Kano, stated that he was concerned about the traffic at the last public hearing. The applicants hired a traffic engineering firm to do extensive study for the school. As part of the study, they performed a computer simulation to show the ingress and egress off of Murray Holladay Road with a two bell process. Doing so will ease the congestion. The applicants also separated ingress and egress traffic on the property. When cars enter the school there will be traffic cones separating in and out traffic. Those coming in will have a chance to queue all the way around the building. At any given time 83 to 86 vehicles will be able to queue on the property. According to the traffic study, cars will be able to get in and out within 12 to 13 minutes with two bells. Mr. Kano was also concerned about people dropping off students using Murray Holladay Road. By having a larger queue and being able to efficiently move in and out of the school grounds, wait times will be minimized. Signs will also be posted on both sides of Murray Holladay Road specifying that there is to be no parking or standing. In addition, school staff will be placed at the entrance point to discourage parking or stopping on Murray Holladay Road. With those conclusions, he was pleased with the study and recommended approval.

Mr. Kano stated that he also asked the school to prohibit left turns out of the site during pick up and drop off times. When a vehicle makes a right turn to go east on Murray Holladay Road they can go to 4275 South to go back to the west or make a U-turn to go back to 1300 East. He was comfortable that a very good job was done on the traffic study and it eased his concerns. He promised to continue to monitor the school as it progresses throughout the year.

Commissioner Ricks asked if the section of Murray Holladay Road in front of the school will be considered a school zone during pick up and drop off times. Mr. Kano confirmed that it would and speeds limits will be 20 mph. That was taken into consideration with the effects of the traffic. It was estimated that 12 to 13 minutes will elapse for each of the two bells.

(20:56:00) Commissioner Jensen commented on the traffic study which specifies that charter schools generate more traffic than traditional schools because there is less walking and typically no buses. A comparison was made to the Greenwood Charter School on US 89 with 373 students. He did not consider that to be a true comparison to the proposed school. In that case, there are fewer students but backup situations still occurred. Commissioner Jensen agreed that there will be traffic issues. He noted that Ryan Hales, a well-respected Traffic Engineer, generated the study. He recommended the study be updated based on the 540 students to verify that it matches the statistics presented on the school, the number of cars that can be queued, and the number of stalls proposed to be on site. He agreed with Mr. Kano that there should be no left turns. He thought there were potential issues remaining to be resolved and recommended the study be updated to match the current statistics. He did not believe the issues had been fully addressed and suggested they be clarified further. He liked the idea of a school coming in but stated that public safety has to be taken into consideration.

At 9:00 p.m. Commissioner Jensen was excused from the remainder of the meeting.

(20:59:41) Mr. Kano informed the Commission that the report was not only reviewed by him but by a third individual, Dr. Perrin, a renowned Traffic Engineer, who gave the study his blessing. With regard to the two other schools referenced, Mr. Kano clarified that they do not have the queuing like is proposed for the Waldorf School. In this instance there will be 600 to 700 feet of queuing on the school grounds. They have provided school staff to control the traffic and move it through more smoothly. The result will be for pick ups and drop offs to occur more quickly. It was Mr. Kano's opinion that the applicants have done everything in their power to make the ingress and egress safer. He was very comfortable with what is proposed and assured those present that he will continue to monitor the situation after the school opens and throughout the year.

In response to a question raised, Mr. Kano stated that no additional crosswalks are proposed across Murray Holladay Road. He clarified that he does not want anyone to cross Murray Holladay Road and does not want to create a hazard by installing a crosswalk.

Mr. Wright reported that there will be a dual bell schedule and they will be able to queue 70 to 80 cars on the site at any given time. The intent is to move traffic through quickly. It was noted that there will be 20 minutes between bells. Mornings are different and with the queuing on site they can get everyone off of Murray Holladay Road and avoid a backup there. The proposed school consists of Kindergarten through Grade 8. The first bell will ring at 8:30 a.m. School will dismiss between 3:15 p.m. and 3:30 p.m.

With regard to fencing, Mr. Wright stated that their intent was to lease the County property but the County has decided not to move forward. They have, however, indicated that the school can use the property, which is open space similar to the park. Their goal is to protect children and they will be well supervised. Mr. Wright pointed out that once the traffic study is modified for the 540 students, it will be better than it currently is at 625 students.

Commissioner Bradshaw was impressed by how far the applicants have come since the last meeting and the accommodations made for the community. She also acknowledged staff's efforts in the process.

A Commission Member commented that the intent is for the school to open in August for the next school year. He asked the applicants how they plan to achieve that. Mr. Wright stated that Greenwood was built in five months and this school will be the same size. There was concern raised about the potential for construction work to take place for extended periods and disturb the residents. Mr. Wright clarified that construction will only occur during regular working hours.

A question was raised about the sustainable design that has been implemented. Mr. Wright stated that LED lighting will be used for energy conservation. They have also made provisions for solar power in the future. Operational items will be looked at as well such as gardens and composting.

Commissioner Ricks asked if there are plans to put trees on the street side of Murray Holladay Road. Mr. Wright stated that the landscape plan shows trees along Murray Holladay Road. A

full-time Gardening teacher will be hired to work with students so that any area that is suitable for planting will be cared for by someone whose sole focus is creating a sustainable ecology on the site.

(21:18:19) Commissioner Carter reported that Falcon Traffic Engineering was hired by the proponents to conduct a traffic study that included the number of cars at various times of the day, turning movements, and the impact on intersections. They then submitted their report. The City Engineer reviewed the report and as an extra safety measure, arranged for a third review by Dr. Perrin. It was believed that the impacts will be manageable for the specified periods of the day. Mr. Allred indicated that there were concerns raised at the last meeting about a FEMA study that showed that the school is not in the flood plain. The State reviewed the geotechnical plan and signed off on it. Additional clarification was given on the crosswalk issues.

Mr. Allred asked if the plans show whether there is going to be a speed controlled school zone with flashing lights. Mr. Wright stated that it is not shown but there will be a school zone in front of the school. The speed limit, however, will not necessarily be reduced. Mr. Allred considered that to be a problem. Mr. Kano stated that Olympus Junior High has a school zone sign on the school boundary but it doesn't specify a speed limit of 20 mph. It is intended to warn motorists that they are driving through a school area and to be cautious.

(21:29:36) *Commissioner Carter moved to approve the conceptual/preliminary site plan and stream exception for the Wasatch Waldorf Charter School at 1458 East Murray Holladay Road subject to the following:*

Findings:

- 1. The TRC believes that to the extent the City can apply its regulations to this proposed use, it has. Furthermore, the TRC has vigorously pursued measures to minimize impacts on Holladay residents, the creek, and Murray Holladay Road.*
- 2. The City cannot impose certain standards on the site as we are prohibited by State law to do so, but we are impressed that overall the applicant has been professional, cordial, and cooperative with residents and City officials. Because of that, there have been voluntary amendments made to the plan by the applicant that make it much better than the original one.*
- 3. It should be noted that the building is not very tall (30' to the architectural peaks), is located as far to the east on the site as practical in order to protect the stream bank and the trees, provides ample day time parking, with the revised site plan, and has arranged for off-site parking immediately to the west.*
- 4. The public has been amply involved and active on this issue and some residents have met with staff to convey concerns and make suggestions.*
- 5. While it appears at this point that the school may not be able to fence the County property to the rear of the site, students will have access to the area to play and experience nature. The students will be closely monitored by school faculty and staff*

for their safety and hopefully to minimize impacts they may have on abutting residential property to the west.

- 6. There will clearly be some impact on surrounding property, but there will be little or no activity on the property during the summer months.*
- 7. The State of Utah has reviewed the Geotechnical Report and approved the proposed Foundation Plan for this project.*

Conditions:

- 1. The site plan may not be materially altered without further review by the Planning Commission and accompanied by another public hearing.*
- 2. The Traffic Control Plan as proposed on the site plan AND MORE IMPORTANTLY THE RECOMMENDATIONS OF THE PUBLIC WORKS DIRECTOR AND CITY TRAFFIC CONSULTANT must be strictly adhered to to assure the safety of both pedestrians and the traveling public at this location as related to the operation of the school. This includes:*
 - i. No left turn movements during peak periods of drop off and pickup.*
 - ii. No parking, standing, or drop off or pick up of students on either side of Murray Holladay Road and painted red curbs and signs.*
 - iii. Faculty will be directing traffic both along the circulation road on campus and the drop off points and at the ingress/egress opening onto Murray Holladay Road.*

If implementation of the plan does not yield the necessary safety and efficiency, the City, as allowed by State law, and for the safety and common good of the general public and the school, will require submittal of an amended operational plan to be considered at an appearance before the Planning Commission to address any identified or observed problems.

- 3. The creek area must be preserved free from damage to the embankments, trees, water, and wildlife, and fenced as far as possible from the top of the bank to allow for County access to maintain it along the waterway.*
- 4. The area of Murray Holladay Road will be marked as a school zone.*
- 5. If a lease agreement with the County cannot be reached, the site shall be completely fenced and have a gate recessed to access the property. If a lease agreement is reached with the County, the fence needs to extend down to the creek.*

Commissioner Bradshaw seconded the motion. Vote on motion: Jan Bradshaw-Aye, John Garver-Nay, Spence Bowthorpe-Aye, Marianne Ricks-Aye, Jim Carter-Aye, Chair Matt Snow-Aye. The motion passed 5-to-1. Chris Jensen was not present for the vote.

Commissioner Garver commented on the stream exception and stated that it was not discussed in detail. If they were building anything else, a building would not be allowed to be constructed within 50 feet of the stream. For that reason, he voted against the motion.

Chair Snow reported that final review was delegated to the TRC.

OPTIONAL DISCUSSION ITEMS

5. Miscellaneous Ordinance Amendments – Staff Presentation.

A. Tree Ordinance Amendment

B. Dining Club, 300-Foot Separation in the Holladay Village Zone

C. Neighborhood Meeting Requirements in the Holladay Village Zone

D. Fencing Regulations Along Public Streets

E. Architectural Controls in the RM and R-2.

(19:53:06) Mr. Allred stated that at the most recent meeting there was brief discussion about the miscellaneous items. One Councilmember, in particular, was opposed to the TDR concept associated with trees. He informed the Commission that the Dining Club text amendment will be forthcoming along with the neighborhood meeting requirement for the Holladay Village. Mr. Allred stated that there was significant discussion about architectural controls. He stressed that it is imperative to add architectural control for everything that is not single family. The objective of architectural control is to adopt standards and give flexibility to developers about how the buildings would look. It is necessary to extend good architecture throughout the community and avoid buildings that are not desirable.

With regard to fencing along public streets, Mr. Allred stated that it was discussed and Council Member Peterson was very keen on that issue and wants to see the walls broken up. Mr. Allred reported that he visited Pheasant Cove earlier in the day to inspect the wall, which has breaks in it. He commented that they still haven't sold the lots there. Highland Court is doing very well and eight of the 23 homes have been completed.

Mr. Allred commented that it may be necessary to reschedule the April 5 Planning Commission Meeting due to he and Mr. Teerlink being out of state attending the National APA Conference. The consensus of the Commission was to have only one meeting in April.

6. General Plan Update – Update on Current City Council Review and Findings.

(19:46:25) Chair Snow commented that the General Plan is similar to a visioning statement for the City. It is not law but shows the direction the City wants to go in making decisions about land use. He urged the public to look at it and what is taking place with surrounding properties. If a citizen does not agree with it, more public hearings will be held where public comment can be heard. He stated that citizen input is crucial in order to have a voice in the vision of where the City is going.

Mr. Allred reported that the City Council has gone through Chapters 1 and 2 and are about halfway through Chapter 3. The Council is doing great work and having excellent policy debates. He had found that the Council was initially excited about the plan but are becoming frustrated with some of the boiler plate language and the layout. They are also cutting out things they consider unnecessary. The result will be a document that is pared down significantly from

the original 107 pages they received. Mr. Allred reported that the City Council will hold a public hearing at the March 3 meeting.

OTHER BUSINESS

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

(19:57:58) Mr. Allred reported that there was a much better turnout to the Highland/VanWinkle Open House than expected. More showed up for that study than for the General Plan Public Hearing in July. The City's consultants were identified as Dr. Joe Perrin from A-Trans Engineering and Bruce Parker from PDS. A survey was sent out to the residents as well.

ADJOURN

(21:38:26) *Commissioner Carter moved to adjourn. Commissioner Bradshaw seconded the motion. Vote on motion: Jan Bradshaw-Aye, John Garver-Aye, Spence Bowthorpe-Aye, Marianne Ricks-Aye, Jim Carter-Aye, Chair Matt Snow-Aye. The motion passed unanimously. Chris Jensen was not present for the vote.*

The Planning Commission Meeting adjourned at 9:38 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, February 16, 2016.



Teri Forbes
T Forbes Group
Minutes Secretary

Minutes approved: 4/19/16