

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

**Tuesday, June 2, 2015  
6:30 p.m.  
Holladay Municipal Center  
4580 South 2300 East**

**ATTENDANCE:**

**Planning Commission Members:**

Les Chatelain, Chair  
Matt Snow, Vice Chair  
Spence Bowthorpe  
John Garver

**City Staff:**

Paul Allred, Community Development Director  
Rick Whiting, City Planner  
Jonathan Teerlink, City Planner

**PRE-MEETING/WORK SESSION**

**1. All Agenda Items May Be Discussed. No Decisions Will be Made.**

(18:38:44) Community Development Director, Paul Allred, stated that a conditional use is being sought in the Village for a mobile food court for trucks or trailers. The use would be conditional in the zone and is the only conditional use he was aware of in the Village. The question was how to allow it with reasonable conditions. Staff's feeling was that because it is a conditional use, it is difficult to deny. As a result, ways must be found to mitigate potential harmful impacts of the use on surrounding properties. It was noted that there are no permanent structures proposed for this use so the design regulations and DRB review do not apply.

The applicant, Mark Olsen, planned to use hardscaping and artificial turf on the site. Staff's main concerns were whether too many trucks were being proposed, if people will walk or drive to the site, whether there is adequate parking, and whether it meets Code. A public hearing was scheduled for the next meeting.

Mr. Olsen indicated that he responded to each of the requirements in the existing Code. He originally proposed artificial turf so that people could sit on it without getting wet. He noted that it is very costly. The issue of artificial turf was presented to the City Council who did not respond favorably to it. As a result, he now plans to plant grass at a much lower cost. Photos of the site were presented. Mr. Olsen reported that there will be seating for about 150 people. With regard to lighting, his intent was to create a cozy ambiance by using hanging bistro lighting. Six trucks were proposed on the north court with one fixed base, which would be a seasonal use only. On the southern court Mr. Olsen was proposing three slips. He stated that all of the slips will never be occupied at the same time but the conditional use allows for them based on the parking and square footage. He wanted to be able to accommodate a special event.

Mr. Olsen commented that Slip #6 on the far north will rarely be used. The south lot will also rarely be used. He envisioned five trucks plus the snow and soda seasonal uses. He stated that they have no interest in turning it into a carnival type food truck court. They are seeking more artisanal types of uses. Initially it will be mostly empty since there are only a few food trucks in Utah that meet the expectations they will insist on. He felt there were a lot of people who want

to operate a food truck that can do a good job but they don't want to deal with finding a place to park every day. He was trying to give them a place they can come six days per week and run their business. The trucks can come for free so there is no revenue generated. The food truck owners will be required to have insurance and pay a deposit in the event of damage. If the venture is successful the situation may change and he may charge vendors a percentage of sales.

Mr. Olsen stated that originally the intent was to help Holladay and attract people to the area. Food was his biggest motivator. Their desire was to create something special and soon learned that food trucks that specialize in one great thing cannot be found at a restaurant. The plan was not for the use to be long-term but to eventually to build a brick and mortar structure. Financing issues were discussed along with specifics of his future plans. Mr. Allred stated that the conditional use will run with the land until it is replaced by something else. He noted that the applicant has a site plan in place currently that will soon expire. By granting the proposed conditional use that will, in essence, be pushed aside.

Mr. Olsen stated that it will be more of a park atmosphere. It will feature a drinking fountain, running water, and a shady place to sit and eat in a clean atmosphere. He stated that he had not received a single negative comment. Because there will be no revenue coming in, Mr. Olsen wanted to minimize his expenses to the extent possible. A dumpster would be a monthly fee he was trying to avoid. In the beginning the vendors will be asked to provide trash cans and haul their trash away at the end of the day.

Mr. Allred stated that public comment will be received on the matter and potential negative impacts will be identified. From his perspective, he considered the request to be a wonderful idea that will introduce an element of fun into the Village. This will provide an activity center at the south end of the Village well prior to a brick and mortar building being constructed. His opinion was that there is a pent up demand for fun.

Sales tax issues were discussed. Mr. Allred stated that sales taxes will be collected wherever the vendors commissary.

*(19:00:27) Commissioner Snow moved to adjourn the Pre-Meeting Work Session and adjourn to the Regular Meeting. Commissioner Garver seconded the motion. The motion passed with the unanimous consent of the Commission.*

## **CONVENE REGULAR MEETING**

Chair Les Chatelain called the Regular Meeting to order at 7:00 p.m.

### **2. Welcome & Chair Opening Statement.**

Chair Chatelain welcomed those present.

## **DISCUSSION ITEMS**

### **3. SOHO Food Park – 4737 South Holladay Boulevard – Proposed Food-Truck Court – HV Zone – Staff Planners – Paul Allred/Rick Whiting.**

(19:01:40) Chair Chatelain reported that what the applicant provided shows that he can meet the regulations, however, because it is a conditional use, the City looks at the impact and if there are conditions that need to be applied to make the impact appropriate. In the past, conditions had to

be applied to conditional uses. The conditions would be applied to all of the food trucks because they are in a group setting. Reference was made to the standards already in place for food trucks in the HV Zone. It was anticipated that questions will be raised at the public hearing about lighting, trash, and parking.

City Planner, Rick Whiting, reported that a few years ago the Planning Commission approved a land use and imposed specific requirements on the operation of that specific site. If this use becomes a problem, the conditions will be very valuable in resolving the matter. A public hearing was to take place at the next Planning Commission Meeting.

**4. Proposed Text Amendment – Exceptions Section 13.08.150, Title 14.12 – Planner – Jonathan Teerlink.**

(19:12:36) City Planner, Jonathan Teerlink, reported that the proposed amendment is an amendment to an amendment that was previously considered by the Planning Commission and recommended for approval to the City Council in March 2015. It prevented some special exceptions from being placed on Planning Commission agendas to Title 14 where they can be held administratively by the Technical Review Committee (TRC). In preparing the previously amended section for approval by the Council, staff realized that a section was missed that should have been included. It involved an instance for a resident or developer with property fronting a public street, the requirements for curb, gutter, and sidewalk could be waived with Planning Commission approval. Previously the issue would have been handled by the City Council and then remanded back to the Planning Commission. More recently, it had been handled at the staff level not realizing it should come to the Planning Commission for approval or denial. The proposed amendment was to move the section back to Title 14 under the same type of scenario.

Mr. Teerlink referenced Line 19 that addresses the Safe Sidewalk Route, which is a map in the General Plan that it is a radius of one-quarter mile from every public institution. He explained that some neighborhoods do not want curb, gutter, or sidewalk and insist on having landscaping out to the gutter. Mr. Teerlink stated that it is a sense of place issue that some residents enjoy. Gutters are slightly different and Tosh Kano and Clarence Kemp consider new gutters, where there have not been any previously, to be problematic. He explained that there is a historic drainage on those streets and each property owner has been able to deal with storm water in some way. If 200 linear feet of gutter is placed, suddenly the new storm water would be directed onto a neighbor that is downstream. The result would be the creation of a duplicated problem to be dealt with.

Maintenance issues were discussed. Mr. Teerlink stated that if the damage is the result of construction, it is the responsibility of the property owner to maintain that section. There are areas west of the mall with numerous problems that will be repaired primarily by the City. At one time funds were set aside to match half of the cost, up to \$1,000, for the repair or replacement of gutters.

In response to a question raised, Mr. Teerlink stated that the property line is typically 12 ½ feet from the edge of asphalt. It would be the property owner's responsibility to maintain the park strip and trip hazards in front of their home. They are also responsible to keep sidewalks and gutters clear.

Public safety issues were discussed. Mr. Teerlink next referenced Line 209 and indicated that there was old language that came across from Salt Lake County's ordinance. It specifies that any street that comes off of the grid system should be approved by the City Council. It was proposed that that language be stricken and does not apply in the City of Holladay.

It was noted that a public hearing will need to be held on the matter after which the Planning Commission will make a recommendation to the City Council. A public hearing was to be scheduled for the July 7 Planning Commission Meeting.

**5. Proposed Text Amendment – Architectural Controls for Multi-Family Zones-Planner – Paul Allred.**

(19:29:13) Mr. Teerlink reported that currently the City's fence height is allowed to be taller as you get further away from the property line along major streets. For example, the large stone wall that Ivory Homes installed is set back four feet from the property line. It was considered more offensive because the grade is to the property owner's advantage. It was estimated that the height from the sidewalk to the top of the fence is close to eight feet. Commissioner Snow commented that there is concern that it creates a tunneling effect for pedestrians and cars. A desire was expressed to see something that limits the long runs of fence. For example, every 25 feet it could be required to break vertically.

Chair Chatelain asked if the first houses are typically perpendicular so that it is a side yard they are fencing. Commissioner Snow clarified that that was what arbors tend to do where ideally they would like to see more housing facing the street because it engages pedestrians more than vehicles. The proposed changes to architectural controls would impact a homeowner who wants to take down a picket fence and put up a concrete wall. If, however, the picket fence is somehow knocked down, they could rebuild because there is a clause in the Code that allows for repairs.

Various examples of fencing were described and discussed. A comment was made that they should not get so restrictive in Holladay that they are always fighting a battle. It was suggested that a way be found to enlighten and educate people about the principles discussed such as tunneling and the impact long lines of unarticulated fencing can have. Commissioner Snow noted that the best way to educate citizens is to incorporate what is desired into the General Plan. In his opinion the Fencing Ordinance wasn't accomplishing the desired goal because they are still developing more and more walls.

Chair Chatelain remarked that along Highland Drive there were so few spaces that aren't walled already that the situation cannot be changed. He, however, considered 4500 South to be what Highland Drive was 20 years ago. He felt that now was the time to change some of the major roads to have an impact. Mr. Allred was of the opinion that Segment B is lost but Segments A and C are fairly open.

The concept of (CPTED) Crime Prevention through Environmental Design was described, which eliminates the likelihood of criminal activity and using environmentally designed principles to maintain the natural visibility and surveillance of properties as open. Highland Drive residents, for example could be educated that a wall will do very little for sound attenuation.

(19:58:58) Mr. Allred pointed out that the Highland Drive Master Plan began in 2009. Part of the reason they pursued that was to determine what to do with Highland Drive. The biggest

problem with Highland Drive was identified as traffic. Mr. Allred explained that there are approximately 20 homes in Segment B that are dilapidated and run down. The property owners don't want to face their home onto Highland Drive. He reported that there has been one home built in the last 10 years built that faces Highland Drive. This is due to traffic and noise. If Highland Drive is seen in a new light and homeowners are forced to face their homes onto Highland Drive, they will not redevelop.

Chair Chatelain preferred to see commercial development that acts as a buffer. Mr. Allred explained that no new commercial is allowed in Segment B. People also are not going to build new homes facing Highland Drive. He was hearing that the desire is not to have more subdivisions on Highland Drive. He heard a general dissatisfaction that the desire is not to redevelop properties because the trees are gone and a wall is going up. What exists now is millions of dollars of property being developed over something that was not being developed before. From an economic development and land use planning perspective, the new developments are dramatically improving the overall situation since there are a lot of people who want to move to the City and live in a gated community. If it is too restrictive that may change. Mr. Allred stated that there are 40 new homes that will be built on Highland Drive within a two to three-year period. There was angst among some people who want businesses there rather than residences.

Mr. Allred noted that people were unhappy with dilapidated homes. Soon after Café Madrid went in and there were still complaints. Now, for the most part, people are pretty happy with Café Madrid and their fears were unrealized. He believed that most of what the community has done over the last decade is working. He felt that the Village, Highland Drive redevelopment and other new developments were adding new lifeblood to the community. Mr. Allred remarked that if fencing is the biggest problem we have, he did not consider it significant. A comment was made that residential development can be successful without a six-foot fence in the front yard.

(20:05:54) Mr. Allred reported on a fencing and aesthetics meeting held recently and stated that some great ideas were shared. First, it was recommended that there be a reduction in the number of streets where a six-foot fence would be allowed. Second, fence height should be tied to the speed limit. Third, the design should include horizontal breaks in the wall. This requires the property owner to have more area outside of the fence to maintain but it would beautify it by allowing a place for larger shrubs and trees to grow between the sidewalk and the fence. Fourth, the distance required for a six-foot fence should be doubled, which will allow for more landscaping on the outside (street side) of the fence.

## **OTHER BUSINESS**

### **6. Updates or follow-up on items currently in the development review process.**

Mr. Allred reported that Abington Assisted Living was moved back two weeks but would be coming forward with a request for preliminary site plan and conditional use approval.

### **7. Report from Staff on Upcoming Applications.**

An Appeal of Administrative Interpretation was also coming forward dealing with the interpretation of a hedge versus fences versus a row of trees. A property owner planted beautiful trees against their property line to shade their driveway and home. A neighbor is claiming that it is a fence and cannot be taller than six feet tall and is asking that the trees be removed.

Mr. Allred reported that Ken Bell's mixed use project in the Village is coming forward. The needed signature was obtained and they are submitting drawings for preliminary approval. Mr. Whiting stated that the approved 11-unit condominium project is now being changed to a four-lot single detached project. There are issues due to the narrowness of the lot. They likely will request a PUD in order to adjust the setbacks.

(20:17:02) Mr. Allred indicated that Highland Court's Development Agreement has been signed and they are working on the final plat.

A proposal for a project in the Village was discussed earlier in the day that may be coming forward in the next few months. Mr. Allred considered it the most exciting project he has ever seen in Holladay. If it comes to fruition, he felt it would greatly enhance the quality of the Village area. The proposal was for true mixed use with residential and commercial in the same building.

The playground was also coming along and should be completed in about one month. The improvements include over \$250,000 in playground equipment.

Two federally protected land uses were proposed on the south end of the City. The legal issues were currently being examined.

It was reported that David Weekley Homes is working on a six to eight-lot development at the west end of 6200 South.

In terms of long-range planning, Mr. Allred reported that there are two RFPs out. One is for the Highland Drive Van Winkle Intersection Study. It was sent to four different engineering firms. The other is for the Knudsen Park Plan Update. Three or four years ago a conceptual Knudsen Park Plan was prepared. An RFP was sent to five different land planning/landscape architectural firms to look at an update to include the new property. The intent is to plan for that and perhaps refresh what was done on the other acreage previously in the General Plan for that area.

Mr. Allred indicated that the General Plan Open House was held last Thursday evening. There was a small turnout but very productive discussions took place. The next committee meeting would be held the following week. The draft is a lengthy and is in the process of being modified. Soon the General Plan public hearing process will commence. Mr. Allred indicated that they have six months to adopt it, which is when their contract ends and when the City Council wants it done. He acknowledged that it will be challenging to have it done by the end of the year. Procedural issues were discussed.

Mr. Allred reported that the bids were opened recently to redo all of the existing bike routes. There is approximately \$200,000 available to spend between UDOT and County funds received by the City. The intent is to add new bike routes that don't currently exist. Five additional grants were applied for with Salt Lake County totaling an additional \$180,000 to complete the bike route map, which was updated this year.

**8. Discussion of Possible Future Amendments to Code.**

**ADJOURN**

The Planning Commission Meeting adjourned at 8:30 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, June 2, 2015.*

A handwritten signature in cursive script that reads "Teri Forbes". The signature is written in black ink and is positioned above a horizontal line.

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Teri Forbes, Minutes Secretary  
T Forbes Group

Minutes approved: July 7, 2015