



# Staff Report

PLANNING DIVISION  
COMMUNITY & ECONOMIC DEVELOPMENT

**To:** Salt Lake City Planning Commission  
**From:** Nora L. Shepard, Senior Planner  
**Date:** March 8, 2017  
**Re:** PLNPCM2017-00053 – Perry’s Hollow Special Exception

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## Special Exception-Grade Change

**PROPERTY ADDRESS:** 1452 E Perry’s Hollow Road  
**PARCEL ID:** 09-33-127-061-0000  
**MASTER PLAN:** Avenues Master Plan  
**ZONING DISTRICT:** FR-3/12,000 Foothills Residential District

### REQUEST:

This is a request for a Special Exception for grade change in excess of 4 feet to build a retaining wall at approximately 1452 E Perry’s Hollow Road. The Special Exception Application has been referred to the Planning Commission due to neighborhood opposition. The Planning Commission has final decision making authority for Special Exceptions.

### RECOMMENDATION:

After review of the applicable standards for Special Exceptions (as outlined in Attachment E), staff recommends that the Planning Commission APPROVE the Special Exception request for grading in order to construct a retaining wall at 1452 E Perry’s Hollow Road, subject to the following conditions:

1. Unauthorized grading and other surface disturbing activities are prohibited in all undevelopable areas within the lot or the subdivision. Prior to any grading or other surface disturbing activity on the property, the undevelopable areas shall be clearly delineated by temporary fencing or flagging. Any flagging stakes used to delineate undevelopable areas shall be a minimum of four feet (4') above grade and no more than twenty five feet (25') apart.
2. All retaining walls, in excess of four (4') feet in height shall be approved by a state licensed engineer, and the engineer's approval shall be consistent with the provisions of a geotechnical report.

### ATTACHMENTS:

- A. [Vicinity Map](#)
- B. Site Plans
- C. Plat
- D. [Retaining Wall Details](#)
- E. [Analysis of Zoning Standards](#)
- F. [Public Process and Comments](#)
- G. [Motions](#)

**PROJECT DESCRIPTION:**

The petitioner, Russ Naylor representing property owner J. Steven Price, is requesting a Special Exception to grade the site and install 2 retaining walls behind the home at approximately 1452 E Perry’s Hollow Road to allow for construction of a swimming pool and basketball court/recreation area. The property is zoned FR-3/12,000 Foothills Residential District. One retaining wall is 102 feet in length and measures up to 17 feet in height. The second wall runs along the north property line and is 53 feet in length and measures up to 19 feet in height. The walls will be made of stacked wire gabion baskets (wire mesh filled with rock) or concrete block.

**APPLICABLE STANDARDS:**

There are several code provisions that apply to this application. A detailed analysis of the standards, as they relate to this application, is attached as Attachment E. The applicable code sections include:

- 21A.52. Special Exceptions – Grading in excess of 4 feet requires a Special Exception and the standards contained in this section.
- 21A.40.120 requires that changes in grade and retaining walls comply with regulations found in the Foothill Residential Uses (21A.24.010)
- 21A.24.010: General Provisions for Residential Zone Districts - contains additional standards on grade changes and retaining walls.

**KEY ISSUES:**

The key issues listed below have been identified through the analysis of the project and public input.

**Issue 1: Elevation to a Planning Commission Hearing**

Section 21A.52.040(5)(b) of the Salt Lake City Municipal Code states that: *“The planning director or the planning director’s designee may refer any application to the planning commission due to the complexity of the application, the significance in change to the property or the surrounding area.”*

Consistent with the procedures for Special Exceptions, information notices were mailed to abutting property owners on February 1, 2017. There is a 12-day comment period, after which the special exception could be approved or denied. During the 12-day comment period, 5 objections were received from property owners in the area. As a result of the objections, the item has been forwarded to the Planning Commission for review and action. This will provide a public forum for input to be heard.

Concerns include:

- Detrimental effects on views, property values and character of the neighborhood.
- Negative impacts on wildlife corridors.
- Destruction of vegetation and habitat.

Public Comments are included in Attachment F.

## **Issue 2: Special Exception Standards and Considerations**

A full analysis of all applicable standards and considerations can be found in Attachment E. The specific standards that directly apply to this application include (*Emphasis Added*):

### **21A.52.060: GENERAL STANDARDS AND CONSIDERATIONS FOR SPECIAL EXCEPTIONS**

No application for a Special Exception shall be approved unless the Planning Commission, Historic Landmark Commission, or the Planning Director determines that the proposed Special Exception is appropriate in the location proposed based upon its consideration of the general standards set forth below and, where applicable, the specific conditions for certain special exceptions.

A. Compliance with Zoning Ordinance and District Purposes: The proposed use and development will be in harmony with the general and specific purposes for which this title was enacted and for which the regulations of the district were established.

B. No Substantial Impairment of Property Value: *The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located.*

C. No Undue Adverse Impact: *The proposed use and development will not have a material adverse effect upon the character of the area or the public health, safety and general welfare.*

D. Compatible with Surrounding Development: *The proposed special exception will be constructed, arranged and operated so as to be compatible with the use and development of neighboring property in accordance with the applicable district regulations.*

E. No Destruction of Significant Features: *The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance.*

F. No Material Pollution of Environment: The proposed use and development will not cause material air, water, soil or noise pollution or other types of pollution.

G. Compliance with Standards: The proposed use and development complies with all additional standards imposed on it pursuant to this chapter.

The comments and objections from neighbors reference a number of these standards. They include:

- Property value diminution.
- Adverse impact on the character of the area and view shed.
- Incompatibility with the neighborhood and the Foothill Residential District.
- Loss of significant vegetation, wildlife habitat and natural features of the area.

**Issue 3: General Provisions for Residential Districts (21A.24.010).** This section of the code primarily address what processes are needed and what standards may apply to the actual construction of the retaining walls. If the Planning Commission chooses to approve this application, there are conditions of approval that should be applied in order to be consistent with

this section. There is no language limiting amounts of grading or specifying maximum heights for retaining walls.

**Issue 4: Open Space, Vegetation and Drainage Easement area**

Portions of several of the parcels in the Chandler Pointe subdivision are zoned as open space areas. The subject parcel has an area designated as a “Drainage Easement & Open Space & Vegetation Preservation Easement Area.” The easement corresponds with a gully that runs through the subdivision. The proposed grading and retaining walls do not encroach in the designated easement area. The FR-3 Foothills Residential District requires that no buildings or structures be constructed within 10 feet from any specified non-buildable area line, as shown on the plat.” The retaining wall would be at least 10 feet from the non-buildable area.

**Issue 4: Other Retaining Walls in the area**

In 2016, a Special Exception was granted for a similar retaining wall in this neighborhood at 1537 E Chandler Drive. There were no objections and the Special Exception was granted administratively. Results of the research on this application indicate the proposed retaining wall replaced a failing 40-year old wall constructed of railroad ties.

Because this foothill area is hilly, there are numerous retaining walls of varying sizes and configurations.

**Issue 5: Construction Access and Impacts**

Construction access will be from the street, south to the rear of the house in the vacant lot to the west that is owned by the applicant, then across the back yard, then east to the north side where the walls are located. The fill will consist of:

- 1,375 yards of imported structural fill.
- 100 yards of top soil.
- 200 tons of gravel behind the wall, which is necessary for drainage.

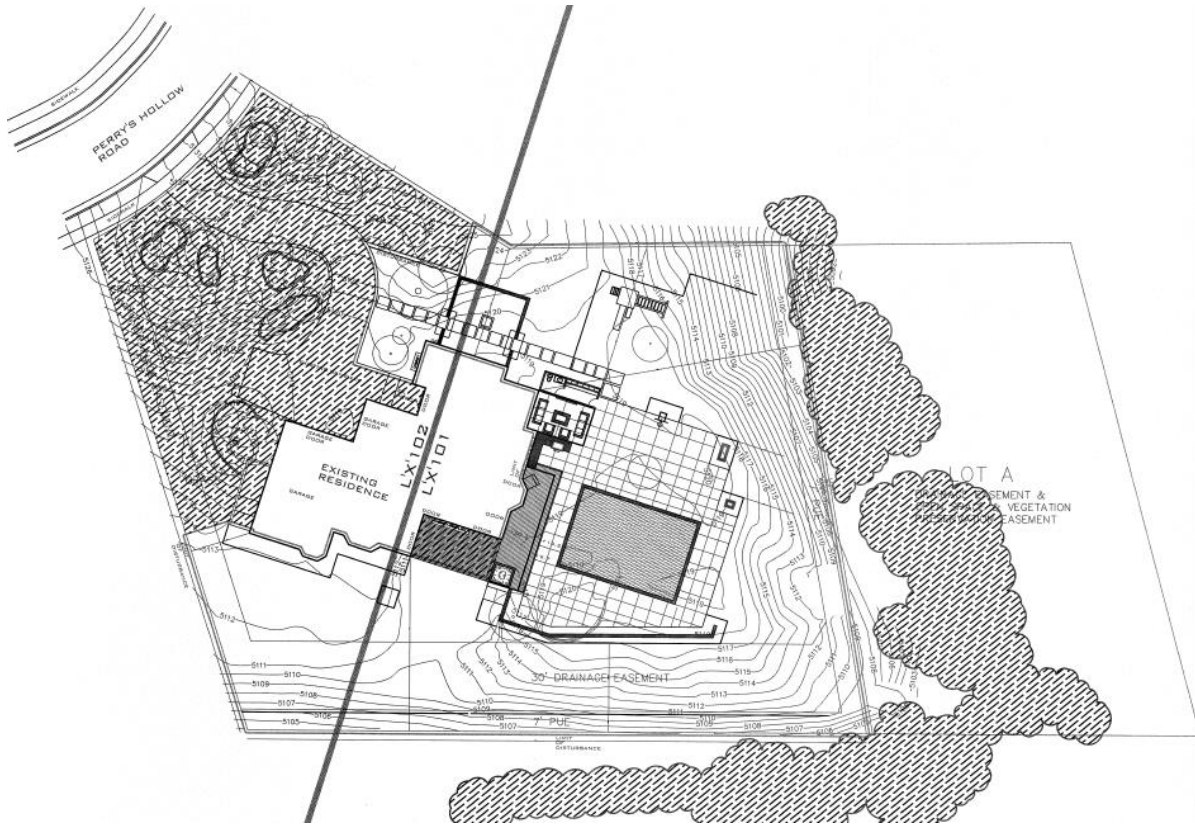
There is a condition of approval to ensure that no disturbance occurs in the designated Open Space and Vegetation Preservation Easement.

# ATTACHMENT A: VICINITY MAP

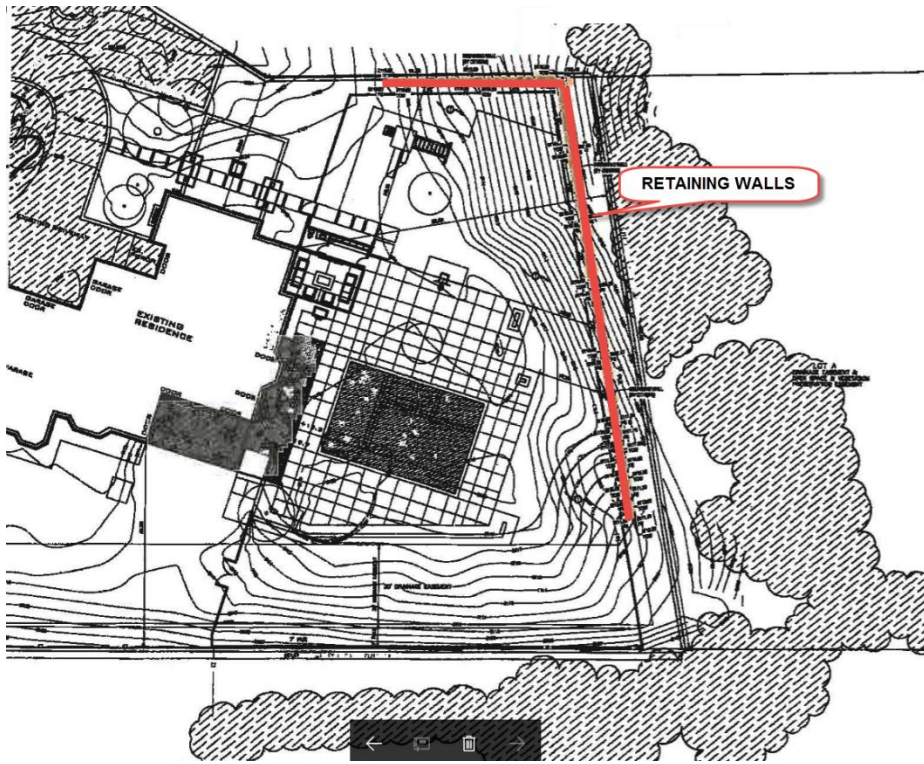


1452 Perry's Hollow Road

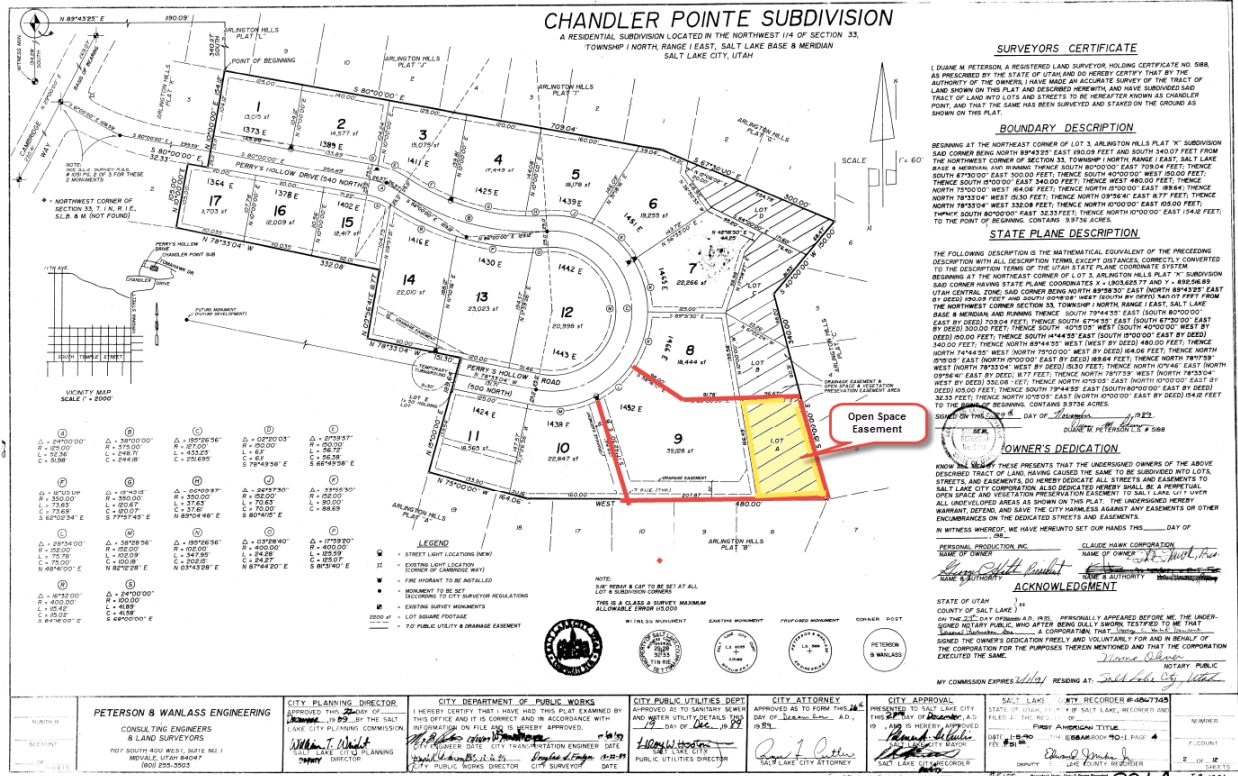
# ATTACHMENT B: SITE PLANS







# ATTACHMENT C: PLAT



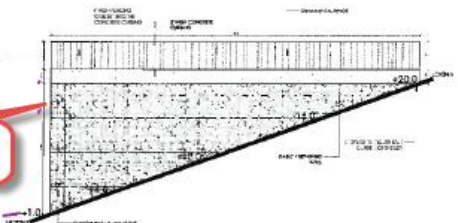


# ATTACHMENT D: RETAINING WALL DETAIL

## GENERAL LANDSCAPE NOTES:

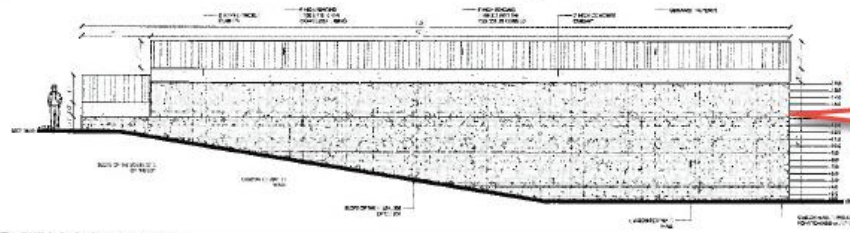
1. ALL LANDSCAPE SHALL BE CONFORMANT WITH ANY LOCAL REGULATIONS AND SHALL BE SUBJECT TO THE CITY OF SAN JOSE, CALIFORNIA, LANDSCAPE DESIGN AND CONSTRUCTION STANDARDS.
2. ALL PLANTINGS SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF SAN JOSE, CALIFORNIA, LANDSCAPE DESIGN AND CONSTRUCTION STANDARDS.
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1 GENERAL LANDSCAPE NOTES

2 NORTH SECTION OF RETAINING WALL



3 EAST SECTION OF RETAINING WALL

## **ATTACHMENT E: ANALYSIS OF STANDARDS**

### **21a.52.060: General Standards and Considerations for Special Exceptions:**

No application for a special exception shall be approved unless the planning commission or the planning director determines that the proposed special exception is appropriate in the location proposed based upon its consideration of the general standards set forth below and, where applicable, the specific conditions for certain special exceptions.

| <b>Standard</b>                                                                                                                                                                                                                                           | <b>Finding</b> | <b>Rationale</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| A. Compliance with Zoning Ordinance and District Purposes: The proposed use and development will be in harmony with the general and specific purposes for which this title was enacted and for which the regulations of the district were established.    | Complies       | The proposed retaining walls and grading would have no impact that is contrary to the overall purpose of the zoning ordinance or specific zoning district. The construction of retaining walls is further regulated in the Foothill zones, but are not prohibited and there are no specific standards for amount of fill or height of retaining walls.                                                                                                                           |
| B. No Substantial Impairment of Property Value: The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located.                                                      | Complies       | The neighboring property owners have expressed concern about the grading and retaining walls adversely impacting their property value. There is no evidence of diminution of property values. There will be changes to the view sheds for some property owners, but not from public areas.                                                                                                                                                                                       |
| C. No Undue Adverse Impact: The proposed use and development will not have a material adverse effect upon the character of the area or the public health, safety and general welfare.                                                                     | Complies       | The retaining walls and grading will change the character of area, but there is no evidence that it will be a material adverse effect. The retaining walls will not be located in areas designated on the plat for open space and vegetation protection.                                                                                                                                                                                                                         |
| D. Compatible with Surrounding Development: The proposed special exception will be constructed, arranged and operated so as to be compatible with the use and development of neighboring property in accordance with the applicable district regulations. | Complies       | This area is characterized by hillsides and gullies. When the Chandler Pointe Subdivision was created, the gully that runs through the area was acknowledged as sensitive and a protection easement is shown. The parcel contains such a protection easement, but all structures are being kept out of this area. Because of the hilly nature of the areas, there are a number of retaining walls, especially to accommodate driveways and allow for the building of residences. |

|                                                                                                                                                                                                          |                 |                                                                                                                                                                                               |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>E. No Destruction of Significant Features: The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance.</p> | <p>Complies</p> | <p>The proposal will not result in the destruction of significant features. The proposed retaining walls are outside of the drainage and open space and vegetation preservation easement.</p> |
| <p>F. No Material Pollution of Environment: The proposed use and development will not cause material air, water, soil or noise pollution or other types of pollution.</p>                                | <p>Complies</p> | <p>The proposal will not create any pollution.</p>                                                                                                                                            |
| <p>G. Compliance with Standards: The proposed use and development complies with all additional standards imposed on it pursuant to this chapter.</p>                                                     | <p>Complies</p> | <p>The proposal will comply with all standards.</p>                                                                                                                                           |

## **ATTACHMENT F: PUBLIC PROCESS AND COMMENTS**

### **Public Process:**

- Notice of application letters sent to abutting property owners on February 1, 2017.
- Public hearing notice mailed on February 23, 2017.
- Public hearing notice posted on the City and State websites on February 23, 2017.
- Public hearing sign posted on property on February 23, 2017.

### **Public Comments:**

Staff has received objections from 5 property owners in the area. Concerns include:

- Detrimental effects on views, property values and character of the neighborhood.
- Negative impacts on wildlife corridors.
- Destruction of vegetation and habitat.

The full text of the emails can be found on the following pages.

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**From:** Amy Crandall [mailto:amy.a.crandall@gmail.com]  
**Sent:** Monday, February 13, 2017 12:34 PM  
**To:** Shepard, Nora  
**Subject:** Re: PLNPCM2017-00053 (Application, 1452 Perry's Hollow Rd)

Nora Shepard  
Re: PLNPCM2017-00053  
(Application, 1452 Perry's Hollow Rd)

The proposed retaining walls would substantially diminish the value of my property, both aesthetically and monetarily.

The character of the gully lot derives from its undeveloped natural features, and serves as a natural habitat for many species.

Such walls would have an adverse effect on the neighborhood, and would obliterate significant features of scenic and ecological importance.

MK Crandall  
1491 East Chandler Dr.

**From:** [R](#)  
**To:** [Shepard, Nora](#)  
**Subject:** Retaining walls in Arlington Hills gully  
**Date:** Sunday, February 12, 2017 4:13:08 PM

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Hello Ms. Shepard,

I am writing to register my opposition to proposed retaining walls on the Price property - proposed two walls in the gully between Tomahawk and Chandler Drives. I have lived near the gully for nearly 25 years (in the neighborhood for 35) and know it is vital to the wildlife in the area.

Several years ago I asked my two grown children about their memories of "being outside" as youngsters. The reply was immediate and unanimous, "playing in the gully!"

Please don't allow for the concretizing our open space!

Thanks,  
Robin Perley



**From:** [Spendlove, Gretta C.](#)  
**To:** [Shepard, Nora](#)  
**Cc:** [Scott Calder; "Jean Calder"](#)  
**Subject:** FW: Objection to a Special Exception (PLNPCM2017-00053) to change the natural area behind 1452 Perry's Hollow Road  
**Date:** Wednesday, February 08, 2017 3:20:13 PM  
**Attachments:** [43CBC744-F8D7-4E2F-AB60-20EC7BC06720111.png](#)  
[Logo\\_570867ab-4cae-4e30-8683-b2e2d4a1baf1.png](#)  
**Importance:** High

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Nora: I appreciated the opportunity to talk with you this afternoon. As we discussed, my clients, Scott and Jean Calder, through their company, Twin Peaks Partners, own two properties adjacent to 1452 Perry's Hollow Road. They oppose the granting of a Special Exception to Salt Lake City Zoning Ordinances (case PLNPCM2017-0053), as was communicated by Scott Calder to Maryann Pickering by the email set forth below. The grounds for the objection are that granting the exception will result in destruction of natural foliage and habitat, harm the natural aesthetics of the area, and reduce property values of the properties that would have views of scrub oak slopes replaced with concrete or rock walls. Granting of the exception will negatively impact the established character of the neighborhood, as well as affecting public and private views. We request a hearing before the Planning Commission to provide evidence as to why the Special Exception does not meet the requirements of Sections 21A.52.060 and 21A.52.030. We will supplement these emails by a written objection which will be submitted on or before next Monday, February 13, 2017. Thank you for discussing the facts and issues relating to the Special Exception with me. Gretta Spendlove

**Gretta Spendlove | Attorney at Law**

Durham Jones & Pinegar P.C.

111 East Broadway, Suite 900 | Salt Lake City, UT 84111

Phone: 801.415.3000 | Fax: 801.415.3500

[www.djplaw.com](http://www.djplaw.com) | [GSpndlove@djplaw.com](mailto:GSpndlove@djplaw.com)

**From:** Scott Calder [REDACTED]  
**Sent:** Tuesday, February 07, 2017 5:00 PM  
**To:** Maryann Pickering <maryann.pickering@slcgov.com>  
[REDACTED]

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**Subject:** Objection to a Special Exception (PLNPCM2017-00053) to change the natural area behind 1452 Perry's Hollow Road

**Importance:** High

Hi Maryann,

This email is to provide you and Salt Lake City notice that Jean Calder and I (together owners of Twin Peaks Partners, and owners of two properties immediately adjacent to 1452 Perry's Hollow Road) most strongly object to the granting of a Special Exception to Salt Lake City Zoning Ordinances (case PLNPCM2017-00053), which would allow building 155 feet of retaining walls ranging up to 19 feet in height in the natural area of Perry's Hollow.

Developing half a football field of unsightly rock and concrete walls up to 19 feet in height with the resulting destruction of natural foliage and natural habitat will not only cause inalterable harm to the natural aesthetics of the area but also cause a reduction in property values of the properties that would have views of scrub oak slopes replaced with concrete or rock walls.

To grant this Special Exception will directly harm the majority of residents of the area and at the same time encourage others in the neighborhood to take similar actions, ultimately turning Perry's Hollow into a concrete culvert.

We have engaged our attorney, Gretta Spendlove, to represent our interests in this matter and to work with the Planning Office to find a less destructive alternative including the applicants using the adjacent lot they also own for development that is within the City's rules.

In any case, prior to our attorney's additional response, please place Twin Peaks Partners in staunch opposition to the proposed Special Exception.

Thank you,  
Scott Calder

+1.801.558.6333

[scalders@mainstreamdata.com](mailto:scalders@mainstreamdata.com)

**MAINSTREAM DATA**  


-----Original Message-----

From: Jeff Black [mailto:[jeffblack@tomahawk.com](mailto:jeffblack@tomahawk.com)]  
Sent: Tuesday, February 14, 2017 6:12 PM  
To: Shepard, Nora  
Subject: Perry's Hollow 20' wall concerns

I am concerned about the impact of a 20' foot wall in the draw near Perry's Hollow drive. I live next to the draw on Tomahawk and would not want to set a precedent allowing property owners to ruin each other's views. I'm also concerned about its impact on the wildlife that use that corridor.

Jeff Black  
1474 Tomahawk Dr

John and Terry Becker  
1500 East Tomahawk Drive  
Salt Lake City, Utah 84103

February 13, 2017

Ms. Nora L. Shepard, AICP  
Senior Planner  
Salt Lake City Planning Division  
451 South State Street, Room 406  
Salt Lake City, Utah

RE: 1452 Perry's Hollow Road  
PLNPCM 2017-00053

Dear Ms. Shepard:

The petition for a special exception for installation of 2 retaining walls on the edge of Spring Gulch is of great concern to us. We believe the resulting impacts, should the petition be approved, will be negative and permanent, with detrimental affect on our view, property value, and character of our neighborhood.

When homes were first built in the Arlington Hills subdivisions, plats respected the natural terrain. The ravines and canyons of the Avenues attracted residents who value open space and native vegetation. These important wildlife corridors, abundant with oak and native maple, are also pioneer trails and pathways. This is threatened by the proposed retaining walls and excessive grade change.

We purchased our property on Tomahawk Drive in 1975 and built on the edge of Spring Gulch 37 years ago. The ravine has remained pristine. We live in harmony with nature and place a very high value on the views our location provide of Spring Gulch and of the Salt Lake Valley beyond. Our property value will undoubtedly be harmed if walls are installed across the ravine directly in our view corridor toward the Oquirrh Mountains. It is difficult to place a monetary value on views, but it is obvious a hillside of oak has greater visual appeal than 2,000 square feet of retaining walls carved out of the steep slopes.

Not only would retaining walls of 17 and 19 feet in height running a total of 155 feet be unsightly, they would create annoying reflection. On top of truckloads of land fill where a swimming pool is proposed, and hard surface decking would add to the visual pollution.

We encourage further detailed investigation and public discussion of the application for a special exemption to grade the site and install retaining walls for a recreation area.

Sincerely,

John and Terry Becker

# **ATTACHMENT G: MOTIONS**

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## **Potential Motions:**

### **Approval**

#### **Consistent with Staff Recommendation:**

After review of the applicable standards for Special Exceptions, (as outlined in Attachment E), the staff recommends that the Planning Commission APPROVE the Special Exception request for grading and retaining walls at 1452 E Perry's Hollow Road, subject to the following conditions:

1. Unauthorized grading and other surface disturbing activities are prohibited in all undevelopable areas within the lot or the subdivision. Prior to any grading or other surface disturbing activity on the property, the undevelopable areas shall be clearly delineated by temporary fencing or flagging. Any flagging stakes used to delineate undevelopable areas there shall be a minimum of four feet (4') above grade and no more than twenty five feet (25') apart.
2. All retaining walls, in excess of four feet (4') in height shall be approved by an engineer licensed by the state, and the engineer's approval shall be consistent with the provisions of a geotechnical report.

#### **Not Consistent with Staff Recommendation:**

Based on the testimony, plans presented, and the following findings, I move that the Planning Commission DENY the petition for a Special Exception for the grading and retaining walls at 1457 E Perry's Hollow Road.

(The Planning Commission shall make findings on the Special Exception standards and specifically state which standard or standards are not supported by the request. Please see Attachment E for applicable standards.)