

**MINUTES OF THE  
HOLLADAY CITY COUNCIL MEETING**

**Thursday, October 10, 2013  
Mt. Olympus Room  
4580 South 2300 East  
Holladay, Utah 84117**

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**BRIEFING SESSION - 5:30 p.m.**

***ATTENDANCE***

Mayor Dennis Webb - *excused*  
Lynn Pace – *arrived at 5:55 p.m.*  
Patricia Pignanelli  
J. James Palmer, Jr.  
Steve Gunn  
Sabrina Petersen

**City Staff**  
Randy Fitts, City Manager  
Stephanie Carlson, City Recorder  
Craig Hall, City Attorney

In the absence of Mayor Webb, Mayor Pro-Tem Jim Palmer called the Briefing Session to order at 5:35 p.m. The Council reviewed the agenda.

City Planner, Pat Hanson, was to provide the staff reports for the two public hearings. The Council reviewed the proposed License Agreement. City Attorney, Craig Hall, stated that the policy points for discussion are the term, scope, and whether the structure is permanent or not.

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HOLLADAY CITY COUNCIL MEETING**

**Thursday, October 10, 2013  
Council Chambers  
4580 South 2300 East  
Holladay, Utah 84117**

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**Council Meeting - 6:00 p.m.**

***ATTENDANCE***

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

**City Staff**  
Randy Fitts, City Manager  
Stephanie Carlson, City Recorder  
Craig Hall, City Attorney

**I. *Welcome.***

Mayor Pro-Tem Palmer conducted and called the meeting to order at 6:08 p.m.

**II. *Pledge of Allegiance.***

The Pledge of Allegiance was recited by those in attendance.

**III. *Public Comments.***

*Liane Stillman – 2149 E Pheasant Way.* Ms. Stillman first thanked the City for the wonderful new Fire Station and how it was financed. She stated that it will be a great asset to the City and increase the level of service. She then expressed concern and frustration over the last race that took place in the City and stated that no notice was given to the residents who were shut out of their neighborhoods for more than eight hours. Ms. Stillman remarked that the south end of the City bears the brunt of these types of races, which greatly impacts the area and the neighborhoods. She asked that in the future race sponsors be required to contact the neighbors or advertise well in advance of any closures.

*Michael Davis – Water Garden Theaters.* Mr. Davis stated that the newly remodeled theaters will hold a grand opening on October 17. Ticket prices are \$3.50 with snacks ranging from \$1.00 to \$3.00. They are closed on Sundays and will not show “R” rated movies. He invited the Council to a pre-grand opening scheduled for October 16 at 7:00 p.m.

*David Little – Mercury Dr.* Mr. Little thanked the City and the UPD for working so quickly to post the “No Parking” signs on 3900 South near Olympus High. He appreciated the quick response.

Council Member Petersen stated that she spoke to the School Board about the issue of parking in the area.

#### **IV. Presentations.**

##### **a. Introduction of School Resource Officers – Capt. Bertram.**

*Capt. Bertram* introduced the three full-time School Resource Officers. Jerry Byam works at Olympus High School (this is his sixth year), Detective Peggy Faulkner is at Bonneville Junior High School, and Detective Bob Oder is at Olympus Junior High. All three officers were excited about their work at the schools and with the students.

#### **V. Public Hearing on Proposed Text Amendments to the Highland Dr. Master Plan and Consideration of Adding a New Chapter Regarding Residential Office Zone (RO).**

##### **Mayor Pro-Tem Palmer opened the public hearing at 6:25 p.m.**

*Pat Hanson, City Planner*, presented the staff report and stated that the Planning Commission met with committee representatives and held numerous work meetings. In the end they agreed that some of the suggested changes should be incorporated into the City's General Plan for the area. Primarily the recommended amendments to the adopted text in the Planning Commission's draft included:

- Reformatting the entire document to accommodate separating the text into three distinct "segments" along the entire length of Highland Drive.
- Clarification of the recommended zones that could be applied when properties redevelop in each of the three segments (Section B: Land Use and Zoning).  
*The ad-hoc committee's recommendation covered only that portion of Highland Drive within "Segment B" and the portion between Arbor Lane and the commercial areas at 6200 South and VanWinkle. They recommended restricting rezones to only single-family development with the highest density being R-1-8. The Planning Commission, however, discussed the recommendation at length and looked closely at historic and recent development patterns along all portions of Highland Drive. They recommended keeping the existing language in the section, with minor amendments for clarification and additional new language. The proposed changes included:*
  1. *Clarifying the zones that are appropriate for the existing intersections where commercial uses are presently in place and calling out the NC Zone as appropriate in these locations;*
  2. *Clarifying the zones that are appropriate for the mid-block sections of this segment, (R-1-8, R-2, & R-M); and*
  3. *Adding language to restrict the use of the R-M Zone where multi-family development is requested to be limited to two-story buildings with no more than four units.*

*The Planning Commission agreed with the Committee that the use of the RO Zone would be appropriate along all segments of Highland Drive, and particularly in the mid-block sections of Segment B.*

- Recommending text drafted with assistance from Dr. Perrin, which incorporates the "Grand Boulevard" concept for Segment B of Highland Drive.

*Dr. Jerry Sonkens – 2076 E Pheasant Lane.* Dr. Sonkens represented the petitioning group (Concerned Citizens of Cottonwood) who submitted petitions with approximately 145 signatures opposing the Planning Commission's recommendations. The petition read as follows:

We, the undersigned citizens of Holladay, wish to express our thanks for appointing a committee to make recommendations to amend the Highland Drive Master Plan. We note that the Committee, made up of respected citizens and experts in city planning have come to unanimous agreement on both a vision of the future of Highland Drive and recommended changes to the ordinance. We also note that the City's Planning Commission has submitted a proposal for amending the Master Plan that may appear to be similar but which contains a number of provisions that are inconsistent with the vision outlined by the Committee. We strongly urge the Council to reject the Planning Commission recommendations and adopt, without the Planning Commission's modifications, the Committee's vision and recommendations. We also believe the "Vision Statements" in the Committee's cover letter should also be included in the Master Plan so that future City staff and officials can make this vision a reality.

We are also opposed to the Planning Commission's proposal for a new Residential Office (RO) Zone as it applies to segment B (Arbor Lane to the Van Winkle Expressway). The Committee recommended that a ". . . new 'RO' Zone that is consistent with the vision outlined in this document may be appropriate . . ." (in Segment B) but the Planning Commission has recommended a "one size fits all" RO Zone that is not consistent with the Committee's vision of the community. We strongly urge the City Council to add the more restrictive conditions listed below to the RO Zone pertaining to Segment B of Highland Drive.

1. One small monument style stone sign (similar to the stone sign at Café Madrid) or a wooden sign that displays only the name (e.g. "Dental Office," "Smith Engineering," etc.) and street number in black lettering should be permitted. The sign should not be illuminated.
2. All parking must be in a garage or in the rear of the building.
3. Conditions that assure that only low impact office uses are permitted should be included in an RO Zone for this area. These conditions should include the number of firms or businesses that are permitted on one existing residential site (we suggest no more than two) and the number of professionals permitted (we suggest no more than two per business).
4. Neither the house nor the property should be illuminated except in a manner that is consistent with that of other homes in the area

*Tom Nelson – 2155 Pheasant Way.* Mr. Nelson remarked that the Committee did not have adequate time to study the RO Zone.

*Fred Wunderli – 2025 East Hedgewood Court.* Mr. Wunderli commented that there are 14 who served on the Citizen's Committee that was created by the City Council. Mayor Webb served as the Chairman. Every individual who served on the committee brought a historical perspective or a professional planning background or both. The assignment that was given to the group was to study thoroughly and make recommendations to the City Council regarding the unique segment of Highland D and the adjacent areas located between Arbor Lane and the Wiles Service Station. It became evident early on that every member was well prepared to present the views of their neighborhood with passion. They were particularly well served by the professional planners and the leadership of Mayor Webb. The group explored and discussed at length every idea and proposal presented. By way of example, they examined present and proposed zoning regulations, the optimal road configuration, traffic patterns and expectations, the aesthetics of the

area at large, the effect of traffic flow as it impacts Highland Dr as well as the greater Holladay area, and the environment that would best serve the Cottonwood Mall. The group also examined the positive and negative aspects of commercial development, high-density housing, building heights and other regulations, and the proposed RO Zone. All of the deliberations were driven by the principle that the safety of residents must be the highest priority. It was no small wonder that the committee, with all of its diverse views, passions, and special interests in the end achieved unity.

The document produced was carefully crafted by those who, at times, subjected some of their own interests, to the greater good of the community. Mr. Wunderli stated that there is no other existing document that represents more accurately the consensus of the community most impacted by the decision that will be rendered. The document was submitted with the group requesting approval that the uncertainties that now exist may be resolved so that this area of the City may move forward.

*Shane Summerhays – 5330 Baywood Cir.* Mr. Summerhays encouraged the City Council to consider the committee's recommendation and adopt it.

*Tom Nelson* clarified that Mr. Wunderli represented the Committee and Dr. Sonkens represents the residents who are endorsing the committee and who support the committee's recommendations.

*Julie Madis- 5310 Baywood Cir.* Ms. Madis commented that a majority are in favor of the committee's recommendations that represent their interests. About 90% are opposed to the Planning Commission's recommendation. Residents felt strongly that property values will diminish with high density.

Council Member Palmer thanked the Committee for their time and service.

**Mayor Pro-tem Palmer closed the public hearing at 7:09 p.m.**

**VI. *Public Hearing to Consider Proposed Text Amendments to the HV Zone- Chapter 13.4.040 Definitions, 13.71.065 Relocation of Existing Uses Within the Zone, and 13.71.080 Development Standards.***

**Mayor Pro-tem Palmer opened the public hearing at 7:10 p.m.**

*City Planner, Pat Hanson*, presented a brief staff report and stated that in order to facilitate the relocation of some uses and the establishment of new ones, the following text amendments were needed:

1. The first amendment is a change to the definitions for "Neighborhood Markets, 1 large and small".
2. Since the HV uses currently allowed by Appendix A do not cover all of the existing uses within the zone, this new language would enable the Planning Commission, with the recommendation from the RDA Board, to approve the relocation of existing businesses within the HV zone.
3. To reduce the number of new parking stalls needed for any use within the HV Zone.

4. A minor edit to the definition of "gross leasable floor area".

There were no public comments. **Mayor Pro-tem Palmer closed the public hearing at 7:17 p.m.**

**VII. *Consideration of Ordinance 2013-23 Amending Title 13.76.700 Regarding Slope, Cuts and Fills.***

Council Member Pace moved to adopt Ordinance 2013-23 with one minor correction in paragraph 8c "a minimum of 4 feet." Council Member Petersen seconded the motion. The Council roll call vote was as follows: Council Members Pace, Petersen, Pignanelli, Gunn and Palmer in favor. Ordinance 2013-23 was adopted by a unanimous vote.

**VIII. *Consideration of Ordinance 2013-26 Adopting Text Amendments to the HV Zone- Chapter 13.4.040 Definitions, 13.71.065 Relocation of Existing Uses Within the Zone, and 13.71.080 Development Standards.***

Mr. Hall clarified the standards in the HV Zone regarding design review board and confirmed that they would apply to allow an entity to petition or ask to move. They would, however, still be required to meet the design and other requirements of the HV Zone. Existing uses in the Village Zone have been explored and he was unaware of any potential uses that may move or request to move that would violate any of the HV Zone standards.

Council Member Pace agreed with the concept of what is there is already there. He stated that they don't want to force someone to be locked into a space where they are only there because they believe they are going to lose something by moving or remodeling. Whatever the degree of compliance, it would be grandfathered in and allowed to continue on another site. He also wanted to resolve the date of when the Village Center zone was created.

Language regarding parking calculations within the zone was discussed.

Council Member Pace recommended discussing this item further later in the meeting.

Council Member Petersen moved to amend the agenda and move to item number 14, which is a closed session pursuant to Utah Code Section 52-4-204 & 205 to Discuss Personnel Issues, Potential Litigation and Property Acquisition and Disposition.

Council Member Pace made a substitute motion to amend the agenda and consider item 10 prior to item 14. Council Member Pignanelli seconded the motion. The Council roll call vote was as follows: Council Members Gunn, Pignanelli, Pace, Petersen, and Palmer in favor. Motion to amend the agenda was approved by a unanimous vote.

Council Member Pace requested that language regarding relocation of existing uses within the zone be modified.

Council Member Pace moved to approve Resolution 2013-26 with the following amendment: change on-street parking abutting a use can count up to 10% for their required on-site parking stalls. Council Member Petersen seconded the motion. The Council roll call vote was as follows:

Council Members Pace, Petersen, Pignanelli, Gunn and Palmer in favor. Resolution 2013-26 was approved by a unanimous vote.

**IX. *Consideration of Resolution 2013-26 Approving the Form of a License Agreement for the City's Village Plaza Located at Approx. 2300 E and Murray Holladay Road.***

Council Member Petersen moved to table Ordinance 2013-26. Council Member Pignanelli seconded the motion. The Council roll call vote was as follows: Council Members Petersen, Pignanelli, Gunn and Palmer in favor with Council Member Pace opposed. Ordinance 2013-26 was tabled by a majority vote.

**X. *Consideration of Resolution 2013-27 Designating and Appointing Poll Workers to Serve in the 2013 Municipal General Election.***

Council Member Peterson moved to approve Resolution 2013-27. Council Member Pace seconded the motion. The Council roll call vote was as follows: Council Members Pace, Petersen, Pignanelli, Gunn and Palmer in favor. Resolution 2013-27 was approved by a unanimous vote.

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

Council Member Palmer moved to go into Closed Session to discuss personnel issue and property acquisition and disposition. Council Member Pignanelli seconded the motion. The Council voted in the affirmative and convened in a closed session at 7:35 p.m.

Those in attendance at this Closed Session were: Council Members: Pace, Petersen, Palmer, Gunn, and Pignanelli, Craig Hall, Randy Fitts, Stephanie Carlson, Clarence Kemp, and Pat Hanson.

Minutes of the closed session were taken and are now on file as a Protected Record.

Council Member Petersen moved to adjourn the closed session and reconvene the work meeting. Council Member Pignanelli seconded the motion. The Council roll call vote was as follows: Council Members Pace, Petersen, Pignanelli, Gunn and Palmer in favor. The motion to go out of closed session at 8:29 pm passed by a unanimous vote.

**XII. *City Manager Report.***

**XIII. *Council Reports.***

**XIV. *Other Business.***

**XV. *Adjourn to Work Meeting.***

Council Member Palmer moved to adjourn the City Council Meeting and reconvene the Work Meeting. Council Member Pace seconded the motion. The Council voted in the affirmative and the Council meeting adjourned at 9:45 p.m.

## WORK MEETING – October 10, 2013

### **ATTENDANCE**

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

**City Staff**  
Randy Fitts, City Manager  
Stephanie Carlson, City Recorder  
Craig Hall, City Attorney

Mayor Pro-Tem Palmer reconvened the Council in a Work Meeting at 9:54 p.m.

#### **a. Update on Current Construction Projects (Village Center, Fire Station, Commons area, Casto Home and other).**

Manager Fitts updated the Council on various projects.

- He reported that the ADA work in front of City Hall has begun. They need to bring in about 12 inches of fill in order to level everything out.
- The windows have been put in on the Casto Home.
- The Fire Station is moving along. The ribbon cutting was tentatively scheduled for December 6 and the Open House for December 7.
- School boundaries are being petitioned by parents. Details were discussed.

#### **b. Discussion on Previous Public Hearings.**

Language modifications regarding the consideration of the 2013-26 text amendment were discussed. Tom Henroid stated that the language of good cause needs to be included. The developers requested “good cause” be defined before considering adoption, as it leaves situations open for argument. Council Member Pace stated that if the challenge comes for the five-year renewals, the future City Council needs to have flexibility if needed for something other than outdoor dining.

Council Member Palmer stated that they will continue the discussion further and have it included on the agenda for the next meeting. The Council tabled the consideration of ordinance 2013-26.

#### **c. Discussion on VECC Agreement (Valley Emergency Communication Center).**

It was reported that the original agreement is over 25 yrs old. The proposed amendment is to address the changes in technology and the issues of voting structure, new members, and responsibilities of the Board.

#### **d. Discussion on Business License Fees.**

The Council reviewed the information submitted by Ms. Marsell. It was noted that the Council may opt to re-categorize coffee shops from “Restaurant without Liquor” to “Retail, Wholesale, & Distribution”, which would change the fee from \$700.00 to \$250.00. The Council supported adoption of the different rate.

**e. Discussion on Park Rules and Regulations.**

Mr. Hall reviewed items the City may or may not want to prohibit. He agreed to draft ordinance for the October 24<sup>th</sup> meeting.

**f. Discussion on Granite School Boundary Changes.**

Council Member Palmer discussed the issue raised by Walker Lane residents due to problems with Bonneville Junior High. He expressed concern that the request could have a domino effect.

**g. Calendar.**

Ms. Carlson reviewed the calendar for the remainder of October. The next meeting was scheduled for October 24. The Council discussed the possibility of having a social on December 12.

**h. Other Business.**

**XVI. Adjourn Work Meeting.**

There being no further business, Council Member Pace moved to adjourn with Council Member Petersen seconding the motion. The Council voted in the affirmative and the meeting adjourned at 10:45 p.m.

*I hereby certify that the foregoing represents a true, accurate and complete record of the Holladay City Council meeting held Thursday, October 10, 2013.*

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Stephanie N. Carlson, MMC  
Holladay City Recorder

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Dennis R. Webb, Mayor

Minutes approved: 11-14-13