

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

**Tuesday, March 6, 2012  
6:30 p.m.  
Holladay Municipal Center  
4580 South 2300 East**

**ATTENDANCE**

**Planning Commission Members:**

Les Chatelain, Chair  
Spence Bowthorpe  
John Garver  
Troy Holbrook  
Lori Khodadad  
Paula Lowry (excused at 9:02 p.m.)  
Matt Snow

**City Staff:**

Paul Allred, Community Development Director

**CONVENE REGULAR MEETING**

Chair Les Chatelain called the Regular Meeting to order at 6:35 p.m.

**DISCUSSION ITEMS**

**1. Gilmore Three-Lot Subdivision – Conceptual Plan – 1801 East 3900 South – R-1-15 Zone – Planner: Jon Teerlink.**

(18:35:30) Community Development Director, Paul Allred, presented the staff report and stated that Norm Dahle was present on behalf of the Gilmore Family. There are three dwellings on the property currently. It was noted that the property is family-owned. The family requested a variance about one year ago that was denied. Their desire is to rebuild the home on proposed Lot 3, which was the subject of the variance request. The request was denied after the Board of Adjustment found that it did not meet the five-part test and that the applicants had other options they were not considering. The family is now proposing to tear down the home and create a new lot on Lot 2. Mr. Allred explained that the request is to take two properties and create one new lot. The property is very steep in places, which also had an impact on the previous variance request. He considered the proposal to be a welcome addition to the street.

Mr. Allred stated that the intent was for the matter to be reviewed by the Planning Commission tonight and for there to be general discussion. The applicants will then request preliminary and final approval after the conceptual is hopefully approved at the next meeting. Mr. Dahle stated that the applicant was unhappy about the previous denial because he was not sure how to take what he has and make it work. He wanted to build a new home but was concerned about setbacks. He also did not want to be precluded from taking advantage of the views. Mr. Dahle met with Mr. Gilmore and helped him see that he could get what he wanted. The family's goal is to keep the property, which has been in the family for 67 years, in perpetuity.

Mr. Allred confirmed that the issues had been resolved and reminded the developer to conduct a neighborhood meeting. It was clarified that the small, older home currently on the property could not be converted to a guest home without a rezone to at least R-1-21 assuming an additional new home was proposed on the same lot closer to the street.

**2. Dempster/Black Diamond Rezone – R-M to C-1 Zone – Planner: Jon Teerlink.**

(18:55:45) Mr. Allred presented the staff report and asked for direction from the Commission. The applicant, Ty Snelling, identified himself as the owner, with his business partner, Kyle Dempster, of a coffee shop on 3500 South. Mr. Snelling intended to be co-owner in this venture as well. Mr. Dempster was described as an athlete at Black Diamond. For that reason, the opportunity in the Black Diamond parking lot became available. Black Diamond is the property owner and is allowing Snelling and Dempster to apply for the rezoning.

Mr. Allred stated that the property is zoned R-M, which includes office or high-density residential uses. He noted that Black Diamond is the biggest employer in the City and employs several hundred people. The proposal is to extend the C-1 Zoning on the west end of the site parallel and along 3900 South. The corner property on 2000 East and 3900 South is proposed as a dental office and is not part of this site or rezone. The intent is for the applicant to convert a shipping container(s) into a drive-thru coffee shop. That cannot occur in the R-M and must be done in the C-1 Zone.

Mr. Snelling oriented the Commission on the layout of the site. A question was raised with respect to how the zoning is laid out on the overall Black Diamond site. Mr. Allred explained that there is a strip of C-1 across the front. He suggested that rezoning of the entire block be considered at some point in the future. Commissioner Lowry expressed concern about the unintended consequences and what the City would be left with if Black Diamond goes away. Commissioner Lowry stated that Rainbow Point residents immediately to the south have had issues with Black Diamond from the beginning.

(19:03:06) Mr. Allred described how the zoning would be extended. In response to a question raised, Mr. Allred explained that the C-1 is a less intensive commercial zone than the C-2 zone. The possibility of zoning the entire piece C-1 was discussed. Mr. Allred stated that doing so would change the uses since C-1 is a full-scale commercial zone whereas the RM is not.

Architectural issues related to the proposed structure were discussed. Mr. Snelling stated that the type of architecture envisioned is very European. Architectural enhancements were recommended. Various potential layouts were described. Mr. Allred explained that Mr. Dempster received permission from the property owner, Black Diamond, to make application with the City.

Commissioner Lowry did not object to a use there but she did not want the architecture to clash with what already exists. Mr. Allred stated that in the 6 ½ years he has been employed by the City, he has never received a complaint about Black Diamond from the neighbors. Commissioner Lowry stated that she lives nearby and when the docks were put in the back there were problems with deliveries during the early morning hours. At first, the owner, Peter Metcalf, was very resistant to making changes. Several meetings were held and he finally agreed

to make changes to the delivery hours and prohibit backup sounds after 11:00 p.m. Mr. Allred stated that to his knowledge Black Diamond was a good neighbor.

Black Diamond has agreed to allow a petition for a portion of their property to be rezoned for the proposed coffee shop. He explained that in order to proceed the property owner needs to provide the City with a legal description of the area to be rezoned. He stated that zoning does not have to follow property lines. Mr. Allred pointed out that what is proposed would be consistent with the existing development pattern and that there is ample access to and from the site and plenty of parking available. Zoning issues were discussed as well as noticing requirements.

(19:27:55) Mr. Allred recommended that the commercial zoning issues be addressed by the Commission in any motion made to the Council. Mr. Allred did not think that introducing the Neighborhood Commercial Zone on a small portion of this particular property makes sense. There was some concern expressed years ago among the residents as to what Black Diamond could potentially become. It was noted that the property has always been controversial for the immediate neighborhood. One Commission Member was inclined in the near term to approve the proposed request and deal with the RM zoning at a future point. He did not want to make changes now since there is no other use proposed.

Spot zoning issues were discussed. Mr. Allred stated that in the past spot zoning was controversial and councils often denied requests they considered to be spot zoning. Case law in the last 10 years had shown that courts tend to give a wide berth to legislative bodies with respect to zoning. Mr. Allred suggested there be a long-range plan for proper use of the site if and when Black Diamond is gone. Until then, however, he was not sure that envisioning a new zone was necessary. Mr. Allred agreed to post public notice on the matter for discussion at the next meeting.

Mr. Allred confirmed that the Commission was generally accepting of the request to extend the C1 zoning as requested but that they wanted to further examine the land use along 3900 South from 2000 East to 2300 East in addition to a long-range plan for a possible rezone of the site. Staff was also asked to look at possibly considering consolidation of the zoning on the site eventually.

**3. Sign Ordinance Amendment – HV and ORD Zones – Planner: Paul Allred.**

(19:41:40) Mr. Allred stated that the intent tonight is to determine how to handle signage in the ORD Zone. He remarked that the ORD is more pressing than the HV Zone. His opinion was that the HV sign regulations are fairly good. The new Village developer was asked to give an opinion on the existing sign regulations. He noted that the developer has indicated a desire to create a commercial condominium opportunity in the new commercial buildings. Eventually the developer will be submitting subdivision plats for the Village project buildings. Mr. Allred stated that the issue was being revisited because it came up previously and was being done in conjunction with the ORD Zone. Some businesses in the Village have commented that the regulations are too strict. Mr. Allred indicated that signage violations in the City are being enforced. The HV Zone does not allow interior illuminated signs, pan channel letters, or internally illuminated cabinets, however, some existing signs were grandfathered in and are allowed to continue.

Mr. Allred encouraged the Planning Commission to contemplate how the ORD Zone sign regulations should be handled. He remarked that the hotel project is underway and the ski shop is expected to be under construction within 60 days, once the site is cleared and ready. Their intent is to be open in the fall. The City plans to work with neighboring property, Sequoia Development, and Marriott Hotels to resolve the road issues. Negotiations that have taken place between the developer and surrounding property owners were discussed to facilitate the proposed development.

(19:50:37) Mr. Allred asked the Commission to provide general direction primarily on the ORD Zone. Currently the ORD area entails primarily office buildings and only monument signs are allowed. The problem is that hotel, retail, and food uses are being introduced in an area where they never have been before. Signs that exist in the area were discussed. The size of monument signs is based on the length of frontage a property has. By adopting the C1/C2 regulations for the ORD Zone, what is allowed are awnings and canopies, interior illuminated signs, one monument sign per lot, wall signs of up to 10% of a wall area that must be mounted on the wall and may be illuminated, and 20% of window area.

Mr. Allred asked that the Commission Members contemplate what they consider to be reasonable. He stated that the ORD Zone is very complicated because whatever is allowed will be allowed not only for the hotel site, but for the rest of the development. There should be assurance that whatever is crafted in the ORD Zone works for all of the uses. Mr. Allred commented that signage regulations are very complex and delicate because an unintended consequence is almost always created. He recommended that in this case, logical sign regulations be created for the retail uses. The importance of signage was acknowledged.

(20:03:00) Possible regulations were discussed. Chair Chatelain suggested that office uses remain as they are and ensure that retail uses match the commercial zone. A Commission Member asked if a building owner would be prevented from bringing in a major tenant because of the existing signage restrictions. He pointed out that some companies want their name on a building. He questioned whether not allowing them to do so will result in them relocating to a building in a neighboring city.

The ORD area was reviewed. With respect to the Sequoia development, Mr. Allred stated that a drive-thru is no longer being considered and the uses will be some food and retail. Signage proportions were considered as well as the details of monument signs and walls signs. Commissioner Khodadad commented that perhaps ample signage is needed for businesses to stay in business there. Mr. Allred agreed and recommended a 10% limit be imposed.

It was reported that the proposed hotel will be a four-story Hyatt. Most likely the developer will want their sign to be up high on the facade and they won't come close to exceeding the 10% limit. The Commission determined that the signage requirements for retailers, service uses, and food uses should remain the same with respect to monument signs, the number of walls, and the 10% percent limitation as allowed in the C-1 and C-2 zones.

(20:23:29) The Commission next discussed the unintended consequences. For office uses the Commission determined that the building should be identified and a monument sign of a specific size allowed out front. Mr. Allred agreed to draft the standards for subsequent review by the Commission. Signage and traffic speed criteria were discussed.

With respect to the HV Zone, Mr. Allred's opinion was that there are very good regulations with respect to signage types. For example, they must be externally illuminated and/or have reverse pan channel lettering. He asked the Commission for feedback on how to handle canopy signs and recommended changes to how awnings and canopies are handled in the HV Zone. Blade signs were also addressed.

(20:31:25) Lori Khodadad remarked that she did not like the look of the sign with the letters going sideways downward. Mr. Allred stated that he read through numerous city standards from around the country, including resort and non-resort towns, with respect to blade signs which project out perpendicular from the wall. He suggested that a good standard be put in place. The HV Zone came to the forefront because there is a new developer who was asked by staff to study the City's regulations and give feedback. Previously, Dan Lofgren from Cowboy Partners had significant concerns about the regulations. At the time, he complained that wall and blade signs were not large enough and more visibility was needed. He felt the way he did because of traffic speeds in the area that would prevent motorists from seeing what his development had to offer. Mr. Allred asked the Commission to look at the regulations presently in the HV Zone and consider whether they are too restrictive compared to the other commercial zones. Way finding signs were described. Mr. Allred suggested the Commission consider in the HV Zone, way finding signage and whether the current sign regulations are too strict, about right, or need to be changed.

In response to a question raised, Mr. Allred stated that he has in the past received complaints about the signage regulations from new businesses coming in. During his tenure in the City he has received complaints from several businesses that the City's regulations are overly strict. His impression was that the sign regulations are just right and the city's desire is for a classy, higher standard in the Village. He recognized that such a standard is subjective.

(20:47:50) If possible, at the next meeting Mr. Allred planned to present regulations for the ORD Zone. He asked that the Commission study and be prepared to comment on the Holladay Village signage regulations. Mr. Allred hoped to conduct a public hearing within two meetings, at least on the ORD, to get the process started. His goal was to get a recommendation to the Council no later than July 4. He also suggested starting work on the HV Zone. The Commissioners were urged to study the HV ordinance and reacquaint themselves with what will be coming forward.

With respect to retail and service uses in the ORD, the consensus of the Commission was to follow the C1 and C2 regulations for monument and wall signs. For office uses, the language should remain as-is. He agreed to speak with Millrock Owner, Steve Peterson, and get feedback from him. Chair Chatelain questioned the wisdom of seeking input from Mr. Peterson and instead suggested he participate in the process and attend the next meeting. Chair Chatelain suggested that when signage in the Holladay Village is discussed, various area business owners be invited to participate.

## MINUTES

### 4. Approve Minutes of the February 21, 2012 Meeting.

(21:14:47) The minutes were reviewed and modified.

(21:17:30) *Commissioner Holbrook moved to approve the minutes of February 21, 2012, as amended. Commissioner Bowthorpe seconded the motion. Vote on motion: Spence Bowthorpe-Aye, John Garver-Aye, Troy Holbrook-Aye, Lori Khodadad-Aye, Matt Snow-Aye, Chair Les Chatelain-Aye. The motion passed unanimously. Paula Lowry was not present for the vote.*

## OTHER BUSINESS

### 5. Updates or Follow-Up on Items Currently in the Development Review Process.

(21:14:10) Mr. Allred stated that the Highland Drive Corridor Study is complete and work is underway on the Murray Holladay Road Corridor Study.

### 6. Report from Staff on Upcoming Applications.

### 7. Discussion of Possible Future Amendments to Code.

## ADJOURN

(21:17:50) *Commissioner Bowthorpe moved to adjourn. Commissioner Holbrook seconded the motion. Vote on motion: Spence Bowthorpe-Aye, John Garver-Aye, Troy Holbrook-Aye, Lori Khodadad-Aye, Matt Snow-Aye, and Acting Chair Les Chatelain-Aye. The motion passed unanimously. Paula Lowry was not present for the vote.*

The Planning Commission Meeting adjourned at 9:18 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, March 6, 2012.*



Teri Forbes, Minutes Secretary  
T Forbes Group

Minutes approved: March 20, 2012