

**MINUTES OF THE
HOLLADAY CITY COUNCIL MEETING**

**Thursday, May 19, 2016
Mt. Olympus Room
4580 South 2300 East
Holladay, UT 84117**

BRIEFING SESSION - 5:30 p.m.

ATTENDANCE:

Mayor Rob Dahle
Lynn Pace (*joined the meeting at 7:14 p.m.*)
Patricia Pignanelli
Mark Stewart
Steven Gunn
Sabrina Petersen

City Staff:
Randy Fitts, City Manager
Todd Godfrey, City Attorney
Stephanie Carlson, City Recorder
Marty Slack, Fire Chief

The items on the agenda were reviewed and discussed. Mayor Dahle stated that there will be a continued public hearing on the General Plan. The intent was to update the General Plan with all of the proposed changes, get it posted on the City's website, and provide notice in the newsletter. A second public hearing should be noticed on July 7 indicating that several changes were made to the Planning Commission's recommendation and this is the final opportunity to make comments prior to the vote on July 21.

The Council reviewed the public hearings. The Hedgewood Rezone was discussed. It was noted that the Planning Commission gave a positive recommendation. Issues with the site were identified along with the various rezoning options.

**MINUTES OF THE
HOLLADAY CITY COUNCIL MEETING**

**Thursday, May 19, 2016
City Council Chambers
4580 South 2300 East
Holladay, UT 84117**

Council Meeting 6:00 p.m.

ATTENDANCE:

Mayor Rob Dahle
Lynn Pace
Patricia Pignanelli
Steven Gunn
Sabrina Petersen
Mark Stewart

City Staff:

Randy Fitts, City Manager
Todd Godfrey, City Attorney
Stephanie Carlson, City Recorder

I. *Welcome* – Mayor Dahle.

Mayor Dahle conducted and called the meeting to order at 6:00 p.m.

II. *Pledge of Allegiance.*

The Pledge of Allegiance was led by Mayor Dahle.

III. *Public Comments.*

Officer Thomas reported on a recent \$1,000 cash donation made from who he assumed was a member of the community. The donor did not want to be identified; however, Officer Thomas expressed his appreciation publicly for the donation for the replacement of the Police Dog, Aldo. They have enough funds to completely reimburse and replace the dog. In the last three months they purchased two additional police canines for the Unified Police. Officer Thomas thanked the Council and community for their support.

Mayor Dahle commented that there was a full honor service for Aldo at Herriman High School, which he attended. He commended the UPD for the phenomenal job they do.

IV. *Continued Public Hearing on General Plan.*

Mayor Dahle opened the public hearing at 6:06:16 pm. There were no public comments. The Mayor stated that the public hearing would remain open.

V. *Public Hearing on Proposed Amendments to Title 2 – Administrative Code.*

Mayor Dahle reported that Title 2 of the Code was reworked. In the interest of full disclosure to the public, the decision was made to open the matter up to public comment.

Mayor Dahle opened the public hearing at 6:07pm. There were no public comments. **Mayor Dahle closed the public hearing at 6:07:30 pm.**

This item will appear on the next agenda for approval.

VI. *Public Hearing on Three Proposed Amendments to Chapter 13.71 - Holladay Village Zone (300 feet distance between dining clubs, approval process for HV projects, neighborhood meetings within 500 feet of project).*

Mayor Dahle explained that although the three text amendments are separate and have been combined into one public hearing. Paul Allred, Community Development Director provided the staff report. He explained that the first amendment deals with neighborhood meetings. Applicants are asked to voluntarily hold neighborhood meetings, which most do before coming to the Planning Commission. The proposal was to make it a requirement going forward.

The second text amendment involves the dining club issue. Council Member Pace asked the Planning Commission to look at whether there should be a minimum spacing requirement if other dining clubs want to locate in the Village. The Planning Commission strongly recommended that not be approved. Matt Snow, Planning Commission Chair, commented that that if the idea is to protect the neighborhood from the use, a buffer would be more effective and push the uses toward the core of the Village. To have successful high end restaurants in the Village is desirable and the market should determine that instead of allowing one person with a liquor license by default to eliminate that use from competing in the Village. He stated that the Commission likes the idea of high end restaurants in the Village.

Mr. Allred explained that the third proposed amendment is a housekeeping item with regards to noticing. Staff identified the areas that need to be modified based on the neighborhood meeting notice.

Mayor Dahle opened the public hearing at 6:12:30 pm. There were no public comments.
Mayor Dahle closed the public hearing at 6:13 pm.

This item will appear on the next agenda for approval.

VII. *Public Hearing on Proposed Rezone of Approximately .16 acres of Property Located at 1984 East 4500 South from R-1-10 to R-2-10 (twin homes).*

Mr. Allred reported that the above request involves the rezone of a very small piece of property that has access from 4500 South. The issue is that $\frac{3}{4}$ of the property is already zoned R-2. Mr. Allred explained that the land use along 4500 South is split evenly between single-family and multi-family. The current zoning would allow two units. There is, however, only one single-family home on the property. The applicant would like to have all of the property zoned the same and construct single-family detached homes with R-2 zoning. There is a main fault that goes through the middle of the property, which makes it challenging to develop. As a result, the developer is asking for flexibility. The property abuts single-family to the west and south. There was no opposition from the neighbors

Mayor Dahle opened the public hearing at 6:20 pm.

Michelle Lemire -4523 S 1960 E. Her property is located directly to the west of the subject property. The last time she spoke to the developer, the proposal was for twin homes. The applicant seemed uncertain about what he plans to do on the site, which was of concern to her because her view will be eliminated and her property value significantly impacted. Ms. Lemire

expressed opposition to the proposal. Mr. Allred commented on the height restriction and stated that whatever is built on the parcel will be limited to 32 feet. Ms. Lemire commented that she would not object to a one-story home on the site. She also asked if a limitation could be placed on the site if a PUD is pursued.

John Phillips, applicant - 2332 Creek Crossing Drive, in Park City. He reported that they held a neighborhood meeting and there were no negative comments received. He stated that it is a difficult site because it is constrained by the fault line and they have very small building envelopes. Mr. Phillips stated that they are a single-family home builder with a target market. This site is slightly different in terms of the neighborhood feel. He expected there to be two-story homes because of the issue related to the fault.

There were no further public comments. **Mayor Dahle closed the public hearing at 6:30 pm.**

This item will appear on the next agenda for approval.

VIII. *Public Hearing on Proposed Rezone Located at 1992 East Hedgewood Court from R-1-15 to R-2-8 (Twin Homes).*

Mayor Dahle reported that the Council is in receipt of letters in opposition from Richard Tempest and Tom Nelson. Mr. Allred presented the staff report and stated that the property is characterized by frontage on Highland Drive. There had been numerous debates about access from Hedgewood. There is also a driveway to the south for the property behind it. The properties to the east are all single-family homes on Hedgewood, which is a private lane. On the subject property there is an older, poorly maintained home that had been used as a rental property for many years. About one year ago the matter came to the Council for a public hearing with a request to turn the property into a residential office, which was denied by the Council. The Planning Commission recommended approval. Mr. Reynolds is proposing to build very attractive large twin homes that will face each other rather than Highland Drive. Mr. Allred stated that the Highland Drive Master Plan allows for redevelopment and it should be clear that this is on the lowest end of zones that are considered appropriate.

Mr. Allred identified various issues including access, trees, and density that need to be addressed. Staff informed the applicant that there are access issues and neighbors who are very protective of the lane and recommended they make certain they have access down the lane. The City does not maintain the road and it is not considered a public road. Mr. Allred clarified that zoning is the issue and not access.

Mayor Dahle recalled that the Planning Commission recommended R-2-8 zoning. Chair Snow stated that the attitude of the Commission changed between this applicant and the applicant to the north. When they looked at this application they considered that the property across the street has a comparable density. They felt that that density would be appropriate when creating a corridor down Highland Drive.

Rob Reynolds, applicant - 2115 East Walker Lane. He has been a Holladay resident for several years and his intent in acquiring the property was to allow his recently married son to live in Holladay. What he proposed was an attractive brick structure with hardy board. He hoped to divide the 22,000 square-foot lot in half. He noted that behind the property to the east is another twin home. Mr. Gatherum, the property owner to the north, desires to do the same. Mr.

Reynolds indicated that there are other duplexes and twin homes along Highland Drive. With regard to access, Mr. Reynolds stated that he does not need additional access. Tom Nelson asked Mr. Reynolds about expanding the access to Hedgewood by facing the residences forward. He preferred that something attractive be done along Highland Drive with some sort of separation. It was noted that with R-2-10 zoning, Mr. Reynolds would be forced to develop twin homes. With R-2-8 he could develop twin homes or separate them. Mr. Reynolds did not object to either option. The purpose of the twin homes was to allow for a larger structure because there would be no separation between the two.

Mayor Dahle opened the public hearing at 6:49 pm.

Tom Nelson - 2155 Pheasant Way. He is representing the Hegewalds. He commented that Mr. Reynolds is a good man who does beautiful work. In his opinion, the problems were the result of Mr. Reynolds not being brought up to speed on Segment B of Highland Drive and what happened with the Carsons. Mr. Nelson stated that the Hegewald property was originally a flag lot and is surrounded by a flag lot. Hedgewood Court is a private lane and there are alternative accesses to the property.

Mayor Dahle informed Mr. Nelson that the Council cannot resolve his position on whether there is legal access off of Hedgewood Court. Mr. Nelson addressed the Highland Drive study and stated that it clearly recommends leaving the zoning unchanged. If modified, it would be appropriate to go from R-1-15 to R-1-10, which would allow for two homes. In addition, he did not feel that the legal noticing requirement had been met. Mr. Nelson urged the Council to carefully consider the request before making a dramatic change.

Bernardo Sahagun - 2044 East Hedgewood Court. He expressed concern with the density of the proposed development. He was also concerned about the frontage onto Highland Drive, which he considered critical and about the increased number of cars going in and out of Hedgewood Court. If granted, he preferred that the development have a different access.

Lamar Gatherum - 5761 and 5751 Highland Drive. He owns a home next to Hedgewood Court and has lived there for 30 years and has had access onto Hedgewood Court during that time. He stated that Rudy Hegewald cannot put a fence down Hedgewood Court just because he wants to. He claimed that Mr. Hegewald also sold the property to Granite School District and allowed them to drive busses down Hedgewood Court. That affects Mr. Gatherum and his family because they live on the corner. Mr. Gatherum stated that he has known Mr. Reynolds for many years and he is a good builder and what he has proposed is an exceptional project that will be far better to what currently exists. Mr. Gatherum objected to the busses and the workers for Granite School District being there and that his home was flooded by the lane after Granite School District built a home there. The home had since been condemned because Mr. Hegewald did not take care of it. Mr. Gatherum stated that he knows what is best for the property and commented that essentially he has a condemned home that has to be torn down.

Richard Smith - 2174 Pheasant Way. He was not overly familiar with the proposals and asked for more information. He wants to maintain the character of Holladay. Mr. Smith's understanding was that the zoning will run with the property.

There were no further public comments. **Mayor Dahle closed the public hearing at 7:15 pm.**

IX. *Public Hearing on Proposed Rezone of Approximately 2.6 acres of Property Located at 1458 East Murray Holladay Road from R-1-10 (single family) to P Zone (public or quasi-public use).*

Mayor Dahle reported that the property is the site of the Waldorf School, which is a State-approved charter school.

Mayor Dahle opened the public hearing at 7:16 pm. There were no comments and **Mayor Dahle closed the public hearing at 7:16:30 pm.**

X. *Consideration of Ordinance 2016-08 Adopting Restrictions on the Use of Fireworks Within Certain Areas of the City.*

Fire Chief Marty Slack reported that they have continued to look at the risk of wildfire, fires, and injuries caused by fireworks. He has met with the Fire Marshal, spoken with two battalion chiefs, and recommended the same restrictions that were in place last year. They have had a wet spring and expect later in the summer to have an increased risk, however, they do not feel it will impact what happens in July. There continues to be a ban on aerial fireworks. Chief Slack reported that the UFA website includes an interactive map that identifies problem areas. Citizens are not restricted from doing fireworks in the street or in front yards. The intent is not to restrict fireworks on private property but to restrict fireworks from going into drainages and riverbeds where there is vegetation and high risk.

It was suggested that a newsletter article be printed informing residents of the rules before they purchase fireworks.

Council Member Pace moved to adopt Ordinance 2016-08 Council Member Petersen seconded the motion. The Council roll call vote was as follows: Council Members Petersen, Pace, Pignanelli, Gunn, Stewart and Mayor Dahle in favor. Ordinance 2016-08 was unanimously approved.

XI. *Consent Agenda*

a. *Approval of Minutes – April 21, May 3 & 5, 2016.*

Council Member Pace had some edits to the April 21 minutes. There was discussion at the meeting of a rezone of property located at 4685 South Highland Drive from RM to C2. At that meeting Mr. Teerlink was asked if staff or the Planning Commission could regulate and mitigate adverse impacts to the neighborhood if the property was zoned C2. Mr. Teerlink indicated that it did. That critical discussion was left out of the minutes. It was requested that it be added to the minutes.

Council Member Gunn moved to approve the consent agenda withholding the minutes of April 21, 2016. Council Member Stewart seconded the motion. The Council unanimously voted in the affirmative. The minutes of May 3 and May 5 were approved. The minutes of April 21 were to be reposted to the following meeting.

XII. *City Manager's Report*

There was no City Manager's Report.

XIII. *Council Reports.*

Council Member Stewart reported on a recent District Meeting that was held. He applauded staff for attending and helping.

Council Member Pignanelli echoed Council Member Stewart's comments and reported that she received emails from residents who believe that trees are more important than Highland Drive.

Council Member Pace reported that he and Mr. Godfrey attended an attorney's conference the previous week. In terms of the City's decision-making process, they recommended giving notice of City decisions including business license decisions. They can be posted to the City website. Other interesting challenges were also addressed.

XIV. *Other Business.*

XV. *Adjourn City Council Meeting and Reconvene in a Work Meeting.*

Council Member Pace moved to adjourn the City Council Meeting and convene in a work meeting. Council Member Pignanelli seconded the motion. The Council voted in the affirmative and the meeting adjourned at 7:34 p.m.

WORK MEETING
May 19, 2016

ATTENDANCE

Mayor Rob Dahle
Lynn Pace
Patricia Pignanelli
Mark Stewart
Sabrina Petersen
Steven Gunn

City Staff
Randy Fitts, City Manager
Stephanie Carlson, City Recorder - *excused*
Todd Godfrey, City Attorney
Paul Allred, Community Development Director

Mayor Dahle called the Work Meeting to order at 7:48 p.m.

a. Discussion and Review of Previous Public Hearings

Mayor Dahle commented that on the Phillips Rezone, unless it is a PUD, the property owner has a right to develop the property whether in its current zone or in the R-2-10 zone. The height restriction is no different. Mr. Allred stated that under the PUD ordinance, the Planning Commission can look at mitigating the rezoning text. Mayor Dahle's point was that the access did not affect the neighborhood as it came off of 4500 South and most of the surrounding property is already R-2-10.

Mayor Dahle stated that different sides to the Hedgewood discussion were raised during the public hearing, which prompted a Council discussion on how far down to rezone. Several Council Members also commented that they do not believe the arguments pertaining to the Granite School District traffic on Highland Drive. Mayor Dahle explained that Highland Drive has a high capacity level for traffic. The Highland Drive Master Plan does not state that R-2-8 or R-2-10 should be restricted in this area and Mayor Dahle felt that the two zones would have a similar impact. One argument was that the City would be setting a precedent to open the area up to twin homes should the rezone be approved. Mayor Dahle explained that Mr. Reynolds' proposal would bring a beautiful development to a neighborhood that has been rundown for a long time. Mr. Allred reviewed the public noticing for this item.

Staff and the Council further discussed the three proposed amendments to Chapter 13.71 of the Holladay Village Zone. Council Member Pace did not want to fill the plaza with drinking establishments. Mayor Dahle pointed out that drinking establishments already exist in the Holladay Village Zone. Council Member Pace explained that while the zone has restaurants that serve alcohol, it does not have bars or clubs where drinking is the sole purpose. It was noted that after some debate at the Planning Commission level, the Commission decided that they liked the idea of bringing in higher quality restaurants, which typically serve alcohol and that downtown should be a magnet for high quality restaurants. Council Member Pace stated that he would research Salt Lake City's ordinances and policies on the matter. He noted that Salt Lake City requires separation between zones in order to avoid clustering.

b. Discussion on City Hall Park

Manager Fitts reported that the City is running low on money and noted that the bleachers are very expensive. The contractors have excellent workmanship and the difference is significant. Council Member Petersen stated that a constituent called and that she used to have one of the most beautiful views in the City, and was concerned that it would be obstructed by large trees

being planted or other significant modifications to the park. The Council discussed whether to plant bushes instead. Mr. Fitts explained that there will be a bike and walking trail with some trees and other vegetation in the area. Council Member Petersen stated that she would talk to the resident and bring additional feedback to the Council.

c. Update on General Plan.

Mayor Dahle stated that Council Member Gunn recently brought up a good point that the General Plan has changed significantly from the document that is currently posted online. He suggested they close the current public hearing on June 16 and reopen it after the new General Plan is posted online. This would give the public an opportunity to comment on July 7, before the Council votes on the item on July 21.

The Council had a policy discussion on issues and the implementation strategies outlined in Chapter 5. Council Member Petersen had a concern with what the City's plans are for rebuilding/replacing/restoring the equivalent of 18 units that were torn down when they purchased land behind City Hall for expansion purposes. Council Member Petersen clarified that in the revised version of the General Plan, Chapter 7 has been split into two chapters, with a single page for Chapter 9. Other changes were briefly reviewed. The committee will meet on May 24 and that they hope to have an updated version ready by June 1

d. Discussion on 2016-17 Tentative Budget.

Mr. Fitts reviewed the major road projects for the upcoming year and the sources of funding for each. He mentioned that the City has enough in reserves to work on the crosswalks in the Village. One problem with the crosswalks is that they have too much sand. Staff felt that if the sand is lifted, the crosswalks will last longer.

Staff and the Council discussed the 2016-2017 Tentative Budget. Mr. Fitts commented that he had met with everyone regarding changes to the General Fund. Bond payments were reviewed.

It was noted that the award amount on education scholarships were changed from \$500 to \$1,000. Some expressed frustration that nothing is being done with the Foundation money, which is available to support public education in Holladay.

Staff and the Council discussed whether the City was better off this year than last in terms of cash flow and fund balances. Mr. Fitts commented that he considered opening a line of credit for the City at Zions Bank for emergency situations.

Council Member Petersen asked when the City last went out to bid for a Prosecuting Attorney. She felt that the current contract was high and stated that she would like to put out a new bid for this position. She suggested that staff look into filling these responsibilities in-house as a more cost effective alternative.

Mr. Fitts explained that impact fees are calculated based on a formula that is determined by an Impact Fee Study. Impact fees are generated from new developments, because of the increased capacity that new developments have on City services, such as parks, storm drain, sewer, public safety, etc.

General Fund expenses reviewed. Mr. Fitts did not think they would be doing any curb, gutter,

or sidewalk projects this year. Projects identified for the year included Delsa Drive, Gunderson Lane, and 2700 East. All these, roads have major encroachment problems, for which the City needs to notify residents.

e. Calendar.

Dates for upcoming City Council Meetings and the Foundation Dinner were reviewed.

f. Other Business.

XVI. *Closed Session Pursuant to Utah Code Section 52-4-204 & 205 to Discuss Personnel Issues, Potential Litigation and Property Acquisition & Disposition.*

XVII. *Adjourn.*

There being no further business, Council Member Pace moved to adjourn. Council Member Petersen seconding the motion. The Council voted in the affirmative. The meeting adjourned at 10:52 p.m.

I hereby certify that the foregoing represents a true, accurate and complete record of the Holladay City Council Meeting held Thursday, May 19, 2016.

Stephanie N. Carlson, MMC
Holladay City Recorder

Robert Dahle, Mayor

Minutes approved: June 16, 2016