

**MINUTES OF THE
HOLLADAY CITY COUNCIL MEETING**

**Thursday, August 7, 2014
Mt. Olympus Room
4580 South 2300 East
Holladay UT 84117**

BRIEFING SESSION - 5:30 p.m.

ATTENDANCE

Rob Dahle, Mayor
Lynn Pace - *excused*
Patricia Pignanelli
J. James Palmer, Jr.
Steve Gunn
Sabrina Petersen

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

Mayor Dahle called the Briefing Session to order at 5:35 p.m. The Council reviewed the agenda.

The Council reviewed the public hearing process. Staff will give a brief overview and after the hearing the Council will discuss the amendments in the work meeting.

**MINUTES OF THE
HOLLADAY CITY COUNCIL MEETING**

**Thursday, August 7, 2014
Council Chambers
4580 South 2300 East
Holladay UT 84117**

Council Meeting - 6:00 p.m.

ATTENDANCE

Mayor Rob Dahle
Lynn Pace - *excused*
Patricia Pignanelli
J. James Palmer, Jr.
Steven Gunn
Sabrina Petersen

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

I. *Welcome* – Mayor Dahle

Mayor Dahle conducted and called the meeting to order at 6:03 p.m.

II. *Pledge of Allegiance.*

The Pledge of Allegiance was led by Jeremy from Scout Troop 50.

III. *Public Comments.*

Ben Morrison – Owner of Relics. Mr. Morrison expressed his concern with the parking issues around his store. He indicated that people are parking there all day long. He requested that signs be put up limiting parking to two hours.

IV. *Public Hearing and Consideration of Proposed Amendments to the Holladay Village (HV) Zone.*

Paul Allred, Community Development Director, presented the staff report and stated that the proposed amendments deal with five different categories including appropriate land use in the Village, building height, buffering guidelines, formatting, and the ground floor retail requirement. The ground floor retail requirement specifies that in certain areas, 100% of the ground floor must be for retail use. The Olympus Clinic proposed to build a new building and indicated that the requirement of 100% does not work for them. The Planning Commission presented a map containing a graduated rate of retail requirements.

Council Member Petersen asked the Council if they knew they were dividing a parcel when they approved the zone. Mr. Allred's recollection was that it was an extension of the north boundary of Burton Lumber. Council Member Palmer stated that it follows the lot lines. He asked what the existing height of the Village Center is without the clock tower. Mr. Allred confirmed that the basic roofline measures between 32 and 34 feet.

Mayor Dahle clarified details of the public hearing. He explained that there have been rumors circulating with the thought of not approving the Holladay Clinic, which has never been the consideration. The debate is really about the retail portion on the main level. The intent was that this item appear for a vote on August 21, 2014.

Mayor Dahle opened the public hearing at 6:25 p.m.

Dr. Jared Probst, Olympus Clinic, stated they have been in Holladay for over 60 years. They are a primary care facility and cannot have patients going up several flights of stairs, skywalks, and elevators. They proposed to construct a building in the employee parking lot. This has never been retail and somehow, six years ago, it was changed to specify it should be retail. A retail expert was hired and of the opinion that ground floor retail in the proposed space will not work. In an effort to comply with the Planning Commission's request, they brought in a pharmacy to fill the retail space. Dr. Probst detailed their contribution to the community and requested the Council make a decision to allow the proposed project.

Council Member Gunn asked why patients cannot enter on the ground floor and take an elevator to the clinic. Mr. Probst responded that it creates difficulty and his patients prefer the easier access. He agreed that there is no federal regulation and it was their preference that their building be located on the ground floor. This item has taken two years, they have explored alternatives, and this is their only option.

Ann Boley, stated that she prefers a local facility and expressed opposition to the retail requirement.

Ray Morrison, representing Dan Posilovich, Real Estate Agent with Chapman Richards, stated that the buildings that Mr. Posilovich owns comprise approximately 6,700 square feet at street level with nine parking spaces. Making that space retail will hurt other businesses in the area and due to retail requirements, parking will pose a problem. He recommended a possible buffer zone allowing Blakemore to use that space. Councilmember Gunn expressed concern with the precedent this would set. (*see attached letter*).

Tom Boley - 2439 Olympus Drive expressed frustration and opposition to the proposed ground retail requirement.

Mark Olsen - 3010 Kohala Dr. He felt it was important for residents to support the proposed changes to the Holladay Village Zone. He has invested in the City of Holladay because he wants to see it succeed as an urban, retail environment.

Alan Saunders, a former resident of 2020 East Murray Holladay Road who currently resides at 2032 East Far Down Avenue, reported that one-half of retail shops and/or restaurants do not survive their fifth year. He was of the opinion that this will create a merry-go-round of retail and is a great disservice to some of the noblest servants of the City of Holladay. Councilmember Gunn asked Mr. Saunders if he was of the opinion that the HV Zone should be abolished and stated that the decision was made long ago.

Council Member Palmer clarified the purpose of a public hearing is to receive input from the public, not engage in debate.

Dr. Steven Heath - 2468 Lexington Cir. stated that he is a partner in the Olympus Clinic. He explained that the zoning law was created in the middle of their property and he assumed the Council recognized the ability to grandfather their business in as a non-retail entity. It would establish a precedent in that their clinic has existed for 60 years and will remain as such.

Todd Godfrey, City Attorney, stated that the present discussion would relate to a use variance. A variance would be granted for retail uses or non-retail uses where retail is required by the Ordinance. Utah State Law does not allow a variance for uses. Restrictions can be varied relative to zoning requirements, setbacks, and height, however, uses are not subject to legal variances.

Don Pearson, - 1607 Fieldcrest stated that he believes great cities need great infrastructure. The justification for the variance involves common sense and Holladay should want a first rate medical facility.

Elizabeth Kesler- 4597 Aspen Hollow Lane she is a patient of the Olympus Clinic. She noted that she likes the accessibility. The proposed change would be a great addition to the City of Holladay.

Matt Staley, Olympus Clinic Administrator, asked what precedent is set by a city that arbitrarily slates a line in an owner's property without the owner having any knowledge, understanding, or say in what that line is. Working with the owner and making adjustments is a much smaller precedent than the placement of that line. He stated that what is necessary for the clinic to operate is not conducive to the retail requirement.

Council Member Petersen stated that notification or information would have been sent and should have been received at the time action was taken.

Larry Pinnock - 2887 East County Road, and stated that his background includes 20 years of development and significant town center development. He believed it is critical to have contiguous retail uses. The goal is to shop and not have the walking experience interrupted. The only people who would continue to the Olympus Clinic would have a specific use and desire in mind. Interruption of the development does not promote what is being proposed in the Town Center. He recommended the Council find a way to treat the store front so that it has a visual of the retail without including all of the retail square footage requirements. Mr. Pinnock suggested retail boundaries be looked at globally.

There were no further public comments. **Mayor Dahle closed the public hearing at 7:29 p.m.**

V. *Consideration of Resolution 2014-26 Approving an Amendment to the Declaration of Easement to Permit Encroachment with Holladay Village Square, LLC.*

Council Member Petersen moved to approve Resolution 2014-26. Council Member Pignanelli seconded the motion. The Council roll call vote was as follows: Council Members Petersen, Pignanelli, Gunn, Palmer and Mayor Dahle in favor. Resolution 2014-26 was approved with a unanimous vote.

VI. *Consent Agenda*

a. Minutes of July 10 & 17, 2014.

Council Member Petersen moved to approve the consent agenda. Council Member Pignanelli seconded the motion. The Council voted in the affirmative and the motion carried.

VII. *Council Reports*

Council Member Gunn noted that AT&T has given the city \$5,000 to go toward the Stratton Park update.

VIII. *Other Business*

IX. *Adjourn City Council Meeting and Convene in a Work Meeting.*

Council Member Petersen moved to adjourn City Council meeting and convene in a work meeting. Council Member Palmer seconded the motion. The Council voted in the affirmative and the meeting adjourned at 7:32 p.m.

WORK MEETING – August 7, 2014

ATTENDANCE

Mayor Rob Dahle
Lynn Pace -*excused*
Patricia Pignanelli
J. James Palmer
Sabrina Petersen
Steven Gunn

City Staff
Randy Fitts, City Manager - *excused*
Stephanie Carlson, City Recorder
Todd Godfrey, City Attorney
Paul Allred, Community Development Dir.
Clarence Kemp, City Engineer

Mayor Dahle convened the Council in a Work Meeting at 7:45 p.m.

a. Closed Session pursuant to Utah Code Section 52-4-204 & 205 to Discuss Personnel Issues, Potential Litigation and Property Acquisition and Disposition (if needed).

b. Discussion on Deer Issues.

Mayor Dahle stated he received a number of calls regarding the increase of deer in the City, especially at the south end. The deer are staying and repopulating and residents feel it is getting worse. He met with citizens on the issue. Some of the options were to do nothing, trap and relocate the animals, which is expensive, and lastly controlled hunting. These are only options and a meeting was being scheduled with a representative from DWR, citizens, and Members of the Council.

c. Discussion on Proposed HV Text Amendment.

Mayor Dahle was not convinced that requiring retail will not create a hardship for the property owner.

Planning Commissioner, Les Chatelain, stated that as a Planning Commission, it is their job to plan for the future. They have recommended a significant decrease in the ground retail for the Olympus Clinic.

The Council discussed the zoning map and division of the clinic property. Councilmember Petersen expressed concern with how the property was divided and was of the opinion that the retail requirement creates a hardship. It was decided to leave Spin Cyclery as the cross hatch to all abutting ground floor, as currently depicted and along the north wall property line, and change it to no ground floor retail required.

d. Discussion on Potential Rezone of Cotton Bottom to Public (P).

Now that the City owns the property we need to go through the process to rezone it. The Council remanded the matter back to the Planning Commission for a recommendation. At the same time they were asked to review the Park Master Plan to include the Cotton Bottom parcel.

e. Discussion on Proposed Telecommunications Franchise Agreement.

f. Discussion City Hall Park.

The Council reviewed the conceptual drawings. For this budget year, the plan for the park will be to excavate and grade the fire station lot, add irrigation, and to hydro seed. There will also be two

rectangular fields. Council asked Manager Fitts to check on temporary back stops for the baseball fields.

g. Calendar.

Ms. Carlson reviewed the calendar for August. There will be no meeting on the 14th. The next meeting will be on August 21. On August 13 the County Council will hold a hearing on the proposed annexation and on September 4 will be the City's hearing.

The Blue Moon Festival is scheduled for August 22

h. Other Business.

X. Adjourn Work Meeting.

There being no further business, Council Member Palmer moved to adjourn with Council Member Petersen seconding the motion. The Council voted in the affirmative. The meeting adjourned at 9:26 p.m.

I hereby certify that the foregoing represents a true, accurate and complete record of the Holladay City Council meeting held Thursday, August 7, 2014.

Stephanie N. Carlson, MMC
Holladay City Recorder

Robert Dahle, Mayor

Minutes approved: September 18, 2014