

**MINUTES OF THE
HOLLADAY CITY COUNCIL MEETING**

**Thursday, January 26, 2017
City Council Chambers
4580 South 2300 East
Holladay, UT 84117**

Council Meeting 6:00 pm

ATTENDANCE:

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

City Staff:
Gina Chamness, City Manager - *excused*
Todd Godfrey, City Attorney
Stephanie Carlson, City Recorder

I. *Welcome* – Mayor Dahle

Mayor Dahle conducted and called the meeting to order at 6:01 p.m.

II. *Pledge of Allegiance.*

The Pledge of Allegiance was recited by those in attendance.

III. *Public Comments.*

There were no public comments.

IV. *Audit Report* – Ian Robbins

Mr. Robbins first off thanked the staff for all their help with the audit.

Council Member Gunn asked about internal controls.

Mr. Robbins explained that there firm prepares the financial reports.

Mayor Dahle asked about the city’s cash position. He would like to see us track our cash availability and see our trending over the past years.

Council Member Pignanelli joined the meeting by telephone at 6:21 p.m.

V. *Consideration of Ordinance 2017-01 Amending Sections 13.71-090 and 13.82.200 Regarding the Use of Simulated Windows and Full Coverage Windows.*

Council Member Petersen moved to approve Ordinance 2017-01. Council Member Pignanelli seconded the motion.

Council Member Pace raised a question regarding the phrase “large window” and its relevance. Community Development Director, Paul Allred, explained the language and stated that it was not a change to the amendment as it already exists. The proposed ordinance addresses the internal architecture with the exterior architecture and he believed it should go to the Planning Commission.

Council Member Pace moved to make a substitute motion to approve Ordinance 2017-01 with an amendment to sub-paragraph 10 adding a third sub-section that states “if approved by the Planning Commission”. Council Member Stewart seconded the motion.

Mr. Allred reported that they recently learned from Harmons that there is a conflict with the wrap around balcony of the building because of the traffic signal. He and City Traffic Engineer, Tosh Kano, have visited the sight and taken measurements with Kevin Smeltzer from Salt Lake County. Mr. Smeltzer will be presenting a letter to the City describing the requirements between the pole and the balcony. The Planning Commission was of the opinion that splitting the single balcony into two separate balconies is an important architectural element along the side of Murray-Holladay Road. Mr. Allred had communicated to Harmons that until they have a definitive requirement on the separation needed between the pole and any balcony, they can simply defer action on that issue. He believed they can deal with the architecture apart from the grading and the drainage and let the Planning Commission address it one or two weeks later.

The Council roll call vote was as follows: Council Members Pace, Petersen, Pignanelli, Gunn, Stewart and Mayor Dahle in favor. Ordinance 2017-01 was adopted by a unanimous vote.

VI. *Public Hearing on Proposed Rezone for Property Located at 5697 South Highland Drive from R-1-43 (one, single-family home per one acre) to R-2-8 (one duplex per 8,000 square feet OR one single-family home per 5000 square feet).*

Jon Teerlink, City Planner provided a brief staff report and stated that the request is for a rezone from an R-1-43 one-acre single-family zone to R-2-8 one duplex per 8,000 square feet. The Planning Commission recommended approval 4-to-1 with their main concern being that this is a significant increase. They agreed that the existing parcel is in a deteriorated state and there was a recent rezone request and approval of two additional properties to the south.

Mayor Dahle expressed concern with the series of incoming requests for parcels that abut Highland Drive with the highest density allowed in the Highland Drive Master Plan (HDMP). Mr. Teerlink remarked that approximately 4,600 square feet will be dedicated to Highland Drive and the drive will not be counted. Mayor Dahle did not believe it was the responsibility of the City Council to maximize the return on investment for property owners. Their job is to zone for what is appropriate. He feared that they are setting a trend looking north along Highland Drive where there are potential rezones that would allow maximum return and density on their investment.

LeAnn Miller - Benchmark Engineering representing the applicant. She reviewed the property details and did not believe that R-1-10 was possible. In reviewing other zones, she found that R-2-10 with three single-family homes requires more than the Code will allow. Alternative designs were discussed.

Ryan Hackett - 3390 Crestbrook Lane. He stated that they have tried to sell the existing home on a non-conforming lot for nearly four years. He believes the use is conducive to the neighborhood and is the best use of the property. The proposed homes will be approximately 3,500 square feet in size and will be priced in the mid \$400,000s. Mr. Hackett stated that there were two people in attendance at the neighborhood meeting. Their main concern was with the potential increase in traffic.

Mayor Dahle opened the public hearing at 6:54:23 p.m.

Monica McQueen lives south of the property. She was excited about the proposal and believed it would help adjacent home values.

Liane Stillman -2149 Pheasant Way. She complimented the City Council on their concern and hesitation of the rezones. She concurred with the trend of going to maximum density, which she believed will become the future minimum. She also expressed concern with an increase in traffic.

Mayor Dahle closed the public hearing at 6:57:20 p.m.

VII. *Consideration of Ordinance 2017-02 Amending Section 13.76.710 – Fence Heights in Front Yards.*

Council Member Gunn moved to approve Ordinance 2017-02. Council Member Stewart seconded the motion.

Council Member Pace pointed out that ordinance is meant to address front yard fencing of properties that are one acre in size or larger.

Council Member Pace made a substitute motion to approve Ordinance 2017-02 with a modification to merge Sub-Section D into Sub-Section B. Council Member Stewart seconded the motion. Council Members Pace, Petersen, Pignanelli, Gunn, Stewart and Mayor Dahle in favor. Ordinance 2017-02 was adopted by a unanimous vote.

VIII. *Consideration of Ordinance 2017-03 Amending Provisions of the City’s Zoning Regulations Relating to the Location of Dining Clubs within the Holladay Village Zone.*

Council Member Pace expressed concern with creating a night life at certain hours of the day that would not be conducive to a family environment. He was fearful that they may attract a certain kind of market that they do not want that will not be conducive to the Holladay Village Zone.

Mayor Dahle confirmed that the only action would involve eliminating the footnote and changing back to a straight P in the HP Zone.

Council Member Pace moved to adopt Ordinance 2017-03. Motion died for lack of second.

Council Member Pignanelli was excused from the remainder of the meeting at 7:09 p.m.

IX. *Consideration of Initiating Proceedings to Amend the City’s Land Use Regulations Regarding the Calculation of Front Yard Setbacks in Residential Zones.*

Council Member Pace presented the City’s land use regulations regarding the calculation of front yard setbacks. He believed they had been calculated incorrectly. Consequently, the new homes are closer to the street than they should have been and the homes adjacent to those incorrectly calculated will also be incorrect. He asked the Council to initiate a review process and explore remediation action. This would need to include a requirement that before any new permit is

issued, there must be calculations done to determine if any errors exist within the averaging area. Next, with every new permit issued, there would be a front yard setback worksheet prepared, signed, and filed. Third, for any home where it has been determined that the setback was calculated in error, the setback for another home within the averaging area would be calculated based on what the correct setback should have been and not what was actually built. Council Member Pace stated that he was requesting the Council's support to initiate proceedings to amend the City's land use regulations regarding the front yard setbacks along with the three terms described.

Mr. Godfrey commented that a safer route would be to adopt Council Member Pace's three points as a temporary ordinance regulation that modifies the current practice while they reroute a full ordinance change through the Planning Commission.

Council Member Pace moved to initiate proceedings to amend the City's land use regulations regarding the calculation of front yard setbacks in residential zones and to adopt a temporary zoning regulation for up to six months or until the Ordinance is corrected. Council Member Petersen seconded the motion. Council Members Pace, Petersen, Pignanelli, Gunn, Stewart and Mayor Dahle in favor. The motion passed with a unanimous vote.

X. *City Manager's Report.*

City Recorder, Stephanie Carlson, presented the City Manager's Report and stated that the crosswalk along 2300 East has been delayed due to inclement weather.

She described the 2008 Interlocal Agreement between Holladay, Cottonwood Heights, and Taylorsville for street sweeping. She noted that the City of Holladay owns 23% of the purchased equipment. Due to Cottonwood Heights and Taylorsville exiting the agreement, Holladay wishes to sell their portion and will need to decide whether to purchase another sweeper or contract for the service.

XI. *Council Reports & District Issues.*

Council Member Pace reported that there is a proposal in the works regarding short-term residential rentals. There is a proposal regarding a State provision that specifies that municipalities cannot solely use internet sources for enforcement. Cities may not prohibit an owner-occupied unit from being rented.

Mayor Dahle thanked the Council Members who attended the dinner.

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

Council Member Pace moved to adjourn the City Council Meeting and reconvene in a Work Meeting in the Mt. Olympus Room. Council Member Petersen seconded the motion. The Council voted in the affirmative and the meeting adjourned at 7:30:20 p.m.

WORK MEETING
January 26, 2017

ATTENDANCE

Mayor Rob Dahle

Lynn Pace

Patricia Pignanelli - *excused*

Mark Stewart

Sabrina Petersen

Steven Gunn

City Staff

Gina Chamness, City Manager - *excused*

Stephanie Carlson, City Recorder

Todd Godfrey, City Attorney

Paul Allred, Community Development Dir

Mayor Dahle convened the Council in a Work Meeting at 7:45:30 p.m.

a. Discussion on Previous Public Hearing.

Mayor Dahle continued the discussion from the earlier rezone hearing. He expressed concern with the precedent this may set and noted that the Council needs to base their decision on what is allowed rather than on the proposed plans. He explained that it is not about higher zoning and making a profit for the developer and landowners. It is about the right land-use for the area and what is best for the City. He believed that if they open it up to R-2-8 zoning they will see multiple requests all along Highland Drive and will have no choice but to comply.

The Council discussed approval of the rezone setting a precedent for this section of Highland Drive. Council Member Stewart commented that the Highland Drive Master Plan is unrealistic and out of date for Segment B.

b. Discussion and Update on Highland Dr. Intersections and 6200 South.

Mr. Allred briefed the Council on proposed improvements along Highland Drive and Spring Lane, Lakewood, Fardown, and Walker Lane.

Mayor Dahle stated that they need to provide specific and definitive guidance as soon as possible. The Council expressed concern for the design as proposed that would give the intersection a concurrent flow and B rating.

Mr. Allred reviewed the citizens opposed to the tearing down of trees along Highland Drive. Staff met with the Tree Committee and was able to rally their support for the project if there is a Tree Preservation easement in place for the next 20 to 30 years.

c. Discussion on Encroachment Issues with Harmons.

Mr. Godfrey reviewed the issues and suggested preparing four separate documents to include a Development Agreement, Encroachment Agreement, Easement Agreement, and possibly a vacation.

d. Discussion on City Survey.

Ms. Carlson stated that City Manager, Gina Chamness, reported that the survey will cost between \$10,000 to \$15,000. The biggest question was if the Council wants to survey registered voters or residents. She informed the Council that it is more expensive to perform a resident survey. The Council agreed to survey registered voters.

e. Calendar

It was reported that the next Council Meeting is scheduled for February 2, 2017.

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

No Closed Meeting was needed.

XIV. Adjourn City Council Work Meeting and Convene in an RDA Meeting.

There being no further business, Council Member Pace moved to adjourn the work meeting and convene in an RDA meeting. Council Member Petersen seconding the motion. The Council voted in the affirmative. The meeting adjourned at 8:58 p.m.

I hereby certify that the foregoing represents a true, accurate and complete record of the Holladay City Council meeting held Thursday, January 26, 2017.

Stephanie N. Carlson, MMC
Holladay City Recorder

Robert Dahle, Mayor

Minutes approved: March 2, 2017