

PLANNING COMMISSION

City of Holladay

February 20th 2024

City Council Chambers – 4580 S. 2300 E. Holladay



City of Holladay

This public meeting will be held in-person and also transmitted via live video stream on the [City of Holladay webpage](https://www.cityofholladay.com).

Participation in a *public hearing* portion of this meeting can be accomplished in either of the following ways:

- During the meeting: address the Commission when the item is called by the Commission Chair
- Email: comments must be received by 5:00 pm on **02/19/2024** to the Community and Economic Development Department; cmarsh@cityofholladay.com. Emailed comments will be read by the Commission Chair.

MEETING AGENDA

6:00 PM CONVENE REGULAR MEETING – Public Welcome & Chair Opening Statement

PUBLIC HEARING

1. CONTINUED ITEM

Text Amendment – Chp. 13.14.031 – Accessory Dwelling Units

Continued review of draft changes, anticipated recommendation to City Council on proposed amendments to Title 13, of the Holladay City Code, Land Use and Development Regulations as they relate to Accessory Dwelling Units. Item reviewed as a legislative action, according to procedures set forth in Holladay Ordinance §13.07.

File #23-4-08

ACTION ITEMS

2. Approval of Minutes – 12/5/2023, 12/19/2023

ADJOURN

CERTIFICATE OF POSTING

I, Stephanie N. Carlson, the City Recorder of the City of Holladay, certify that the above agenda notice was posted on the City of Holladay bulletin board, the City website www.cityofholladay.com, the Utah Public Notice website www.utah.gov/pmn, and was emailed to the Salt Lake Tribune and Desert News and others who have indicated interest.

DATE POSTED: [DAY, MONTH DATE, 2022 @ TIME AM/PM]

Stephanie N. Carlson MMC, City Recorder
City of Holladay

Reasonable accommodations for individuals with disabilities or those in need of language interpretation service can be provided upon request. For assistance, please call the City Recorder's office at 272-9450 at least three days in advance. TTY/TDD number is (801)270-2425 or call Relay Utah at #7-1-1



Request: **Ordinance Amendment**
Subject: Accessory Dwelling Units; External Dwelling Units
Applicant: City of Holladay, Community and Economic Development Department
Planner: Carrie Marsh

GOVERNING ORDINANCES:	13.07.030	Text Amendment Procedure / Requirements
	13.04	Definitions
	13.14.031	Accessory Dwelling Units

REQUIRED PLANNING COMMISSION ACTION:

Text, or ordinance amendments are proposed changes to the City of Holladay Code. Amendments can be in the form of a new, or an alteration of, existing rules or regulations/standards. Such amendments to the City of Holladay ordinance requires the Planning Commission to hold a public hearing and forward a recommendation, with findings, to the City Council for final decision/action.

REQUEST

Continuation of the previous Planning Commission meetings and Public Hearing held on January 23 and February 6, 2024.

Proposal by City Staff to discuss a possible Amendment to Title 13, Chapter 14.31, Accessory Dwelling Unit Standards, of the Holladay Municipal Code. The purpose of the Code Amendment is to amend the requirements for external dwelling units, and any other related and needful housekeeping amendments. The proposed amendments are intended to further implement the moderate-income housing strategy adopted by the City of Holladay to “*create or allow for, and **reduce regulations related to, internal or detached accessory dwelling units in residential zones***”. The proposed changes largely address external ADUs and would create additional standards under which land owners could convert existing accessory buildings into accessory dwelling units or build new external accessory dwelling units that are scaled to the property size with limitations within City Codes that dictate accessory building footprint sizes and maximum lot coverage associated directly to the size of a property.

REASONING & PURPOSE

On October 5, 2023 City Council directed Staff to look at changes to the code regarding external dwelling units to enable the conversion of existing accessory structures, within their existing footprint (no expansion) on lots less than half an acre as a way to further implement moderate income housing strategies. The overall intent of this amendment is to address the direction of City Council to look at how the existing City Code could be amended to enable property owners to convert existing accessory buildings on their property to external accessory dwelling units.

Currently, the Table of Allowed Uses ([13.100.010](#)) permits External Dwelling Units in all single-family residential zones. However, current City Code for External Accessory Dwelling Units ([13.14.031C](#)) only allows an external accessory dwelling unit (either through new construction or conversion of an existing building) on lots that are either **a. one half acre** or larger OR **b. twice the minimum lot size required in the underlying zone**, preventing many properties from either building new, or converting existing accessory buildings to external dwelling units. All External ADUs must also comply with the permitted footprint size for Accessory Buildings as shown in [Table 13.14.101](#), lot coverage maximums as shown in [Chart 13.14.080B](#), and specific design standards within [13.14.031](#).

BACKGROUND

In 2021 the State of Utah adopted code that mandates internal accessory dwelling units as permitted uses within single-family zones and removed municipalities ability to regulate size, minimum lot frontage, or lot size except on lots smaller than 6,000 square feet. Municipalities were allowed to place additional regulations on external dwelling units. Through 2020 and 2021, the Planning Commission worked on a text amendment addressing internal and external ADUs and forwarded a positive recommendation with draft text to City Council. Meetings with the Planning Commission looked at presentations on ADUs from the Utah League of Cities and Towns, 2020 survey

results from Salt Lake County Regional Planning and Transportation, and a local poll created by Staff. These items were included in the Staff report from January 23, 2023 and can be reviewed in the packet for that meeting. One change that was made by City Council from the draft text recommended by the Planning Commission, based off of comments received in the public hearing at City Council, was an additional restriction which limits external dwelling units to properties that are half an acre or larger, or properties that are twice the minimum lot size.

With the current housing costs throughout the Wasatch Front, many property owners are seeking to add an accessory dwelling unit, but many prefer an external, detached unit that does not reduce the amount of personal area within the primary structure and creates more privacy and separation between a primary dwelling unit and an accessory dwelling unit. Newer pre-fabricated products make the addition of small detached units more affordable and attractive. Another common scenario is a property owner seeking to add a detached garage to their property and would like to include a dwelling unit on an upper floor.

On October 5, 2023 City Council directed Staff to look at changes to the code regarding external dwelling units to enable the conversion of existing accessory structures within their existing footprint (no expansion) on lots less than half an acre, seeing as the current code does not permit external ADUs on properties that are smaller than one half acre.

Enabling the conversion of existing accessory structures (*requiring an "as of" effective date within code*), would provide opportunities for some land owners who already have a structure on their property of less than half an acre, but would still prevent other landowners on less than half an acre from either converting accessory buildings built after any proposed effective date or building a new EADU that is thoughtfully designed and compliant with standards to mitigate potential impacts from EADUs, including an increased setback of 25% which is required for EADUs from the onset.

At the previous meeting on January 23, 2024, the Planning Commission discussed the proposed changes and directed staff to make additional changes including limiting height to a single level, requiring the addition of living space to meet parking requirements, require a 10,000 square foot lot minimum size, and not allow the addition of a 2nd level onto existing accessory buildings being converted to an EADU.

These changes were discussed in the February 6th meeting, with direction to staff to address height by implementing a reduced height of 6 feet for determining the graduated height envelope and increasing setbacks to a minimum of ten feet.

Individual comments on the draft text from Commissioners were discussed in the February 6th meeting, along with discussing property sizes. Staff estimated roughly 1,400 properties that are over half an acre and the zone map was reviewed to show areas with a minimum lot size of 1) half an acre, 2) 10,000 square feet, and 3) 8,000 square feet. Corner properties were discussed as an additional component of where EDUs could work, even on smaller lots.

Owner occupied requirements were discussed and changes made to reflect the desired definition of immediate family members.

Prior Staff review of existing external ADU codes found that neighboring cities have approached EADU codes in various ways.

- Millcreek requires an 8,000 sq. foot minimum lot and limits occupancy to 2 adults and any number of children. **EADUs are required to have a minimum 5' setback.**
- Cottonwood Heights requires EADUs to have a conditional use permit and they must conform to primary structure setback standards. The conversion of existing accessory buildings to EDUs is only allowed if the structure meets or is modified to meet the standards required.
- Murray limits EDUs to a maximum of 2 bedrooms and conversion of existing accessory buildings may only occur where the existing accessory building meets the setback requirements for a primary residence in the zone.
- Salt Lake City passed code amendments for EADUs (new and conversions) in April of 2023 that **caps EADU height at 17 feet. An EADU height may increase to 24' with a pitched roof and 20' with a flat roof with an increase in all required setbacks. Minimum setbacks are 3' for detached ADUs.**
- Salt Lake County requires a minimum lot size of 12,000 sq. feet in all zones. **Minimum 10' rear yard setback for detached ADUs.**

Staff review of permits for ADUs (internal and external) are outlined in the following table:

	Active	Withdrawn, abandoned, denied, or incomplete/in progress application	Final / Complete	Total approved since 2021
Internal ADU	8	2	5	13
External ADU (guesthouse), over .50 acres	5	2	0	5
External ADU (new or conversion) under .50 acres	1	2 – denied for property size: .47 and .48 acres	0	1

NON-CONFORMING USES

This Code Amendment would address non-conforming use situations through standards for converting existing accessory buildings to EADUs.

PROPOSED ORDINANCE CONSIDERATIONS:

The City's current code involving accessory dwelling units was modified when State code changed in 2021. Since that point, Staff has been involved in conversations with residents seeking to add accessory dwelling units, by either converting or adding onto an accessory building, or in conjunction with the construction of an accessory building like a detached garage to reduce building costs while creating a more private dwelling unit for either family or to rent.

Currently, property owners can build a detached/accessory building with a kitchen that would be considered “bonus space” which would not be issued an accessory use certificate of occupancy (common examples include a pool house, recreation space, or an office/studio space). A property owner's desire to convert these spaces to habitable space with an associated certificate of occupancy as an accessory dwelling unit comes with restrictions.

The purpose of the proposed changes is to enable more property owners to create small scale housing units that are a part of the larger picture of meeting moderate income housing requirements by the State.

In evaluating existing permit applications, consultations with property owners seeking to build an EADU, Staff recommends removing the half acre and larger restriction on property size, relying on building footprints, graduated height, lot coverage, increased setbacks, and EADU regulations to enable property owners to build or convert external buildings that can be used as accessory dwelling units. Staff regularly discusses external ADUs with property owners and has denied multiple permits from property owners wishing to build an EADU on property smaller than .50 acres. Staff views this requirement as a significant barrier to property owners and removing the .50-acre minimum lot size restriction from the current code has been an item on a list of possible code amendments to specifically address reducing regulations related to accessory dwelling units.

Proposed changes to the existing code are shown in the draft text, with additional revisions from the February 6th meeting shown in blue underlined text.

Other housekeeping changes to include removing restrictions on internal ADUs to have an internal connection. ADUs that do not have an internal connection must have access to water and power shut offs for their own unit and a separated HVAC system or a way to control temperature within the unit.

GENERAL PLAN COMPLIANCE

The General Plan encourages appropriate development standards for all uses and zoning categories within Holladay. The Moderate-Income Housing plan identifies the strategy to “*create or allow for, and reduce regulations related to, internal and detached accessory dwelling units in residential zones.*” This code amendment would further goals and objectives within the General Plan and Moderate-Income Housing Plan.

SUMMARY OF CHANGES COMPARISON CHART

Below is a simplified comparison chart of the current (codified) code and the proposed changes.

Ordinance	Topic	Current Language	Proposed Changes
13.14.031	<i>Accessory Dwelling Units</i>	- Property Owner living onsite - One additional onsite parking spot above the minimum requires and replace any places displaced by a garage or carport conversion.	- Owner occupancy required and defined. Includes additional defining language. - Parking requirements related to the number of bedrooms within an ADU
13.14.031C	<i>External Accessory Dwelling Units</i>	The current ordinance places the following limitations on external accessory dwelling units 1. Comply with all provisions set forth in section 13.14.031 A of this chapter. 2. Be located on a lot of record measuring either: a) twice the minimum lot size of the underlying zone; or, b) a minimum of one-half acre (21,780 square feet) or larger. 3. Provide a footprint size of a minimum of two hundred (200) square feet and maximum footprint as per Chart 13.14.101. 4. Comply with setbacks as per section 13.14.110, chart 13.14.101. 5. Comply with Maximum Height as per section 13.14.110. 6. Design standards of any EADU shall include the following. These standards are intended to increase privacy and minimize impact to neighboring residents. a. Security and/or building lighting shall be "dark sky" compliant, to include the following: b. Only LED, incandescent light sources in the spectrum of white or off white (light yellow tones in the kelvin scale of 5,000k or lower, i.e. warmer). c. Fixtures shall be mounted in such a manner that the cone of light does not cross any property line of the site. d. Lighting installations shall include timers, dimmers and/or sensors to reduce overall energy consumption and eliminate unneeded lighting. e. Primary and secondary access points including but not limited to doors, windows, patios,	- Allowance for the conversion of existing accessory buildings on any size lot to external ADUs. - Change .50 acre lot minimum to .25 acre lot minimum - Allowance for corner lots and double frontage lots that are smaller than 10,000 sq ft. - Minimum setback of 10 feet - Added graduated height with a reduced graduated height of 6' and 45* envelope - Additional design standards to mitigate impacts on neighboring residents. - Creation of standards specifically for the conversion of existing accessory buildings.

		garage doors, etc. shall not open into a required setback. f. Required setbacks shall be maintained with landscaping which provides a buffer to neighboring properties. g. Setback shall be increased by a minimum of twenty five percent (25%) based on the setback requirements, see Chart 13.14.101 . (Ord. 2021-24, 9-9-2021)	
13.04.040	Definition of Terms	DWELLING, ACCESSORY UNIT (ADU): One habitable living unit added to, created within, or detached from a primary owner-occupied single-family dwelling and contained on one lot. ADUs are subject to the approval of a Building Permit (13.08.100) and the issuance of a Certificate of Occupancy (13.04.050 and 13.01.060); and if the ADU is being rented, the annual review and approval of a License (5.68.020). A. Internal Accessory Dwelling Unit (IADU): One accessory dwelling unit created within the owner-occupied primary dwelling unit or within the footprint of the primary dwelling unit that is connected in a structurally substantial manner by an enclosed conditioned space . B. External Accessory Dwelling Unit (EADU): One accessory dwelling unit designed as a detached structure located on the same lot as, and subordinate to, a primary dwelling unit. Up to two (2) occupiable units on any lot.	- Remove language requiring Internal ADUs to have an internal connection. - Add language that requires that accessory units that do not have an internal connection to the primary dwelling have water and power shut offs for their own unit and a separated HVAC system or a way to control temperature within the unit.
13.100	Table of Allowed Uses	External Dwelling Units permitted	Change reference from item 19. To item 9.

RECOMMENDATION:

Staff recommends that the Planning Commission forward a positive recommendation to the City Council to amend Title 13, Chapter 13.14.031, of the Holladay Municipal Code, as shown in Exhibit "A," based on the following findings:

1. Compliance with the Purpose of the Land Development Code by promoting and facilitating the orderly growth and development within the City of Holladay.
2. Compliance with the Goals and Policies of the General Plan by establishing appropriate development standards for all uses and zoning categories within the City of Holladay
3. Implementation of Moderate-Income Housing Strategy to *create or allow for, and reduce regulations related to, internal or detached accessory dwelling units in residential zones*"

STANDARDS OF CONSIDERATION, FOR or AGAINST:

13.07.030G: Approval Standards:

1. A decision to amend the text of this title or the zoning map is a matter within the legislative discretion of the city council. The city council, after reviewing the planning commission recommendation, may:
 - a. Adopt the amendment as recommended by the planning commission;
 - b. Make any revisions to the proposed amendment that it considers appropriate;
 - c. Remand the proposed amendment back to the planning commission for further consideration; or
 - d. Reject the proposed amendment.
2. In reviewing a text or map amendment, the following factors should be considered:
 - a. Whether the proposed amendment is consistent with goals, objectives and policies of the city's general plan;
 - b. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;
 - c. The extent to which the proposed amendment may adversely affect abutting properties; and
 - d. The adequacy of facilities and services intended to serve the subject property, such as, roadways, parks and recreation facilities, police and fire protection, schools, stormwater drainage systems, environmental hazard mitigation measures, water supply, and wastewater and refuse collection.

MOTION EXAMPLES

A motion to approve or deny:

“I___ Motion to forward a recommendation to the City Council to (approve, deny) an amendment to Title 13, Chapter 13.14.031, and associated definitions of Accessory Dwelling Units of the City of Holladay Land Use code, based upon the following findings”

A motion to continue:

“I___ Motion to continue the application to amend 13.14.031 and associated definitions of Accessory Dwelling Units of the City of Holladay Land Use code, to the next regularly scheduled meeting”



FILE# n/a

COMMISSION MEETING MINUTES

ADDRESS:

n/a

LEGAL DESCRIPTION: n/a

APPLICANT/REPRESENTATIVE:

City of Holladay Planning Commission

PROPERTY OWNER:

n/a

ZONING:

n/a

GENERAL PLAN DISTRICT:

n/a

CITY COUNCIL DISTRICT:

N/A

PUBLIC NOTICE DETAILS:

n/a

REQUEST:

Adoption of Meeting Minutes

APPLICABLE REGULATIONS:

UCA§52-4-203, 206
2.01.080
13.06.030

EXHIBITS:



DECISION TYPE:

Administrative/Procedural:

Commission shall approve, approve with changes or continue to a later date the agenda item

SITE VICINITY MAP

Effective 5/8/2018

52-4-203 Written minutes of open meetings -- Public records -- Recording of meetings.

(1) Except as provided under Subsection (7), written minutes and a recording shall be kept of all open meetings.

(2)

(a) Written minutes of an open meeting shall include:

(i) the date, time, and place of the meeting;

(ii) the names of members present and absent;

(iii) the substance of all matters proposed, discussed, or decided by the public body which may include a summary of comments made by members of the public body;

(iv) a record, by individual member, of each vote taken by the public body;

(v) the name of each person who:

(A) is not a member of the public body; and

(B) after being recognized by the presiding member of the public body, provided testimony or comments to the public body;

(vi) the substance, in brief, of the testimony or comments provided by the public under Subsection (2)(a)(v); and

(vii) any other information that is a record of the proceedings of the meeting that any member requests be entered in the minutes or recording.

(b) A public body may satisfy the requirement under Subsection (2)(a)(iii) or (vi) that minutes include the substance of matters proposed, discussed, or decided or the substance of testimony or comments by maintaining a publicly available online version of the minutes that provides a link to the meeting recording at the place in the recording where the matter is proposed, discussed, or decided or the testimony or comments provided.

Notes:

Corrections made according to commission direction on 12-1-2020

STAFF:

Jonathan Teerlink, City Planner

DRAFT

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

Tuesday, December 5, 2023

5:30 p.m.

**City Council Chambers
4580 South 2300 East
Holladay, Utah**

ATTENDANCE:

Planning Commission Members:

City Staff:

Karianne Prince, Vice-Chair
Paul Cunningham
Jill Fonte
Brian Berndt
Angela Gong

Carrie Marsh, City Planner
Brad Christopherson, City Attorney
Jonathan Teerlink, Comm. Development Dir.

WORK SESSION

Vice-Chair Karianne Prince called the Work Session to order at approximately 5:30 p.m.

The agenda items were reviewed and discussed. City Planner, Carrie Marsh, stated that the first item on the Regular Meeting agenda is a Zone Map Amendment for a rezone at 2051 and 2061 East Murray Holladay Road. She explained that there are two separate parcels, and the request is to rezone those parcels from the Residential Multi-Family (“RM”) Zone to the Professional Office (“PO”) Zone. The PO Zone was set up in 2019 to move office uses in the RM Zone into the PO Zone. Ms. Marsh explained that those details are included in the Meeting Materials Packet.

Commissioner Paul Cunningham asked if the PO Zone allows for a residential component. Ms. Marsh explained that in the PO Zone, there is a Conditional Use for a Planned Unit Development, making it possible to have mixed professional and residential redevelopment. A redevelopment application has not been submitted but potential redevelopment could include a new structure with residential and office uses. One of the main differences between the RM Zone and the PO Zone is that the PO Zone was designed as a buffer between major uses and residential properties. As a result, the setback from residential properties is 30 feet in the PO Zone as opposed to 20 feet in the RM Zone. The height allowance is 35 feet in the RM Zone and 40 feet in the PO Zone.

Commissioner Gong believed the current scope is the rezone itself. The Commission is not looking at a proposed plan, though it seems there is a concrete idea of what is intended for the site. Ms. Marsh confirmed this and noted that this is a fairly standard rezone. Something similar has

1 been done for different properties on Highland Drive. In the code, where it talks about the PO
2 Zone, there are three standards for a rezone, which is what the application analysis was based on.

3
4 Commissioner Fonte asked if the rezone pertains only to this property as opposed to an overall
5 plan for the area. Ms. Marsh explained that in the General Plan, there are Future Land Uses. Those
6 Future Land Uses are a guide for future development. The PO Zone is a zone identified in the land
7 between Holladay Village and Royal Holladay Hills. Commissioner Fonte wanted additional
8 clarity about what the Planning Commission is being asked to vote on. She understood it was a
9 rezone application but wanted to know if the Commission was also voting for a proposed use.
10 Ms. Marsh denied this. No redevelopment will be evaluated until an application is submitted.
11 Approval for a rezone does not lock in any sort of redevelopment. She explained that property
12 owners can rezone and leave the property as is. Alternatively, property owners can adapt, change,
13 or remodel existing buildings. Redevelopment is a separate matter and a separate application.

14
15 Commissioner Gong noted that under the current zoning, the applicant can build something larger
16 than what currently exists. The rezone will only change the height by an additional 5 feet. Ms.
17 Marsh added that the PO Zone allows them to expand the office uses. In the RM Zone, office uses
18 are not permitted. The existing uses are legal because those existed previously, but it is not
19 possible to expand to other office uses. The PO Zone makes it possible for property owners to
20 attract a variety of users. Commissioner Brian Berndt believed the only real changes are the
21 additional 5 feet in height and an additional 10 feet of setback. He asked if there has been any
22 consideration from a City Staff level about how circulation on the properties will occur. Ms. Marsh
23 clarified that the circulation will be evaluated at the time of a redevelopment application. The City
24 Engineer, Fire Department, and others will also weigh in at that time.

25
26 Commissioner Berndt asked if there is a stipulation for future approvals that will restrict the type
27 of driveway in the neighborhood. He wanted to address some comments from the public. Ms.
28 Marsh explained that those details can be discussed during the redevelopment application process.
29 Commissioner Fonte referenced three main concerns expressed by residents including traffic,
30 parking, and the proposed height of the building. She wanted to clarify that the Commission is not
31 voting on any of these matters during the current meeting, which Ms. Marsh confirmed. The role
32 of the Planning Commission at this time is to make a recommendation to the City Council, since
33 rezones are Legislative matters that are decided on by the Council. The Planning Commission can
34 make a recommendation either for or against the rezone request. Parking, driveway locations, and
35 are addressed by the Planning Commission at the point of a redevelopment application.

36
37 Vice-Chair Prince explained that the building height allowed currently is 35 feet, but if the rezone
38 is approved it becomes 40 feet in the PO Zone. Commissioner Fonte pointed out that the building
39 height appears to be a significant issue with residents in the area. Vice-Chair Prince noted that the
40 residents have concerns about a plan that is not currently before the Commission. As a result,
41 those concerns are not necessarily pertinent to the item on the Regular Meeting agenda.

42
43 Commissioner Berndt asked about compliance with the General Plan. The Staff Report states that
44 this is anticipated to be anticipated future use. Ms. Marsh reported that the area has been identified
45 as a mixed-use area with no retail uses. It lists appropriate zones for that mixed-use as RM and

1 PO. The proposed rezone is in compliance with the General Plan expectations. During
2 consideration of the application, the Planning Commission will look at the General Plan and the
3 rezone code for PO. That section of the Code provides guidance on when rezones to the PO Zone
4 should be prioritized.

5
6 Commissioner Fonte noted that residents expressed concerns about setbacks and heights. She
7 wanted to understand how to communicate appropriately with the residents in the area. Ms. Marsh
8 reminded those present that input was garnered from the public during the General Plan process.
9 Additionally, there were public hearings during the establishment of the PO Zone. Both the
10 General Plan process and the establishment of the PO Zone received public input. Relying on the
11 General Plan and the establishment of the PO Zone as the basis of a decision would result in a fact-
12 based decision. City Attorney, Brad Christopherson, discussed noticing requirements. He
13 explained that the State Code requires notices to be sent out to properties within 300 feet, but the
14 City of Holladay has extended that to 500 feet. Anyone within 500 feet of the property receives a
15 postcard in the mail about the rezone request. A similar notice will be sent out when the item
16 moves forward to the City Council level. Residents are given an opportunity to share comments
17 on the proposal.

18
19 Vice-Chair Prince noted that a citizen comment form has been submitted by someone who wants
20 to represent a group of residents. She asked for guidance on that. Mr. Christopherson explained
21 that this was typically allowed, and it normally permitted the speaker some additional time. For
22 instance, allowing a comment to be five minutes rather than three. Commissioner Cunningham
23 thought it was best to establish the issues the Planning Commission will consider during the rezone
24 discussion and focus the public comments on the relevant issues. Other Commissioners agreed.

25
26 Mr. Christopherson shared information about the rezone process and the redevelopment process.
27 For the 2051 and 2061 East Murray Holladay Road properties, within the RM Zone, it is possible
28 for the property owners to tear down the current structures and build townhomes, apartments, or
29 condominiums. If the rezone for the PO Zone is approved, there is an expanded list of uses with
30 residential. In order to have the residential, there needs to be a professional office component first.
31 The Planning Commission must consider where the PO Zone is most appropriate. The addresses
32 are between Royal Holladay Hills, which is a dense mix of residential and commercial, and
33 Holladay Village, which is a lower-intensity use. This could create a buffer.

34
35 Vice-Chair Prince referenced the three items that need to be considered when looking at a rezone
36 request. She reported that the items are detailed in §13.44.010B, which states the following:

- 37
38 • In evaluating any rezone application for this zone, preference shall be given to those
39 properties which:
- 40 ○ Occur within a General Plan district supporting appropriate of either Professional
41 Office-Commercial (“PO-C”), Mixed-Use development, or other similar areas such
42 as the Highland Drive Small Area Master Plan area (“HDMP”);
 - 43 ○ Will result in an upgrade of the building and/or site; and
 - 44 ○ Will enhance property values and contribute to the economic sustainability of the
45 City.

1
2 Vice-Chair Prince explained that those three points need to be evaluated by the Commission.
3 Mr. Christopherson stated that the Commission can ask for additional information about what is
4 planned for the site, but the applicant is not required to provide that information at the current time.
5

6 Additional agenda items were reviewed. Ms. Marsh reported that the second item on the agenda
7 is a Text Amendment to Chapter 13.10 – Subdivisions. The third item on the agenda was
8 rescheduled to the December 19, 2023, Planning Commission Meeting. The fourth item related to
9 the Preliminary/Final Plat for 4930 South Westmoor Road. The fifth item relates to Royal
10 Holladay Hills, Block K, which was discussed previously and is now back before the Commission.
11

12 Commissioner Gong noted that there will be a change in the Preliminary, Conceptual, and Final
13 Plat approval process. She asked when that will happen. Ms. Marsh reported that it is required to
14 be changed by February 1, 2024, but it will not be codified until 30 days after that date. Anything
15 applied for in March 2024 will be applicable to the new code. She noted that the Planning
16 Commission will forward a recommendation to the City Council on that, as it is a Legislative item.
17

18 Commissioner Cunningham suggested moving the Text Amendment to the end of the Regular
19 Meeting agenda in order to take care of the Public Hearing and Action Items beforehand.
20 Mr. Christopherson pointed out that it is noticed as a Public Hearing as well. Ms. Marsh stated
21 that the Text Amendment discussion will likely not take a lot of time. As a result, it was suggested
22 that the Regular Meeting agenda items remain in the same order as originally planned.
23

24 **CONVENE REGULAR MEETING – Public Welcome and Opening Statement by**
25 **Commission Chair.**

26 Vice-Chair Prince called the Regular Meeting to order at approximately 6:00 p.m. She read the
27 Commission Statement for the benefit of those present and reviewed the meeting procedures.
28

29 **PUBLIC HEARINGS**

- 30 1. **Zone Map Amendment – Rezone from RM to PO – 2051 and 2061 East Murray**
31 **Holladay Road. Review and Make a Recommendation to the City Council on a**
32 **Proposal by the Applicant, Bradley Helsten, for an Amendment to the Holladay Zone**
33 **Map at this Location from the Current Residential Multi-Family Zone (“RM”) to the**
34 **Professional Office Zone (“PO”) for Approximately 0.30 and 0.19 Acres of Property.**
35 **Item Reviewed as a Legislative Action, According to Procedures Set Forth in**
36 **Holladay Ordinance §13.07. File #23-4-10.**

37 Ms. Marsh presented the Staff Report and stated that the application is for a Zone Map
38 Amendment. The request is for a rezone from the RM Zone to the PO Zone for properties located
39 at 2051 and 2061 East Murray Holladay Road. The current use is primarily office space, but there
40 is one residential unit on the Sycamore Drive side. The PO Zone was created in 2018 at the
41 direction of the City Council. It was designed to move properties in the RM Zone with office uses
42 into the newly created PO Zone. The zone was designed to expand the uses available. The City
43 Council decided not to blanket rezone all properties and determined that it would be done at the
44 request of the individual property owners. The application before the Planning Commission
45 follows the process laid out by the City Council. The properties are in a mixed-use identified area.

1
2 The applicant, Bradley Helsten, introduced himself to the Commission and gave his address as
3 3120 Metropolitan Way in Millcreek. The current office is located at 2061 East Murray Holladay
4 Road. He explained that they purchased the property at 2061 East Murray Holladay Road in 2017
5 for a law office. He currently has two employees with him in that office, which is a converted
6 home from the 1950s. The neighboring property was acquired a year and a half ago. Mr. Helsten
7 explained that there is a desire to rezone the properties to the PO Zone since the current use is an
8 office. The intent is to remain and continue to be part of the neighborhood. The application will
9 allow the office to be maintained but will also make it possible to add rental apartments.

10
11 Mr. Helsten reported that a neighborhood meeting was held, and valuable feedback was received.
12 He reiterated that there is a desire to be a good neighbor and continue to be part of the community.
13 The intention is not to maximize space and density. Mr. Helsten explained that the PO Zone will
14 allow the office use to continue to take place but will also make it possible to add rental housing
15 as well. He wanted the rezone to be approved and for the lots to be combined. After that point, it
16 will be possible to come back with a plan that offers compatible uses for the PO Zone. Vice-Chair
17 Prince clarified that the application currently before the Planning Commission is a zone change
18 request from the RM Zone to the PO Zone. No specific building plans are being voted on.

19
20 Vice-Chair Prince opened the public hearing.

21
22 *David Dean* gave his address as 2073 East Murray Holladay Road. He explained that he was
23 sharing comments on behalf of a group of residents. Mr. Dean and his wife own a duplex property
24 contiguous to the east of the subject property. One side of the duplex is occupied as the primary
25 residence and his daughter lives on the other side of the duplex. He has owned and occupied the
26 duplex for 31 years. Mr. Dean represents a group of 57 signatories of a letter that has been
27 submitted to City Staff. The subject property is in the General Plan district which includes the
28 area known as the Holladay Half Mile. That is the area along Murray Holladay Road between the
29 Holladay Hills redevelopment area and the Holladay Village. The General Plan states, "Future
30 development of this area should be guided by a Small Area Master Plan yet to be developed." He
31 noted that no such Small Area Master Plan for the area has been created. The Holladay Half Mile
32 area represents a significant link between Holladay Village and Holladay Hills. There are major
33 issues to be addressed prior to development in that area, including building heights relative to
34 contiguous single-family subdivisions, building styles and materials, and the widening and
35 improvement of Murray Holladay Road, which he understood will include special design features.

36
37 Mr. Dean explained that there are issues related to developing a cohesive, functional, and
38 aesthetically appealing Holladay Half Mile area. The signatories feel a Small Area Master Plan
39 must be created for the area prior to development. He asked that the zone change request be tabled
40 until such a plan has been completed. The application is for a zone change to PO and the City
41 Code for that zone states: "Developments in the PO Zone are intended to be compatible with
42 abutting residential uses...In evaluating any rezone application for this zone, preference shall be
43 given to those properties which will enhance property values and contribute to the economic
44 sustainability of the City." He noted that in the neighborhood meeting with Mr. Helsten, which
45 was held on November 22, drawings were shown of the proposed development. Three-story

1 buildings were 40 feet high within 30 feet of the contiguous subdivision property line. He pointed
2 out that the subdivision includes predominantly single-level houses. Virtual overlays were created
3 so those present and members of the Commission could better see the height difference.
4

5 Mr. Dean understood that the Planning Commission is not currently discussing a Site Plan.
6 However, Mr. Helsten shared drawings during the neighborhood meeting. If what is envisioned
7 is in fact consistent with the PO Zone, it is an example of what could happen on that property. The
8 plan showed egress on Murray Holladay Road as well as the Sycamore Drive subdivision street
9 on the west side of the property. Since the plan showed 24 parking spaces, there will likely be a
10 significant traffic impact on the existing subdivision street. The building heights and increased
11 traffic will not be compatible with abutting residential uses or enhancing property values.
12

13 Mr. Dean shared additional information about the Holladay Half Mile area and recent construction.
14 He expressed concerns about the proposed building height of 40 feet as that is incompatible with
15 what is already in the area. Mr. Dean felt that the zone change application from Mr. Helsten should
16 be tabled until an appropriate Small Area Master Plan for the Holladay Half Mile is completed.
17

18 *John Greaves* gave his address as 4625 Sycamore Drive and stated that he submitted a statement
19 and signed the letter referenced by Mr. Dean. Mr. Greaves asked that the zoning not be changed
20 as it will not enhance the property values. It will adversely impact property on Murray Holladay
21 Road, Delmont Drive, and Sycamore Drive. For the abutting neighbors, the rezone will deprive
22 the owners of their property right to have light, air, view, and privacy. Mr. Greaves asked Mr.
23 Helsten to share information about the ownership of the properties and the associated LLCs.
24

25 *Greg Stone* gave his address as 1960 East Cresthill Drive. He was relatively new to the
26 neighborhood and explained that he moved to Holladay because there are relatively quiet
27 residential areas. His understanding is that the proposed building will significantly change the
28 feeling of the neighborhood. Mr. Stone is not against progress but felt buildings should blend into
29 the neighborhood. Additionally, he expressed concerns about future traffic impacts on the area.
30

31 *Allen Sybrant* gave his address as 4636 Sycamore Drive. This last summer, the area was repaved,
32 and the speed bumps were removed. That change has increased traffic and speeding. If the City
33 approved the rezone, he was concerned that traffic levels would increase further in the
34 neighborhood.
35

36 *Mike Stone* gave his address as 2050 Delmont Drive. He explained that his family would be
37 directly behind the proposed building. If it is constructed, his family will lose privacy, as their
38 backyard will be visible from the building. There will be property values lost as a result of the
39 rezone. Mr. Stone expressed his opposition to the rezone and asked the Commission to consider
40 the impacts.
41

42 *Richard Baird* gave his address as 1865 Sycamore Lane. He is opposed to the rezone, because of
43 the impacts on traffic and parking. Mr. Baird did not know how such a small parcel would be able
44 to park 24 vehicles. To egress onto Sycamore Drive was an impractical option as well. He shared
45 information about Sycamore Lane and explained that there is a significant traffic issue there

1 already. It did not make sense to him to add more people and more vehicles to that rural area. Mr.
2 Baird agreed that it was best to focus on a Small Area Master Plan for the area before a rezone.

3
4 *Kristen Hunter* gave her address as 4666 South Sycamore Drive. She expressed her opposition to
5 the rezone application as approval of the rezone will allow for a building with a 40-foot height.
6 Though this is only a public hearing about the rezone itself, the decision made will impact the
7 community in the future. Ms. Hunter referenced the proposed exit onto Sycamore Drive. She
8 believed a high percentage of people exiting the proposed project will turn down Sycamore Drive.
9 It is a residential neighborhood with a wide street where speeding is already an issue. She pointed
10 out that Sycamore Drive is a designated safe walking route for students because Olympus Junior
11 High School is two streets east. As a result, the area is often frequented by students walking. Ms.
12 Hunter reported that Sycamore Drive already has a lot of traffic. It is difficult to turn from
13 Sycamore Drive north onto Murray Holladay Road. She asked the Commission to consider that.

14
15 *Alan Gibson* gave his address as 2080 East Delmont Drive. He shared information about the
16 history of the 2051 East Murray Holladay Road property. It was previously zoned residential, as
17 was all of Murray Holladay Road in the past. With neighborhood input, conditional uses were
18 changed to allow an office on Murray Holladay Road with a maximum of two parking spaces. The
19 zone changed but with conditional uses. However, with the change from Salt Lake County to
20 Holladay, the conditional use was done away with, and the property became part of the RM Zone.
21 That was an unintended rezone of the property that occurred when the switch was made from Salt
22 Lake County to Holladay. Mr. Gibson was against the proposed rezone and stated that he wants
23 to see the building continue to look residential so it will blend in with the rest of the area.

24
25 *Lorene Gibson* gave her address as 2080 East Delmont Drive. She lives behind the office buildings
26 to the east and there is significant light pollution caused by those buildings. She expressed
27 concerns that the rezone and future development will add more light pollution to the area.

28
29 *Deborah Hafer* gave her address as 1992 East Cresthill Drive. She has been a resident of the
30 neighborhood for over 31 years. The intersection of Highland Drive and 4800 South is very busy.
31 People waiting to turn left will drive up 4625 South, 4675 South, and Sycamore Drive at high
32 speeds, which is why speed bumps were installed on all three of those streets. She pointed out that
33 the area in question is a residential neighborhood and Holladay Hills is not finished. Her concern
34 is that there will be a lot of vehicles coming through residential neighborhoods. Sycamore Drive
35 is a designated safe walking route for students, and it is important to protect that. Ms. Hafer
36 expressed concerns about traffic levels and speeding. She is opposed to the proposed rezone.

37
38 *Kay League* gave her address as 2070 Delmont Drive. She is against the rezone application and
39 explained that Delmont Drive is already being used as a pass-through. Additional traffic will
40 create more safety concerns for the neighborhood. She reiterated her opposition to the rezone
41 request.

42
43 *Jeff Soloman* gave his address as 2151 East Delmont Drive. He explained that he is an advocate
44 for animals and children. There are no sidewalks in the neighborhood and people have to walk on

1 the streets, so the safety of those users needs to be considered. Mr. Soloman asked that there be
2 more studies on sidewalks and signage as well as more traffic studies in the community.

3
4 There were no further comments. The public hearing was closed.

5
6 Mr. Helsten addressed some of the comments heard during the public hearing. As a property
7 owner, there are certain options, such as selling the property to someone else or applying for a
8 zone change that the General Plan contemplates. The initial plan shared with neighbors
9 contemplated what could be done on the site, but after the comments heard, what will be done may
10 not be the same. Mr. Helsten discussed ownership of the subject properties. He is an owner of
11 both properties as are his law partners who are based in Miami. The Florida company that owns
12 the properties includes himself and his partners. He reiterated that they will continue to be part of
13 the neighborhood. There is not a desire to build something that will make neighbors unhappy.

14
15 Commissioner Gong noted that this is clearly an issue that is close to the heart of residents.
16 Something discussed during the Work Meeting was the differences between the RM Zone and the
17 PO Zone. Her understanding is that the RM Zone allows for townhomes or condominiums, so
18 those could theoretically already be built there, up to a height of 35 feet with a 20-foot setback.
19 On the other hand, the PO Zone can build to 40 feet, but the setback is 30 feet. The PO Zone does
20 not seem like it will change the tone of the neighborhood all that much. Ms. Marsh explained that
21 in the PO Zone, the setback was increased from residential neighborhoods. While there is a 5-foot
22 height increase compared to the RM Zone, the setback is also greater. She stated that there is a
23 graduated height requirement as well to reduce visual and light impact on surrounding properties.

24
25 Commissioner Cunningham referenced the General Plan. It is clear from the General Plan that
26 this is an encouraged use, but the purpose of the encouraged use is what he struggles with. He
27 read the following: "Will enhance property values and contribute to the economic sustainability of
28 the City." The existing office use is permitted only because it was there prior to the current zoning.
29 As he understood things, there will be one office building and the other lot will turn into an
30 apartment complex. Ms. Marsh stated that the potential proposal was for a mixture of uses.

31
32 Commissioner Cunningham re-read the criteria that the Planning Commission needs to consider.
33 Adding residential does not enhance the economic sustainability of the City. He wanted to
34 understand how the proposal will meet the goal of the PO Zone. Ms. Marsh reported that in the
35 PO Zone, approved uses are office uses. Any residential use that the applicant wanted to pursue
36 in the future would be a conditional use. At that point, the Commission could evaluate the balance.

37
38 There was discussion about potential future uses of the property. Vice-Chair Prince pointed out
39 that what the Planning Commission is currently discussing is a rezone from the RM Zone to the
40 PO Zone for the two parcels. There is no proposal before the Commission for redevelopment.
41 Commissioner Cunningham noted that the way the ordinance is written requires that preference be
42 given to properties that meet certain criteria. He did not feel this application did that, so he did not
43 feel it was appropriate for the Planning Commission to forward a positive recommendation.

Commissioner Fonte referenced a comment made about a Small Area Master Plan. She noted that having that kind of plan would make things a lot clearer, but unfortunately, there was not that kind of roadmap available. That means the Commission needs to look at the projects individually. Commissioner Fonte noted that this zone change could have serious implications. Ms. Marsh shared additional information about the establishment of the PO Zone and what was considered. Commissioner Fonte believed Mr. Helsten could technically apply to tear down the existing buildings and build 35-foot-tall condominiums in the current RM Zone. This was confirmed.

Vice-Chair Prince reiterated that the purview of the Planning Commission is to consider the rezone application and either forward a favorable or unfavorable recommendation to the City Council. The item will appear on a future City Council Meeting agenda. It is the City Council that will ultimately decide on the zone change request for the applicant properties.

Commissioner Gong believed there is the larger picture of the Holladay Village and Royal Holladay Hills to consider. Increasing walkability in the area is something that can reduce vehicle use and enhance the area in the long run. The General Plan indicated that this is an important corridor where walkability is encouraged. She felt this would enhance property values and increase livability over time. Vice-Chair Prince asked about walkability. She believed the PO Zone will allow buildings to be constructed closer to the street. Ms. Marsh noted that since buildings are set further back from residential zones, it is possible to build those closer to the street. Buildings closer to a street create a more walkable and pedestrian-friendly environment. As for economic sustainability, office uses are enhanced in the PO Zone. Commissioner Fonte asked about the amount of office space versus residential space. Ms. Marsh stated no ratio is provided.

Vice-Chair Prince understood that when the City Council created the PO Zone, the intention was to encourage property owners who were in a legal non-conforming situation to eventually move into the PO Zone. With offices on the applicant's properties, a case can be made that the rezone to PO is reasonable and appropriate. There is no Small Area Master Plan to guide the decision.

Commissioner Cunningham moved to forward a recommendation to the City Council to DENY an application by Bradley Helsten, to amend the Holladay Zoning Map for 0.30 acres of land, located at 2051 East Murray Holladay Road, and 0.19 acres of land, located at 2061 East Murray Holladay Road, from RM to PO, based on the following finding:

- 1. The rezone itself is consistent with the General Plan for either professional office, commercial, or mixed-use development, or other similar areas, such as the Highland Drive Small Area Master Plan area. However, there is insufficient evidence that it will result in an upgrade of the building and the site, and it will not necessarily enhance property values or contribute to the economic sustainability of the City.***

Commissioner Fonte seconded the motion. Vote on Motion: Commissioner Berndt-No; Commissioner Gong-No; Commissioner Fonte-Yes; Commissioner Cunningham-Yes; Vice-Chair Prince-No. The motion failed 2-to-3.

1 Due to the failed vote, there was currently no recommendation to the City Council.
2 Mr. Christopherson explained that there is a seven-member Planning Commission. For any vote
3 to pass when there are less than seven members present, four votes are needed for the motion to
4 pass. As a result, the motion made by Commissioner Cunningham had failed. There were a few
5 options for the Commission to consider: propose a new motion or leave the vote as is. If the latter
6 option is chosen, the item will move forward to the Council with a neutral recommendation.

7
8 Commissioner Gong asked what will happen if a neutral recommendation is forwarded. She
9 wanted to know if the City Council will receive a summary of the discussion. Mr. Christopherson
10 confirmed this and explained that the Meeting Minutes and Staff Report will be provided.
11 Community Development Director, Jonathan Teerlink, explained that the City Council can request
12 clarification about the discussion and the neutral recommendation. Discussions were had about
13 another motion and whether it was appropriate to forward a neutral recommendation.

14
15 *Commissioner Fonte moved to forward a NEUTRAL recommendation to the City Council for*
16 *an application by Bradley Helsten, to amend the Holladay Zoning Map for 0.30 acres of land,*
17 *located at 2051 East Murray Holladay Road, and 0.19 acres of land, located at 2061 East*
18 *Murray Holladay Road, from RM to PO. Commissioner Berndt seconded the motion. Vote on*
19 *Motion: Commissioner Berndt-Yes; Commissioner Gong-Yes; Commissioner Fonte-Yes;*
20 *Commissioner Cunningham-No; Vice-Chair Prince-Yes. The motion passed 4-to-1.*

21
22 **2. Text Amendment – Chapter 13.10; SUBDIVISIONS (A STATE REQUIRED**
23 **AMENDMENT). Review and Recommendation to the City Council on Proposed**
24 **Updates, Consolidations, and/or Clarifying Amendments to Title 13 of the Holladay**
25 **City Code Land Use and Development Regulations as they Relate to Statute**
26 **Obligations Set Forth by State of Utah Legislation, Modifying Provisions Related to**
27 **Subdivisions. Item Reviewed as a Legislative Action, According to Procedures Set**
28 **Forth in Holladay Ordinance §13.07. File #23-4-06.**

29 Mr. Teerlink presented the Staff Report and explained that the item is a Text Amendment for Title
30 13. The amendment is required to be in compliance with the State. City Staff has put together a
31 fairly substantial text amendment for review. In the Meeting Materials Packet, there are three
32 documents, one of which is a redline section of code for procedurals and submissions. City Staff
33 has proposed to amend that section dramatically. Those specific sections have to do with the idea
34 of a three-step approval process. The subdivision amendments are amendments to a Site Plan.
35 The first section will clean up the Site Plan process, so it is congruent with the subdivision review
36 and approval process. He explained that the second document includes specific language that the
37 State Statute requires all municipalities to have. One example was a review cycle. It needed to be
38 defined, but that definition was not included in the previous language. The proposal is to redact
39 the existing 13.10 and replace it with what was included in the Meeting Materials Packet.

40
41 Vice-Chair Prince opened the public hearing. There were no comments. The public hearing was
42 closed.

43
44 Commissioner Berndt asked if the language proposed is the same as what the State Statute requires.
45 Mr. Christopherson denied this and explained that there is some flexibility. For example, the State

1 Code referenced an optional public hearing. It is possible to have one, but there is no requirement
2 to do so. The City of Holladay has opted to have a public hearing. As a result, the amended
3 language references a public hearing that will be held before the Planning Commission.
4

5 Commissioner Berndt wanted additional clarification about the timing moving forward.
6 Mr. Teerlink clarified that the State wants Staff to be designated as a Land Use Authority, where
7 applicable. The concept review meeting will take place with City Staff to ensure that the
8 application is complete and all necessary information is provided. The preliminary process will
9 include everything up until the civil development plans. Once it reaches a more detailed level, it
10 returns to the Land Use Authority, which is designated as City Staff, for a maximum of four review
11 cycles. The changes are intended to speed up the application and approval process.
12

13 Mr. Teerlink reported that there are a few sections in the Meeting Materials Packet that are
14 highlighted. Those are optional sections that the Planning Commission can make
15 recommendations on for the City Council review process. One of the sections relates to street
16 lighting. Vice-Chair Prince wondered whether the highlighted sections need to be addressed
17 specifically by the Planning Commission. It was clarified that the Commission could take the
18 approach they felt was appropriate. Individual recommendations can be made, or a general
19 recommendation can be made. Mr. Teerlink referenced Page 12 Line 38, which is new language:
20

- 21 • Lots shall not contain peculiarly shaped elongations solely to provide necessary square
22 footage or frontage, which would be unusable for normal purposes.
23

24 If the Planning Commission supported the amendments, as drafted, it is possible to recommend
25 the language as written. Mr. Teerlink added that it is also possible for the Commission to only
26 recommend what they feel is appropriate. Vice-Chair Prince asked if Commissioners have strong
27 feelings about what is before the Planning Commission. Commissioner Gong stated that her
28 understanding is that the Legislature is becoming more developer-friendly, so a lot is being done
29 to streamline processes and make things clearer for developers. She wanted to understand the
30 broader implications. Mr. Teerlink clarified that the idea was for subdivisions that met the
31 ordinance to be passed efficiently. Commissioner Gong believed the process will be shorter and
32 clearer moving forward. Mr. Teerlink confirmed this and explained that there is an overarching
33 theme of moderate-income housing and increased housing stock. From the point of view of the
34 Home Builders Association, it is difficult to get the product out there quickly enough to meet the
35 current needs. The idea is to assist with the process so it can move forward faster.
36

37 Commissioner Gong asked about implications for Holladay in the long term. She wanted to know
38 what will happen in the future if there is a smaller number of employees or Staff that is not as
39 efficient as what is currently in place. Mr. Teerlink explained that if there is ever a staffing issue,
40 there are contract services that are utilized for that type of assistance. In the past, a lot of the final
41 reviews for subdivisions have been deferred to City Staff. Additionally, it is possible to review
42 the concept and preliminary applications at one time. Commissioner Berndt supported the
43 recommendations as presented by City Staff.
44

Mr. Teerlink reported that the Legislature is providing funding to specific consulting firms to review the proposed changes by municipalities. The firm used by the City is one of those consulting firms, so the code was modeled after language that was already submitted to their office and reviewed. It is similar to another example that has been looked at and deemed appropriate.

Commissioner Berndt moved to forward a POSITIVE recommendation to the City Council for the proposed Text Amendment language, as presented. Commissioner Cunningham seconded the motion. Vote on Motion: Commissioner Berndt-Yes; Commissioner Gong-Yes; Commissioner Fonte-Yes; Commissioner Cunningham-Yes; Vice-Chair Prince-Yes. The motion passed unanimously.

3. Conditional Use Permit – “Entrance Barn” Accessory Building Footprint Size, 2520 East Walker Lane (R-1-87). At the request of the applicant, this item has been rescheduled to December 19th.

It was noted that the above item was rescheduled to the December 19, 2023, meeting.

ACTION ITEMS

4. “Wheatland Subdivision” (Previously Proposed as “Holladay Heights”) – Preliminary/Final Plat – 4930 South Westmoor Road (R-1-10) Preliminary and Final Level Review and Consideration of Development Details by Applicant, Benjamin Wheat. Review of this 2.88-acre Development is Conducted According to Concept Approval Granted According to Zone Compliance on November 7th, 2023, and Residential Subdivision Development Standards According to Holladay Ordinance §13.10. File #23-1-11.

Ms. Marsh presented the Staff Report and stated that the application is a Preliminary and Final review of the “Wheatland Subdivision.” The property is located at 4930 South Westmoor Road and is located in the R-1-10 Zone. It is currently church property that is being subdivided into 10 lots. The applicant is proposing a street extension from Delaware Circle to Westmoor Road. The public street will be accepted by the City Council during a future meeting. All of the Building Permits will be handled for each residential lot. She asked the applicant to comment.

The applicant, Benjamin Wheat, introduced himself to the Commission and stated that his address is 1214 East Vine Street. He noted that the Preliminary Plat was last reviewed a few weeks back. It has not changed since then. All of the stormwater and civil plans were submitted and redlines were received. He reported that the plans were resubmitted to City Staff earlier in the day.

Commissioner Cunningham asked if there had been any proposed resolution on the northeast corner. He referenced a comment made during a previous public hearing. It was noted that the area in question is City property, so it did not have anything to do with the subdivision application.

Vice-Chair Prince stated that the applicant has put together a nice subdivision. She appreciated his completeness with the submissions, making it possible to vote on a Preliminary and Final Plat. Based on the Staff Findings, it appears that everything has been submitted, the lots comply in size, and the proposal complies with the General Plan. She appreciated the attention to detail.

1 *Commissioner Cunningham moved to APPROVE the Preliminary Plan and Final Plat*
2 *application by Benjamin Wheat for “Wheatland Subdivision,” a 10-unit residential subdivision,*
3 *located at 4930 South Westmoor Road in the R-1-10 Zone, based upon the following findings:*

- 4
- 5 1. *Development details required for a Preliminary and Final Site Plan have been*
6 *submitted and reviewed by the TRC.*
- 7
- 8 2. *Each of the lots comply with the minimum width (80 feet) and area (10,000*
9 *square feet) for single-family home development in the R-1-10 Zone.*
- 10
- 11 3. *The development complies with the General Plan.*
- 12
- 13 4. *The required submittals for preliminary subdivision development have been*
14 *provided where applicable and have been found to be complete and acceptable.*
- 15
- 16 5. *Preliminary level drawings were not subject to conditional approval (Concept*
17 *Plan was approved unconditionally).*
- 18
- 19 6. *Stormwater detention areas and public improvements have been reviewed by the*
20 *City Engineer.*
- 21
- 22 7. *Fire access has been approved by the Unified Fire Authority (“UFA”).*
- 23

24 *Approval was subject to the following requirements:*

- 25
- 26 1. *Post-development bonding requirements, as determined by the City Engineer.*
- 27
- 28 2. *Final Plat notations shall include:*
- 29
- 30 a. *Tree Canopy Sustainability Ordinance requires two (2) additional trees*
31 *planted per lot.*
- 32
- 33 b. *Roadways, sidewalks, curb and gutter, and driveways comply with all*
34 *standards detailed in Title 14.*
- 35
- 36 3. *Address all comments from the City Engineer for Final approval.*
- 37
- 38 4. *Within one year, in accordance with 13.08.010.D5, to defer administrative review*
39 *and approval of the Final Plat by the Community and Economic Development*
40 *Director, following a positive, written recommendation from the TRC.*
- 41

42 *Commissioner Berndt seconded the motion. Vote on Motion: Commissioner Berndt-Yes;*
43 *Commissioner Gong-Yes; Commissioner Fonte-Yes; Commissioner Cunningham-Yes; Vice-*
44 *Chair Prince-Yes. The motion passed unanimously.*

1 **5. “Royal Holladay Hills, Block K” – Preliminary Plan – 4833 South Sunset Drive. (R-**
2 **M/U Zone). Preliminary Review and Consideration of Development/Construction**
3 **Details Submitted by Applicant, Kris Longson for the 6.87 Acre “Block K” within the**
4 **Royal Holladay Hills Mixed-Use Development. Review Conducted According to**
5 **Concept Approvals (08/15/2023) and Regulatory Provisions of the Site Development**
6 **Master Plan (SDMP 2007) and Holladay Ordinance §13.65.070(C). File #19-9-19.**

7 Mr. Teerlink presented the Staff Report and stated that it is a Preliminary and Final Plat application
8 for “Royal Holladay Hills, Block K.” The subject property is located at 4833 South Sunset Drive
9 and is located in the R-M/U Zone. He reported that Block K is the block located on the east side
10 along Memory Lane. The Planning Commission approved a concept layout for this site in August,
11 specifically reviewing the architecture for the detached single-family homes. The applicant has
12 made a significant change to that architecture to have more traditional gable-ended style homes.
13 Examples of the architecture can be seen in the elevations provided. The multi-family and
14 townhome products will be similar to Block D, which is currently being constructed.

15
16 Mr. Teerlink reported that the utility connections and all of the nuanced civil work are detailed in
17 the Meeting Materials Packet. Something that the Planning Commission previously expressed
18 interest in is the idea of a walkway or pedestrian access to Memory Lane. He noted that there is a
19 grade change from Memory Lane down to the lots. Since the Site Development Master Plan
20 (“SDMP”) doesn’t address street improvements on Memory Lane, there is a desire to look at that
21 as a policy standard with the City Council in the future, rather than apply it to this development
22 phase. In the meantime, the applicant has proposed a detailed Trail Plan that goes on the interior.
23 City Staff is comfortable that the Preliminary and Final Plat meet the SDMP. The applicant, who
24 is selling the property to a developer, has requested an updated Water Availability Letter.

25
26 The applicant, Kris Longson gave his address as 4954 Fairview Drive and explained that he is
27 excited to see the phase move forward. Building this phase now will provide a buffer from all of
28 the construction that will continue to take place on the site. Additionally, it will add a variety of
29 housing types to the City of Holladay. There is a common misconception that a pathway around
30 the property is required, but that was part of the Ivory Development plan. That being said, there
31 is a desire to create pathways and connectivity. In the SDMP, the pathway that goes along Big
32 Cottonwood Creek is shown. A map of the area was shared, and the paths were noted.

33
34 Something that will enable the development of Block K is undergrounding a section of the
35 transmission lines. Those agreements are being worked through with Rocky Mountain Power.
36 Along the west side of Sunset Drive, there will be a buried duct bank underground. There will be
37 an 18-foot easement with the power company for that duct bank. The proposed plan shows an 8-
38 foot trail pathway going in that area with landscaping on both sides. Mr. Longson noted that they
39 had looked at including a trail in the City right-of-way along Memory Lane, but the streets do not
40 have curb and gutter on them, and there needs to be an area where the water coming off of the
41 street can filtrate back down into the aquifer. A trail there will cause all of the water off the road
42 to run into Block K. As a result, that particular location does not work for a trail, so land internal
43 to the property will be taken to create the trail system instead. The map was further reviewed.

1 The Landscaping Plan was shared. Mr. Longson explained that Block K and the road internal to
2 Block K have been oriented to be somewhat closer to Memory Lane. Some of the backyards had
3 been shortened to put in the 18-foot driveways and allow for a 5-foot sidewalk on the east side of
4 Sunset Drive. There is also a desire to accommodate street trees on the east side. Some
5 reengineering has been done to accomplish the desired landscaping. Mr. Longson shared
6 information with the Commission about the substation that is located on Murray Holladay Road.
7

8 Vice-Chair Prince asked who the townhomes and single-family homes will be built by. She wanted
9 to understand if the property was being sold. Mr. Longson reported that the entire block will be
10 sold to the company that built the townhomes on Block L. In the current SDMP, all of the homes
11 along Memory Lane are required to be single-family detached products. Coming into the property
12 a bit, the classification changes and it is possible to build some stacked flats in that area. The
13 company purchasing the entire block will build the different housing products proposed and will
14 ultimately sell the homes. Mr. Teerlink reported that when a Building Permit comes in, it will be
15 for individual houses. That application will be compared to what has been approved to make sure
16 there is continuity. As for the Landscaping Plan, he counted over 250 new trees for Block K.
17

18 Commissioner Gong had questions about the recreational trail. Mr. Longson reported that it will
19 be an 8-foot-wide paved trail with landscaping. It is on grade with Sunset Drive, which is the main
20 street there. Additionally, there will be a 5-foot sidewalk on the east side of the street where the
21 trees are, which means there will be a pathway on both sides of the street. Commissioner Gong
22 asked if there will be pedestrian access towards Murray Holladay Road. Mr. Longson stated that
23 there will be a pedestrian connection on the corner on the south side. Discussions were had about
24 the grade change in the area. It was noted that a site visit could take place for those interested.
25 Commissioners were in support of scheduling a site visit to the site before the end of the year.
26

27 Commissioner Cunningham noted that a concern had been expressed previously about whether
28 some of the design elements are appropriate. Mr. Teerlink did not have a comparison between
29 what was previously proposed and what was proposed now but noted that the architecture proposed
30 has since changed to be consistent with the examples presented in the SDMP. Mr. Teerlink
31 reported that there are three home types and shared example images with the Commission.
32

33 ***Commissioner Fonte moved to APPROVE the Preliminary Site Development Plan and Plat for***
34 ***“Royal Holladay Hills, Block K,” a 100-unit mixed-use residential subdivision in the R-M/U***
35 ***Zone, located at 4833 South Sunset Boulevard Lane, with Final Site Plan and Plat approvals to***
36 ***be delegated to Staff, finding that the proposal:***
37

- 38 1. ***Complies with the Conceptual Site Plan approved by the Commission for***
39 ***Block K.***
40
- 41 2. ***Construction elements and details are found to be acceptable by divisions of the***
42 ***Technical Review Committee.***
43
- 44 3. ***Development details and all related components comply with the R-M/U Zone***
45 ***and SDMP as a Master Planned Project.***

- 1
2 4. *Preliminary Plat is found to be formatted in compliance with the City of Holladay*
3 *and State of Utah regulations.*
4

5 *The Conditions for Final Approval, to be submitted to and verified/approved by the Community*
6 *and Economic Development Director, included the following:*
7

- 8 1. *Submit all remaining utility connection letters.*
9
10 2. *Work with Staff on all needful clarifications, grammatical and/or formatting*
11 *changes to the Final Plat prior to recording approval.*
12
13 3. *Submittal of a vertical ownership component to the Final Plat showing*
14 *separation and delineation of owned spaces within each building (i.e. common*
15 *versus private).*
16

17 *Commissioner Gong seconded the motion. Vote on Motion: Commissioner Berndt-Yes;*
18 *Commissioner Gong-Yes; Commissioner Fonte-Yes; Commissioner Cunningham-Yes; Vice-*
19 *Chair Prince-Yes. The motion passed unanimously.*
20

21 6. Approval of Minutes – October 10, 2023.

22 *Vice-Chair Prince moved to APPROVE the Planning Commission Meeting Minutes from*
23 *October 10, 2023. Commissioner Cunningham seconded the motion. The motion passed*
24 *unanimously with one abstention. Commissioner Berndt abstained from the vote as he was not*
25 *present at that meeting.*
26

27 ADJOURN

28 *Vice-Chair Prince moved to ADJOURN the Planning Commission Meeting. The motion was*
29 *not seconded. The motion passed with the unanimous consent of the Commission.*
30

31 The Planning Commission Meeting adjourned at approximately 8:11 p.m.

1 *I hereby certify that the foregoing represents a true, accurate, and complete record of the City*
2 *of Holladay Planning Commission Meeting held Tuesday, December 5, 2023.*
3
4
5

6 Teri Forbes

7 Teri Forbes
8 T Forbes Group
9 Minutes Secretary

10
11 Minutes Approved: _____

DRAFT

DRAFT

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

Tuesday, December 19, 2023

5:30 p.m.

**City Council Chambers
4580 South 2300 East
Holladay, Utah**

ATTENDANCE:

Planning Commission Members:

Dennis Roach, Chair
Ginger Vilchinsky
Paul Cunningham
Jill Fonte
Karianne Prince
Angela Gong
Brian Berndt

City Staff:

Carrie Marsh, City Planner
Jonathan Teerlink, Community, and Economic
Development Director
Brad Christopherson, City Attorney

WORK SESSION

Chair Dennis Roach called the Work Session to order at approximately 5:32 p.m.

The agenda items were reviewed and discussed. Chair Roach reported that there are three Public Hearing items on the Regular Meeting agenda because the fourth item listed was rescheduled to a future Planning Commission Meeting. The agenda also includes two Action Items including approval of the Planning Commission 2024 Meeting Schedule and two sets of Meeting Minutes.

City Planner, Carrie Marsh, reviewed the Public Hearing items in more detail. The first was the “County Pine View” Subdivision Landscaping Plan Amendment. It had to do with trees in the northwest corner of the property. On the Planned Unit Development (“PUD”), those trees were designated to remain on the site, but the applicant submitted an assessment by an Arborist. An amendment to the Landscaping Plan is now before the Planning Commission for consideration.

Commissioner Prince believed this was a proposal to remove additional trees because those trees are diseased or near utility lines, but more trees will be added back. Ms. Marsh reported that the original plan was to replace more than was being removed, but the new plan will replace the same amount being removed. Chair Roach asked if the grove area itself will have the same number of trees planted. Community and Economic Development Director, Jonathan Teerlink, clarified that the requirement is for a 1:1 replacement to the canopy spread, not a 1:1 replacement in each specific area. That old section of trees is 900 square feet and the seven trees at full maturity will equal 900 square feet. He reminded Commissioners that this is a PUD and flexible setbacks have already been granted for the project. Chair Roach asked about the trees planned to be added. Ms.

1 Marsh reported that there will be Norway Maples and London Planes. She reviewed the canopy
2 notes, which state there will be 12,513 square feet of canopy removed and 13,522 replaced.

3
4 Commissioner Cunningham asked if the trees have been removed already. Ms. Marsh stated that
5 the ones originally permitted to be removed have been. The property has four housing units being
6 placed on it. The Preliminary discussions related to the placement of the houses around those
7 existing trees. Commissioner Fonte asked about the tree canopy. While trees are being replaced,
8 the canopy will not be the same for many years. Ms. Marsh explained that the ordinance states
9 there needs to be the same canopy at maturity to replace whatever has been removed.

10
11 Commissioner Vilchinsky referenced Page 16 of the Meeting Materials Packet. In red, it states
12 that a 13,235 replacement canopy is required, which is 3,016 more than the 10,219 proposed in the
13 plan. She asked for clarification about that, as it seems inconsistent. Ms. Marsh clarified that
14 those are initial calculations done before the actual Landscaping Plan was submitted.

15
16 City Attorney, Brad Christopherson, shared information about the Tree Ordinance in the City of
17 Holladay and discussed the Tree Committee. With this application, old trees are being removed
18 and replaced with new ones. Over time, the replacements should maintain, and potentially
19 increase, the tree canopy in the City. He reported that it is within the purview of the Commission
20 to request that the language be strengthened further. Commissioner Fonte asked what that means
21 from a practical standpoint. Mr. Christopherson explained that when a large number of trees is
22 removed, it may be possible to request that a more detailed report be submitted for future
23 applications. Mr. Teerlink shared additional information about what is currently being requested.

24
25 Commissioner Fonte reminded those present that the tree canopy is something that sets the City of
26 Holladay apart from other cities. Chair Roach stated that he is an advocate for trees, but noted that
27 he is also supportive of property rights. In this case, there needs to be a discussion about the
28 application because of the previous request to adjust the placement of the homes based contingent
29 on the trees.

30
31 Ms. Marsh reported that the second item on the Regular Meeting agenda is a Conditional Use
32 Permit for a building footprint size. She explained that this relates to an existing building.
33 Currently, it is over the allowed footprint size for an accessory building. Some modifications to
34 the footprint were being made, which requires a Conditional Use Permit. For the footprint, there
35 is an area that is being removed and an area that is being added. Chair Roach asked about the
36 home that was removed from the site. Ms. Marsh stated that there is a Building Permit for a
37 residence.

38
39 Commissioner Berndt asked if there is a maximum the accessory building can be. Ms. Marsh
40 denied this and explained that what comes into play is the lot coverage percentage. Structures can
41 only cover a certain percentage of the lot. Setbacks and lot coverage percentages will ultimately
42 restrict the size of the accessory building. Commissioner Prince asked about the percentage that
43 can be covered by an accessory building. Ms. Marsh reported that as property size increases, the
44 percentage reduces. Lot coverage is evaluated when Building Permits are submitted.

1 Commissioner Gong asked to view an image of the site. Ms. Marsh shared one and explained that
2 it shows where the property boundary is located. She informed those present that a few trees will
3 be removed, but multiple trees will be planted across the site. There can be a condition to state
4 that trees removed near the building addition must be replaced elsewhere.

5
6 The third item on the Regular Meeting agenda is a Text Amendment to Chapter 13.76.730 – Home
7 Occupations. Ms. Marsh explained that there is a desire to address parking and to be able to
8 approve Home Occupations with a set list of standards, rather than those be reviewed by the
9 Planning Commission with a Conditional Use Permit. Additional language was added and there
10 are highlighted portions included in the Meeting Materials Packet. If there is a positive
11 recommendation made by the Planning Commission, the item will move forward to the City
12 Council for consideration. Ms. Marsh reviewed some of the proposed amendments:

- 14 • Customers/Clients shall be allowed at the residence only if scheduled on an appointment
15 basis and are only allowed between the hours of 7:00 a.m. and 10:00 p.m. Group lessons
16 or sessions shall not exceed six people at a time.
- 17 • On-street parking may be approved by the Community and Economic Development
18 Director under circumstances where on-site parking is unsafe or is in conflict with property
19 access and use. Off-site parking agreements may be utilized to fulfill parking requirements.
20 Temporary exceedance of allowed parking on-site may only occur twice within a single
21 calendar month.

22
23 Ms. Marsh explained that the language proposed can be adjusted or removed entirely. Chair Roach
24 asked how the amendments will work from an enforcement standpoint. Ms. Marsh noted that
25 language can be added to require a Single Event Permit if there is an event associated with the
26 Home Occupation. Commissioner Fonte believed the highlighted items in the Meeting Materials
27 Packet are the items the Commission has the opportunity to weigh in on. Ms. Marsh explained
28 that those are some that have been identified. Other language is open to discussion as well,
29 depending on what the Commission wants to see added or removed. Commissioner Berndt asked
30 about the parameters for on-street parking. Ms. Marsh noted that it is reasonable for the language
31 to state a specific distance or state that it can be immediately adjacent to the subject property.

32
33 Mr. Christopherson reported that the default is off-street parking, but the proposed language leaves
34 the Community and Economic Development Director some flexibility if there are circumstances
35 that make it impossible to comply with the on-site parking. It is within the purview of the Planning
36 Commission to make recommendations and share suggestions about what is currently proposed.

37
38 Commissioner Fonte noted that there is language in the document that states group lessons or
39 sessions shall not exceed six people at a time. She wondered what will be done to address parking
40 when there are six clients at a home at the same time. Chair Roach asked that the question be
41 addressed during the Regular Meeting, as there will be more discussion about the item at that time.

42
43 Chair Roach closed the Work Session at approximately 6:02 p.m.
44

1 **CONVENE REGULAR MEETING – Public Welcome and Opening Statement by**
2 **Commission Chair.**

3 Chair Roach called the Regular Meeting to order at approximately 6:02 p.m. Commissioner
4 Berndt read the Commission Statement for the benefit of those present and reviewed procedures.
5

6 **PUBLIC HEARINGS**

7 **1. Country Pine View - Landscaping Plan Amendment - 2761 East 4510 South (R-1-8**
8 **Zone). The Applicant, Grant Harrison, Proposes an Amendment to Approved**
9 **Landscaping Plans Approved by the Planning Commission in Accordance with**
10 **Applicable Holladay Ordinance 13.08.010D(5) 13.08.170.H, 13.10.050B2c(7) and**
11 **13.77.D2(c). File #22-1-03-2.**

12 Ms. Marsh presented the Staff Report and explained that this is a request for a Landscaping Plan
13 Amendment for “Country Pine View.” The property is located at 2761 East 4510 South in the R-
14 1-8 Zone. She reported that the PUD was approved with a grove of trees on the northwest side of
15 the property. That grove of trees was originally intended to stay on the lot. The applicant has
16 already removed some trees approved for removal. Since then, the arborist has provided an
17 assessment stating that trees on the northwest corner originally designated to remain on the
18 property were diseased or have other issues. Removal of those trees was recommended by the
19 arborist. The applicant has submitted the arborist assessment as well as a new Landscaping Plan.
20

21 The applicant’s representative, Mark Harrison, reported that he is the son of Grant Harrison and is
22 the General Contractor and Developing Partner. He will be building the homes on the site.
23 Mr. Harrison explained that the request is for an addendum to the previously approved plan. As
24 the project work started, the items scheduled to be removed were removed, which left the grove of
25 trees in the corner. Diamond Tree Experts was asked what can be done with the grove of trees in
26 the corner to make sure it looked aesthetically pleasing. There are 15 trees currently, with 13
27 Siberian Elms, one Box Elder, and one Apple Tree. The trees have not been touched in over 50
28 years and are unmaintained. There was a desire to find out if it was possible to trim them and
29 make them look better, but the tree experts do not believe it is worth the effort to try and save the
30 trees. The proposal is to take out the existing trees, plant an equal number of trees to replace them,
31 and improve the quality of trees in that area. Mr. Harrison understands that Holladay is known for
32 tree coverage and the Tree Ordinance, so there is a desire to maintain the canopy. However, he
33 does not feel the existing trees are best due to their age, diseases, and various risk factors.
34

35 Chair Roach asked for the date the arborist assessment was done. Mr. Harrison was not certain
36 but noted that the assessment was done before any trees were removed. It was clarified that the
37 assessment is from November 16, 2023. Chair Roach asked for the date the PUD was approved.
38 Ms. March reported that it was approved on October 24, 2023. Chair Roach clarified that Diamond
39 Tree Experts were contracted to handle the removal of the other trees and provided the assessment.
40

41 Commissioner Berndt asked when construction on the homes is anticipated. Mr. Harrison
42 explained that the development still needs to be done. Commissioner Berndt wanted to know when
43 the trees will be planted. Mr. Harrison stated that planting will likely occur after the houses are
44 built. Chair Roach noted that it is difficult for the trees when there is heavy equipment and
45 construction conditions. Mr. Harrison referenced Page 4 of the plan and explained that there is a

1 large French drain that has to be put in, which encroaches on the grove of trees. Chair Roach asked
2 if it will impact the landscape trees that are proposed to be there. For instance, whether it will limit
3 their ability to reach full canopy maturity. This was denied. Mr. Harrison stated that some of the
4 trees will need to be removed in order to place them appropriately. Planting can then be done
5 around it.

6
7 Chair Roach opened the public hearing.
8

9 *Megan Miller* gave her address as 2775 East 4510 South, which is next door to the subject property.
10 She explained that the grove of trees in question does not have good trees. She does not imagine
11 that anyone living in a brand-new house will want those trees in their backyard. Chair Roach
12 asked for additional details. Ms. Miller explained that the trees are half-dying and are not quality
13 trees. If she built a new house in that location, she would want those trees removed.

14
15 *Scott Miller* gave his address as 2775 East 4510 South. For years, there has been a lot of deadfall.
16 He explained that the trees are hard to maintain and there is support to remove them.

17
18 There were no further comments. The public hearing was closed.
19

20 Sean Sortland from Diamond Tree Experts identified himself as a Certified Arborist. He agreed
21 with the comments shared during the public hearing. All of the elms are exhibiting signs of a
22 bacterial infection that leads to rot in the trees. The Siberian Elm trees also exhibit signs of leaf
23 miners, which will dramatically decrease the canopy of the trees. As for the Apple Tree, that is
24 completely dead. There are weaknesses in the Box Elder as well. Chair Roach asked if
25 Mr. Sortland is Tree Risk Assessment Qualification (“TRAQ”) certified, which was confirmed.
26 He explained that there are images to highlight these issues, which were reviewed by the
27 Commission.
28

29 Chair Roach appreciated that the applicant took the time to have the Arborist look at the trees. He
30 likes the plan that has been presented as it will make sure the canopy is met. With the drainage
31 that has to be put in, the disturbance to the root zone will be problematic and impact the long-term
32 survival of the trees. That will push them into further decline and it sounds like many of them are
33 already in a state of decline. However, he has some concerns that the arborist review in this case
34 was done by a company that also specializes in removal. There might be an unintended conflict
35 of interest there. In the future, it might be beneficial for these types of reviews to be done by
36 someone who specializes in tree care and preservation rather than tree removal.
37

38 Commissioner Prince asked if there are enough companies out there that focus on care and
39 preservation rather than removal. She did not want to implement requirements that will be
40 cumbersome for future applicants. Chair Roach knew some that existed that can provide the
41 service. He asked City Staff if there is a way to articulate something like that in the ordinance in
42 the future. As far as what the applicant has presented at the current meeting, based on the tree
43 health assessment and the work that needs to be done in the area, he does not believe the existing
44 trees will handle the additional stress. He agrees with the recommendation presented by the
45 arborist.

Chair Roach pointed out that part of the previous approval for the project had to do with trying to protect the grove of trees. As a result, he thought it was best to hold them accountable to ensure there will still be a sufficient tree canopy. He suggested a recommendation that proper irrigation techniques be followed to ensure the long-term viability of the trees. Chair Roach reminded those present that the intention is to have a lush canopy. Commissioner Fonte asked if it is important moving forward that a secondary assessment be conducted by an organization that is also qualified to remove the trees. Chair Roach clarified that he is concerned about using an organization that specializes in removal or profits from the removal of trees, as there can be a conflict of interest. Commissioner Fonte suggested that any vendor can provide an assessment as long as the applicant is not contracting with that particular vendor. Chair Roach was interested in a full discussion about this matter with City Staff and Commissioners at a future Planning Commission Meeting.

Commissioner Fonte moved to APPROVE the Landscaping Amendment application by Grant Harris for “Country Pine View Subdivision and PUD,” located at 2761 East 4510 South, in the R-1-8 Zone, based upon the following findings:

- 1. The trees are determined by a Certified Arborist to be high risk, as defined in Section 13.04.040.***
- 2. The tree canopy area of additional trees proposed to be removed is around 4,522 square feet.***
- 3. The proposed 1:1 tree canopy area replacement plan proposes 46 total replacement trees, increased from 37 replacement trees on the original plan, resulting in 13,235 square feet of canopy replacement.***
- 4. That the irrigation is adequate for the long-term viability of the replaced trees.***

Commissioner Prince seconded the motion. Vote on Motion: Commissioner Vilchinsky-Yes; Commissioner Cunningham-Yes; Commissioner Fonte-Yes; Commissioner Prince-Yes; Commissioner Gong-Yes; Commissioner Berndt-Yes; Chair Roach-Yes. The motion passed unanimously.

- 2. Conditional Use Permit - Entrance Barn Accessory Building Footprint Size - 2520 East Walker Lane (R-1-87) Review and Consideration of a Request by the Applicant, Jackson, and Leroy, for a Conditional Permit Allowing the Expansion of an Existing Accessory Building to a Footprint Size Larger than Normally Permitted. Item Reviewed as an Administrative Application as Per Provisions Stated in Holladay Ordinance §13.14.030 & 13.08.040 13.14.030 & 13.08.040 File #23-2-14.**

Ms. Marsh presented the Staff Report and stated that the application is a Conditional Use Permit for property located at 2520 East Walker Lane in the R-1-87 Zone. This application relates to the building footprint size for an accessory building. There is an existing building on the property that is currently non-conforming to the accessory building footprint size that is permitted outright. The

1 applicant is proposing to remove part of the structure and replace it with an addition. Since it is
2 already non-conforming, a Conditional Use Permit is needed for the footprint size.

3
4 The applicant's representative, Wade Budge, introduced himself and shared a PowerPoint
5 presentation. As Staff indicated, the property is on Walker Lane. The main home is under
6 construction and is anticipated to be completed in the summer of 2025. Mr. Budge explained that
7 the site is a combined site of multiple parcels that equals 13.7 acres. The existing barn is 2,662
8 and the proposed barn is 2,898 square feet. He explained that a Conditional Use Permit is required
9 based on the square footage. Ahead of submitting the application, time was taken to ensure that
10 there is compliance with elements from the code. The use is consistent with the zoning district as
11 well as the types of residential and associated agricultural uses that exist and are allowed and
12 contemplated in the zoning district. There is a barn currently, but the style is inconsistent with the
13 style being pursued for the rest of the site. The intention is to remove the non-conforming aesthetic
14 elements and rebuild so it ties into the site.

15
16 Chair Roach reported that he has seen the existing barn. He asked if the façade will be redone and
17 modernized. Mr. Budge confirmed that the turret will be removed. He shared an image of the
18 surrounding area and pointed out the location of the property. The existing barn structure was
19 circled in red, which is more toward the north end of the site. An image was shared to illustrate
20 the full property. Mr. Budge explained that the main dwelling is essentially in the same location
21 that the prior dwelling was. The existing entrance barn is to the north and will continue to be in
22 that location. Information about topography and drive aisles was reviewed. Mr. Budge next shared
23 some of the landscaping elements that currently exist and elements that will be added in the future.

24
25 The footprint of the existing barn was reviewed. Mr. Budge reported that the red sections identify
26 the proposed additions. The height is not proposed to change. He shared elevations with the
27 Commission and explained that the barn is an accessory use. There will be no bedrooms or
28 overnight spaces included in the barn. Information about the tree canopy was shared. There is a
29 requirement that the proposal be cognizant of trees. The actual expansion of the footprint will
30 remove one tree, but seven other trees have been identified that may be impacted. If those other
31 trees are impacted as anticipated, those will be replaced, per the code. There is support for a
32 Condition of Approval that states all requirements related to tree replacement must be met.

33
34 Chair Roach asked if the large willow tree adjacent to the driveway heading toward the main home
35 has been removed. It was confirmed that it is still there, has tree protection, and is being watered.
36 Mr. Budge shared a supplemental image of the barn. He referenced the Staff Report and asked
37 that the proposed motion language be amended for clarity. It mentioned a guest house, but this is
38 a barn. Discussions were had about the color of the barn, which is proposed to be more of a slate
39 color. Commissioner Fonte wanted to know if there will be animals in the barn. Mr. Budge stated
40 that there are animals on the property, but animals will not be staying in this particular barn area.

41
42 Chair Roach opened the public hearing.

43
44 *Connie Silver Smith* gave her address as 2452 Walker Lane. She noted that a Conditional Use
45 Permit is a zoning exception that allows someone to use their property in non-conforming ways.

1 It can be an alternative to rezoning and can allow someone to use their property in a unique manner
2 where rezoning is not permissible. The concern she and some of the neighbors have is what the
3 ultimate goal is for the use of the property. There doesn't seem to be enough information about
4 what is contemplated. Ms. Silver Smith stated that there are concerns about traffic and what the
5 barn will be used for. She wants to know if there is any other commercial use contemplated for
6 this property that neighbors and the Planning Commission may need to know about.

7
8 There were no further comments. The public hearing was closed.
9

10 The applicant addressed the comments made during the public hearing. Mr. Budge referenced the
11 Conditional Use Permit under Utah Law 10-9a-507. There are two types of uses in a zoning code:
12 permitted use and conditional use. In this instance, a request has been made that will be subject to
13 any reasonable conditions that address potentially detrimental impacts associated with the use.
14 The application in this instance relates to the footprint. As for the use, it is for private use. This
15 is not a commercial facility and will be used for gatherings with friends and family.

16
17 Commissioner Berndt noted that there is no change proposed for the height and asked about the
18 requirements in the zone. Ms. Marsh explained that when there is an existing structure and the
19 height is not proposed to change, the existing height is allowed to remain. Height will be reviewed
20 during the Building Permit process. The Commission further discussed the application. Chair
21 Roach did not believe the request for the additional footprint was out of scope. Commissioner
22 Prince pointed out that because of the size of the lot, there is more than enough space to add to the
23 accessory building. The addition is unlikely to impact the surrounding area in a meaningful way.

24
25 As there was a desire to share an additional comment, the public hearing was re-opened.
26

27 *George Goates* gave his address as 2594 East Walker Lane. He asked a question about the term
28 Conditional Use. The request is to expand the building slightly, but he wants to know if this will
29 change the way the property owners can utilize the property. For example, if it can be used
30 commercially in the future. His concern is that if the modification to the building is permitted, it
31 will allow the building to be used differently than it is currently being used.

32
33 There were no further comments. The public hearing was closed.
34

35 Ms. Marsh reported that conditional uses are permitted uses with conditions. The Planning
36 Commission reviews the request and adds any Conditions of Approval that will mitigate potential
37 impacts. Mr. Christopherson added that the Conditional Use Permit does not allow for retail use,
38 as the zone does not allow for retail. It is not possible to open a storefront and have people come
39 in and out of the property. A Conditional Use Permit on a home is different than one on a
40 commercial property or in a different zone where there is mixed-use and retail allowed. In this
41 situation, the property is in a residential zone and there is no retail use allowed in the R-1-87 Zone.
42 Ms. Marsh stated that this is outlined in the table of allowed uses. The R-1-87 Zone is a residential
43 zone, which means commercial and retail services are not permitted to take place within the zone.
44

Chair Roach noted that what is before the Planning Commission has nothing to do with business or commercial use. What is before the Commission is a Conditional Use Permit for the barn. Mr. Teerlink explained that any zoning code has a list of uses for properties. An accessory building is something that can be built for accessory uses. The list of accessory uses is standardized in the Holladay Code and is not proposed to be changed currently. Retail is not one of the uses listed.

Commissioner Cunningham moved to APPROVE the application for a detached accessory building sized at 2,898 square feet, located at 2520 East Walker Lane subject to the following:

Findings:

- 1. The desired structure meets the conditions included in 13.09.040.***
- 2. The proposed building with additions is within the required setbacks for a primary structure.***
- 3. Trees being removed will be replaced on the site, consistent with the Tree Ordinance.***

Conditions:

- 1. The owner/applicant shall obtain a Building Permit for the proposed addition.***
- 2. The owner/applicant will comply with all engineering, landscaping, and utility availability letter submission requirements before the issuance of a Building Permit.***

Commissioner Berndt seconded the motion. Vote on Motion: Commissioner Vilchinsky-Yes; Commissioner Cunningham-Yes; Commissioner Fonte-Yes; Commissioner Prince-Yes; Commissioner Gong-Yes; Commissioner Berndt-Yes; Chair Roach-Yes. The motion passed unanimously.

- 3. Text Amendment - Chapter 13.76.730; HOME OCCUPATIONS Review and Recommendation to City Council on Proposed Amendments to Title 13, of the Holladay City Code, Land Use and Development Regulations as they Relate to Home Occupations. Item Reviewed as a Legislative Action, According to Procedures Set Forth in Holladay Ordinance §13.07. File #23-4-08.**

Ms. Marsh presented the Staff Report and explained that this item is a Text Amendment for Chapter 13.76.730 – Home Occupations. She reported that Home Occupations are currently a Conditional Use, reviewed by the Planning Commission, with conditions that are imposed on applicants based on the proposed business use. Many of the applications for home-based businesses are standard. Some common uses are lessons or consulting services where clients come to the home of an individual. Those uses can largely be addressed with standards. She noted that those standards are detailed in the proposed language. Additionally, there is a table included in the Staff Report that outlines what the current language is and what the proposed changes are.

1
2 Ms. Marsh stated that the proposed text is open for discussion. What the Planning Commission
3 would like to see added, removed, or modified, can be expressed. She noted that some key points
4 in the language are highlighted in the Staff Report. Those are the key points seen in previous
5 Conditional Use applications for Home Occupations, specifically hours of operations, clients based
6 on an appointment basis, parking standards, and ownership. The language proposed for ownership
7 is the same as it is for accessory dwelling units (“ADU”) so there will be consistency there. Ms.
8 Marsh read the following language from Section H-2 of 13.76.730 – Home Occupations:

- 9
10 • The dwelling unit must be either the primary place of residence for the person(s)
11 conducting the Home Occupation or be owner occupied, with "owner occupant" defined
12 as the following:
13
14 ○ An individual who is listed on a recorded deed as an owner of the property;
15 ○ Any person who is related by blood, marriage, or adoption to an individual who is
16 listed on the recorded deed as an owner of the property; or
17 ○ An individual who is a trustor of a family trust who possesses legal ownership of
18 the property.
19

20 Chair Roach referenced the Prohibited Uses section of the table, which said, “Added specific uses
21 not allowed.” He asked for additional clarity about what was being referred to. Ms. Marsh
22 reported that prohibited uses are detailed in Item D – Home Occupations Prohibited. She clarified
23 that there is no obligation for the Planning Commission to approve what has been presented. It is
24 possible to continue the item to a future meeting so additional discussions can occur.
25

26 Ms. Marsh stated that Home Occupations are currently tied to the land. If someone sells their
27 house, it can be purchased with the Conditional Use still tied to it. The changes to the code remove
28 that so it is tied to the individual person rather than to the land. Additionally, a Business License
29 needs to be kept current, otherwise the Home Occupation will end. This will make it easier to see
30 what businesses are operating in the area. Commissioner Vilchinsky noted that there are at least
31 three home-based businesses on her street. She does not want to create an environment where
32 more of these businesses are permitted without considering the number of already existing
33 businesses. There is not a desire to see residential areas turning into retail areas or business areas.
34

35 Chair Roach asked if there is anything in place currently that allows residents to know which
36 businesses are in operation on a street. Ms. Marsh was not aware of anything like that. Chair
37 Roach agreed with the comments shared by Commissioner Vilchinsky. He felt there needs to be
38 something to allow residents to know how many home-based businesses are in operation in the
39 area. Commissioner Fonte mentioned the language about the hours of operation between 7:00 a.m.
40 and 10:00 p.m., group lessons, and parking. If there are three businesses on a street that can operate
41 between those hours and provide group lessons, that may create some difficult circumstances.
42

43 Ms. Marsh noted that something the Commission can address is a scenario where there are
44 neighbors already operating a home-based business and another is interested in one. In that case,
45 it may be appropriate to add conditions to mitigate the use rather than deny the use because there

1 are already home-based businesses in the area. She noted that a standard can be created to
2 recognize that there are already Home Occupations existing on a street and another may need to
3 be modified in a certain manner to address this. Chair Roach noted that this scenario related to
4 home-based businesses that involve clients coming to the home, not uses without additional traffic.

5
6 Commissioner Berndt believed the goal of the proposed standards is to avoid impacts that will
7 change the character of a neighborhood. He asked about the distance requirements. Ms. Marsh
8 reported that the current code has a distance requirement. It is not possible to issue a Conditional
9 Use Permit if there is a Conditional Use Permit that exists within a quarter mile. Commissioner
10 Berndt asked how many people can come to a business each day. Ms. Marsh explained that the
11 Planning Commission can set conditions related to that for the applicant. Commissioner Berndt
12 noted that it is important to clearly state how many people can come to a home. He wanted to
13 know whether the City inspects a property before a Business License is issued. Ms. Marsh denied
14 this but explained that it can be added in the application process if that is desired.

15
16 There was discussion about specific home-based businesses in the community and whether those
17 are considered retail uses. Chair Roach pointed out that there is retail that exists, but those
18 applications must go through a Conditional Use process. Ms. Marsh stated that it is standard for
19 Home Occupations to see clients by appointment. Chair Roach suggested adding language to state
20 that there can be two clients per hour. Commissioner Vilchinsky wondered how text amendments
21 will impact residents. Mr. Teerlink explained that the procedural steps to obtain a license are
22 outlined in the ordinance. That language will change to be congruent with whatever is approved.

23
24 Ms. Marsh noted that home-based businesses have always occurred in the community, but not
25 everyone realizes that they need to have a Business License or that a Home Occupation Permit is
26 needed. The City can work on communicating that through education and code enforcement.

27
28 Additional discussions were had about specific home-based businesses in the City. Commissioner
29 Berndt believed there should be a conversation about whether the City is making it too easy to
30 obtain a Home Occupation Permit. He likes the idea of most of these items being handled by City
31 Staff, but there are some instances where a discussion needs to be had by the Planning
32 Commission. Commissioner Berndt liked the language about the home being owner-occupied,
33 but he thought the language about relatives needs to be further clarified and better defined.

34
35 Chair Roach stated that for the most part, home-based businesses are part-time ventures. If it is
36 more than a part-time venture, it is likely more appropriate to have a brick-and-mortar location.
37 For a home-based business, there could be a limitation on the hours per day or hours per week.
38 For instance, stating that the use is not to exceed 20 hours a week or 5 hours per day. Mr.
39 Christopherson reported that some requirements from the Legislature need to be considered. Ms.
40 Marsh noted that all home-based businesses that have clients coming to the home require a
41 Conditional Use Permit. She asked about the legality of limiting the number of people or the hours
42 of operation per week. Mr. Christopherson explained that with a Conditional Use, it is possible to
43 place limitations to mitigate impacts to the area. Ultimately, he believes this is a policy question.
44 Chair Roach felt those kinds of limitations will be impactful to residential neighborhoods. Having

1 a daily or weekly cap and a limited number of clients per day will ensure that use is not excessive
2 in the neighborhood. Code enforcement can be called as necessary.

3
4 Ms. Marsh noted that City Staff has discussed an additional component in the section that discusses
5 Permitted Home Occupations. She read the following language:

- 6
7 • No Home Occupation License shall be required for businesses that:
 - 8
9 ○ Do not have customers that come to the home;
 - 10 ○ Do not have employees who come to the home;
 - 11 ○ Do not have combined offsite impacts of the home-based business and primary
 - 12 residential use that exceed the impact of the residential use alone.

13
14 It was suggested that an additional point be added to state that Home Occupations exceeding the
15 standards or outside of the standards outlined will require a Conditional Use Permit. From there,
16 the Planning Commission can review the application and either set more standards or deny a
17 Conditional Use Permit based on the proposed use. Chair Roach thought there should also be
18 language to address an inspection process. Commissioner Prince wanted to know if there is a way
19 to check whether there is a Home Occupation License when a Business License is issued for a
20 home address. Ms. Marsh explained that there is a Business License Official review. Additionally,
21 she noted that if clients come to the home for the business, a Home Occupation is needed.

22
23 Chair Roach believed there should be a public list available to residents so it is clear where the
24 home-based businesses are. Ideally, there should be a map to see how many are in each area. Ms.
25 Marsh noted that there is a map that shows business locations. She noted that it is possible to
26 create an additional layer for home-based businesses. Discussions were had about code
27 enforcement and the options available to residents. Mr. Teerlink informed the Commission that
28 the Holladay Business Advisory Board existed and was created to offer assistance.

29
30 Chair Roach opened the public hearing. There were no comments. The public hearing was closed.

31
32 ***Commissioner Prince moved to CONTINUE the application to amend 13.100 and 13.76.760 of***
33 ***the City of Holladay Land Use Code to allow for Home Occupations to be permitted, with***
34 ***standards approved by Staff, to the next regularly scheduled meeting. Commissioner Berndt***
35 ***seconded the motion. Vote on Motion: Commissioner Vilchinsky-Yes; Commissioner***
36 ***Cunningham-Yes; Commissioner Fonte-Yes; Commissioner Prince-Yes; Commissioner Gong-***
37 ***Yes; Commissioner Berndt-Yes; Chair Roach-Yes. The motion passed unanimously.***

38
39 **4. Text Amendment - Chapter 13; ACCESSORY DWELLING UNITS Rescheduled for**
40 **First Planning Commission Meeting in January.**

41 The above item was rescheduled to the first Planning Commission Meeting in January 2024.
42

1 **ACTION ITEMS**

2 **5. Approval of Planning Commission 2024 Meeting Schedule.**

3 Chair Roach noted that there are five dates proposed to be changed in the Planning Commission
4 2024 Meeting Schedule. Mr. Teerlink explained that the meetings are scheduled to be held on the
5 first and third Tuesday of each month, but some changes are proposed to accommodate holidays.
6

7 Chair Roach expressed concerns about moving the July 16, 2024, meeting to July 23, 2024,
8 because of the State holiday. Mr. Teerlink reported that the Planning Commission could cancel
9 the meeting on July 16, 2024, or cancel the meeting on July 2, 2024. It was determined that the
10 July 2, 2024, meeting will be canceled and the meeting on June 18, 2024, will be moved to June
11 25, 2024. The meeting on July 16, 2024, will remain as scheduled. Discussions were had about
12 the schedule in November, where only one meeting is scheduled due to elections. It was
13 recommended that there be a third meeting held in October, on October 29, 2024.
14

15 *Commissioner Prince moved to APPROVE the Planning Commission 2024 Meeting Schedule,*
16 *as amended. Commissioner Fonte seconded the motion. The motion passed with the*
17 *unanimous consent of the Commission.*
18

19 **6. Approval of Minutes – 10/24/2023 and 11/07/2023.**

20 *Chair Roach moved to APPROVE the Meeting Minutes from October 24, 2023. The motion*
21 *was not seconded. The motion passed with the unanimous consent of the Commission.*
22

23 *Chair Roach moved to APPROVE the Meeting Minutes from November 7, 2023 The motion*
24 *was not seconded. The motion passed with the unanimous consent of the Commission.*
25

26 **ADJOURN**

27 *Chair Roach moved to ADJOURN the Planning Commission Meeting. The motion was not*
28 *seconded. The motion passed with the unanimous consent of the Commission.*
29

30 The Planning Commission Meeting adjourned at approximately 7:48 p.m.

1 *I hereby certify that the foregoing represents a true, accurate, and complete record of the City*
2 *of Holladay Planning Commission Meeting held Tuesday, December 19, 2023.*
3
4
5

6 Teri Forbes

7 Teri Forbes
8 T Forbes Group
9 Minutes Secretary

10
11 Minutes Approved: _____

DRAFT