PLANNING COMMISSION

City of Holladay
August 20, 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. 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 **08/19/2024** to the Community and Economic Development Department; cmarsh@holladayut.gov. Emailed comments will be read by the Commission Chair.

MEETING AGENDA

5:30 PM **WORK SESSION –** The Commission may discuss any or all agenda items. No decisions or voting to occur.

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

PUBLIC HEARING

1. **Text Amendment – Chp. 13.100 Appendix A – Table of Allowed Uses – Short-term Rentals as a Conditional Use in the PO Zone**
   Continued review and recommendation to City Council on a proposal by Applicant **Michael Ault** for an amendment to Title 13, of the Holladay City Code, Land Use and Development Regulations as they relate to the addition of conditional allowance of short-term rentals within the Professional Office (PO) zone. Item reviewed as a **Legislative** action, according to procedures set forth in Holladay Ordinance §13.07.

   File #24-4-09

ACTION ITEMS

#. **Approval of Minutes -** May 21st, 2024; June 4th, 2024

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.holladayut.gov, 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, 2024 @ 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

CITY OF HOLLADAY
Planning Commission
August 20, 2024
Item #1

Request: **Ordinance amendments: 13.100 APPENDIX A – ALLOWED USES**
Subject: Short Term Rentals as a Conditional Use in the PO Zone
Applicant: City of Holladay, Community and Economic Development Department
Planner: Carrie Marsh

GOVERNING ORDINANCES:	13.07.030	Text Amendment Procedure / Requirements
	13.04	Definitions

REQUIRED PLANNING COMMISSION ACTION: ***Legislative***
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
The applicant, Michael Ault, is proposing to Amend Title 13, Chapter 13.100 Appendix A – Allowed Uses of the Holladay Municipal Code. The purpose of the Code Amendment is to amend Table of Allowed Uses to Conditionally permit short-term rentals within the Professional Office Zone. The proposed amendments would allow short term rentals, with a conditional use permit, in the Professional Office Zone.

BACKGROUND
The Professional Office (PO) Zone was created in 2018 to remove the mix of residential and office uses from the R-M zone and expand the uses to include personal, medical, financial, and educational uses. Short term rentals were a conditional use in the R-M zone beginning in 2012.
While the PO zone conditionally permits mixed-use development where some residential uses may be incorporated conditionally with office, the conditional use for a short-term rental did not carry over to the PO zone. The purpose of the PO zone is to *"set standards for areas in appropriate locations for professional and business offices, personal series and other compatible uses such as a commercial daycare facility."*

The applicant recently rezoned the property from R-M to PO to be able to expand their office uses and has obtained a conditional use permit for two residential units on the top floor of the building. The applicant will be living in one unit and is seeking a text amendment in order to conditionally allow a short-term rental as would have been conditionally permitted in the prior R-M zone.

This item was brought to the Planning Commission on July 16, 2024 and was continued in order to provide more information regarding how many properties this text amendment would affect and the context of them.

NON-CONFORMING USES
This Code Amendment would not create any non-conforming use situations as the request is to expand a use within a zone that it was not previously permitted in.

PROPOSED ORDINANCE CONSIDERATIONS:
DEFINITIONS: *SHORT-TERM RENTAL: A dwelling or portion thereof available for use or is used for accommodating or lodging of guests, paying a fee or other compensation for a period of less than thirty (30) consecutive days.*

Short-term rental of residential units is a sought-after land use that the City of Holladay has accommodated by conditionally permitting short term rentals in single or two-family dwellings located in R-2 and R-M zones AND on roadways that are a minimum of 66 feet wide.
Traditional Euclidean zoning separated uses into separate zones designed for specific uses (i.e. commercial, industrial, residential, office, medical, etc.). Euclidean zoning is responsible for urban sprawl, a dependence on vehicular transportation with its associated costs, and limited flexibility in adapting to the changing needs of

communities. Many cities, including the City of Holladay have chosen to incorporate mixed-uses into appropriate zones, recognizing that integrating various uses creates a more wholistic and vibrant city as commercial and residential uses have an innate relationship and interdependence on each other.

When considering mixed-uses in various zones, arguments can be made on both sides as to whether short-term rentals should be a conditional use in zones that include office, retail, medical, or other commercial components. Short-term rentals are fundamentally an overnight accommodation type use similar to a hotel, but meets a need for individuals who want more space, amenities, or privacy than a hotel may provide. Due to use of a singular dwelling unit, the use is less intense than a hotel, but more intense than a typical residential use. These considerations are factors in the limitations involving appropriate zones and street widths for short-term rentals.

These types of conditions may exist in other zones and a short-term rental may indeed be compatible with a professional office, medical, or even commercial use that already has more intense use than a standard residential use. Short-term rentals are also a conditional use within the ORD zone, which is a larger scale mixed-use zone with regional draw where higher intensity development with overnight accommodations/hotels permitted.

Within Holladay, **eight properties are currently zoned as PO**. **Thirty-nine properties which are used as professional offices are still zoned RM and would be eligible for rezoning to the PO zone**.
Of the six properties currently zoned as PO,

- 3 are on Murray Holladay Road (80-foot-wide right of way)
- 3 are on Highland Drive (80-foot-wide right of way)
- 1 is on 2300 East (80-foot-wide right of way)
- 1 is on 3900 South (80-foot-wide right of way)

Of the 39 properties that are used as offices, but are still zoned as RM,

- 10 are on Murray Holladay Road
- 2 are on 3900 South (80-foot-wide right of way)
- 4 are on 4500 South (80-106-foot-wide right of way)
- 4 are on 2300 East (80-foot-wide right of way)
- 8 are on Holladay Boulevard (80-foot-wide right of way)
- 9 are on Highland Drive (80-foot-wide right of way)
- 1 is on Wasatch Boulevard (80-foot-wide right of way)

Parking availability for properties used for offices is high, especially considering that parking requirements were historically higher than necessary when these properties were developed. Additionally, mixing residential uses with office uses balance each other as cars are parked during the day, but not the evening for office uses and cars there for residential uses are parked in the evening, but not during the day.

GENERAL PLAN COMPLIANCE

The General Plan encourages appropriate development standards for all uses and zoning categories within Holladay. While there is some specific guidance in the General Plan, much of it is more general in nature. Short-term rentals are not directly addressed in the General Plan. Various types of short-term rentals would have various impacts dependent on the size of the property being used.

Chapter 2 of the General Plan addresses Land Use, Urban Design, and Neighborhood Preservation with goals to:

1. *Maintain the established pattern of development in the City;*
2. *Ensure that new developments are high quality and compatible with the surrounding neighborhoods;*
3. *Retain the natural character of the City and its neighborhoods; and*
4. *Ensure that the zoning ordinance meets the goals expressed in this General Plan.*

The first paragraph addresses growth and the need for variety (page 14)

> *"The General Plan strives to accommodate new growth while protecting the development patterns that have made Holladay a unique and desirable place to live and work. This plan recognizes the need for a greater variety of shopping options within existing commercial areas and an improved tax base for the community, similar to the Holladay Village model. Higher-density residential uses have been introduced as part of mixed-use developments along busy streets, existing activity nodes and adjacent to established*

commercial areas. This is compatible with the existing residential neighborhoods and provides a greater range of housing options, while creating a more diverse community over time."

The PO Zone is identified as appropriate zones within the Mixed-Use No Retail, and Professional Office-Commercial zones in Principle 2 of the General Plan.

Principle 2 – Transforming Commercial/Mixed-Use Districts into Places and Destination

"Any increase in the intensity of established commercial uses should be carefully planned to ensure compatibility with the surrounding residential patterns. One of the primary purposes of this plan is to ensure that these areas develop in a manner that matches both the future vision and the established patterns."

The Highland Drive Master Plan *(many PO/potential PO zones are on Highland Drive)* identifies office uses as appropriate for Segment B and Commercial uses in Segment C.

Properties currently zoned as, or that could rezone to PO are along major arterial roads, similar to R-2, R-M, and ORD zones. An existing short-term rental is located on Highland Drive within a property zoned as R-M that is also used as a professional office and duplex.

RECOMMENDATION:

Staff recommends that the Planning Commission engage with applicant and conduct the public hearing to receive comments from the public for this application.
Considering that the City of Holladay is beginning the process of a large-scale General Plan update that will include community engagement and updated land-use guidance, Staff recommendation is to forward a **negative** recommendation to the City Council to amend Title 13 Chapter 13.100 Appendix A, Allowed Uses, of the Holladay Municipal Code, as shown in Exhibit "A," based on the following findings:

1. Public engagement opportunities associated with the 2025 General Plan update regarding specific land uses including but not limited to office, commercial, residential, and short-term rentals would allow greater input and direction as to what the larger community envisions for various areas and uses within Holladay.
2. The Goals and Policies of the General Plan is unclear as to where short-term rentals in mixed-use zoned would be appropriate.
3. The existing zoning code for the Professional Office zone as established in 2018 did not carry short-term rental use over from the R-M zone into the PO zone.

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 (positive, negative) recommendation to the City Council to (approve, deny) an application by* ***Michael Ault*** *to amend* ***Title 13, Chapter 13.100 Appendix A*** *of the City of Holladay Land Use code to* ***add Short-term rentals as a conditional Use to the Allowed Uses table****, based upon the following findings*"

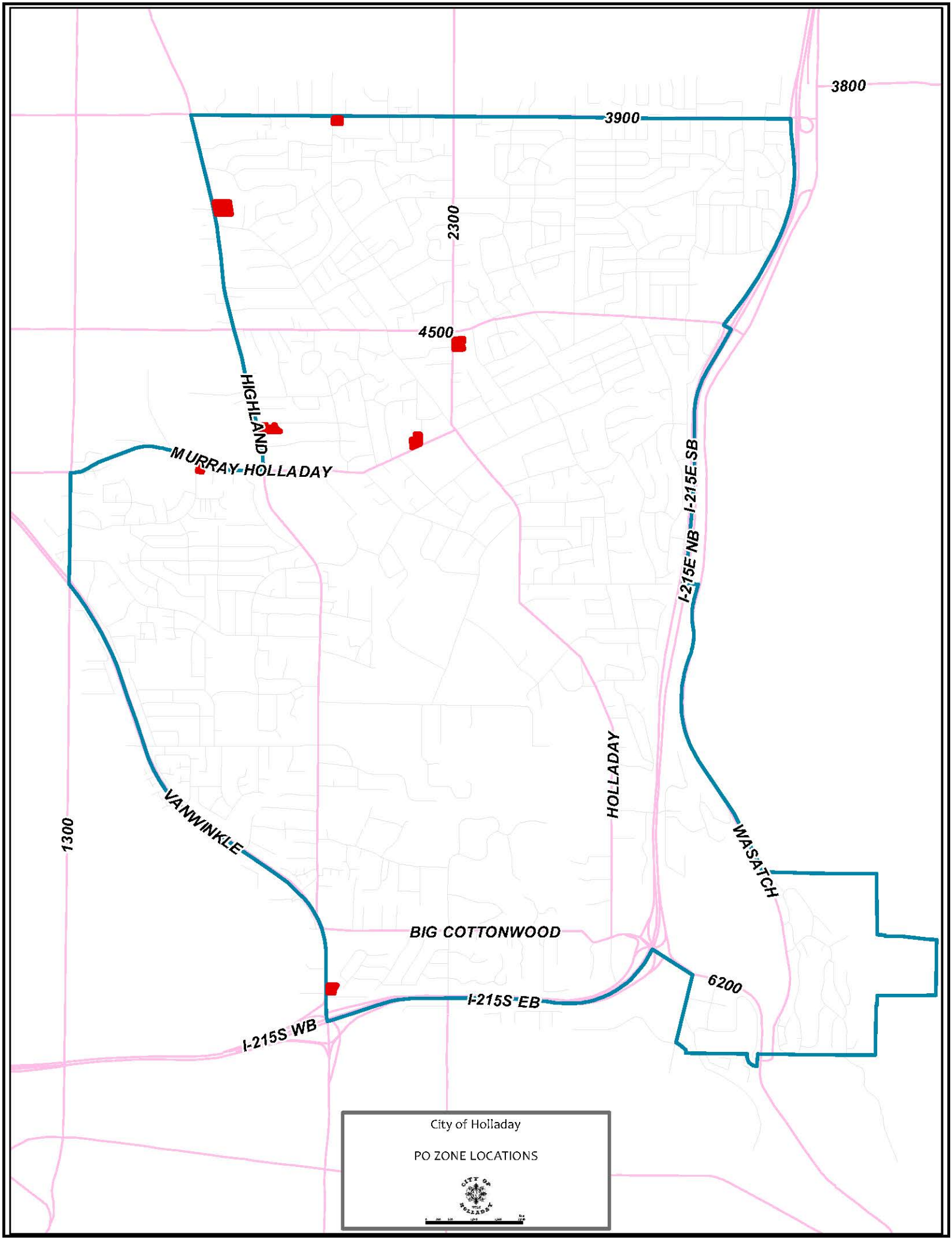
A motion to continue:

"I____*Motion to continue the application by* ***Michael Ault*** *to amend* ***Title 13, Chapter 13.100 Appendix A*** *of the City of Holladay Land Use code to* ***add Short-term rentals as a conditional Use to the Allowed Uses table****, to the next regularly scheduled meeting"*

13.100.010: TABLE OF ALLOWED USES:

C = Conditional use P = Permitted use - = Not allowed SDMP = Site development master plan

Use	All FR Zones	R-1-4, R-1-8, R-1-10, R-1-1	R-1-2 1, R-1-4 3, R-1-8 7	R-2- 8, R-2-10	R-M	PO	HCR	O-R-D	P	RO	NC	C-1	C-2	HV	R/M-U	LU
Short Term Rental	-	-	-	C[6]	C[6]	C		C	-	-	-	-	-	-		


3800
3900
2300
4500
HIGHLAND
MURRAY-HOLLADAY
I-215E SB
I-215E NB
HOLLADAY
WASATCH
VANWINKLE
1300
BIG COTTONWOOD
6200
I-215S EB
I-215S WB
City of Holladay
PO ZONE LOCATIONS

City of Holladay
COMMUNITY ECONOMIC DEVELOPMENT DEPARTMENT
4580 S 2300 E, Holladay, Utah 84117
Phone: 801-527-3890

GENERAL LAND USE/DEVELOPMENT APPLICATION

Name of Proposed Project:
HIGHLAND PLAZA

Address of Project:
6375 So. HIGHLAND DRIVE

TYPE OF REQUEST: (mark all that apply)

	ADMINISTRATIVE PROCEEDURES APPLY (ORD. 13.08)		LEGISLATIVE PROCEEDURES APPLY (ORD. 13.07)
	SITE PLAN (___) PERMITTED of (___) CONDITIONAL		REZONE of PROPERTY
	SUBDIVISION PLAT		GENERAL PLAN AMENDMENT
	CONDOMINIUM PLAT	X	CODE AMENDMENT
	CONDITIONAL USE PERMIT		PUBLIC STREET: NAME CHANGE, VACATION /CLOSURE or DESIGNATION
	SPECIAL EXCEPTION		HISTORIC SITE DESIGNATION
	NON-CONFORMING USE DECLARATION		DEVELOPMENT AGREEMENT AMENDMENT
	OTHER:		ANNEXATION

Applicant Name: (Please Print)
MICHAEL AULT

Property Owners Name: (Please Print) ***ATTACH SIGNED "OWNER AFFIDAVIT"***

Applicant's Mailing Address: 6375 So. HIGHLAND DR. #301 **City:** HOLLADAY **State:** UT **Zip:** 84121

Applicant Phone:
801-712-5551

Applicant's Email Address:
6375HIGHLAND LC

Main Contact Person (Please Print):
Name: MICHAEL AULT **Phone:** 801-712-5551 **email:** MIAULT1@YAHOO.COM

Brief summary of proposal / request:
TO ALLOW SHORT TERM RESIDENTIAL RENTALS
Table of allowed uses short term in PO zone

FILING FEES: (ORD 3.35)

SITE PLAN REVIEW	$600.00	REZONE of PROPERTY	$900.00 + $85.00/acre
SITE PLAN AMENDMENT	$250.00	CODE AMENDMENT	$600.00
SUBDIVISION: *Final = 6% of the cost of improvements)*	$2,000.00 + $100.00/lot	GENERAL PLAN AMENDMENT	$300.00 + $50.00/acre
CONDOMINIUM	$1,000.00 + $100.00/unit	HISTORIC SITE DESIGNATION	$600.00
CONDITIONAL USE PERMIT - *COMMERCIAL*	$1,000.00 + $35.00/acre	PUBLIC STREET:	$300.00 – vacation $500.00 – dedication $250.00 – namechange
CONDITIONAL USE PERMIT - *RESIDENTIAL*	$900.00 + $50.00/unit	ANNEXATION	
CONDITIONAL USE PERMIT – *HOME BUSINESS*	$100.00	DEVELOPMENT AGREEMENT AMENDMENT	
CONVERSION TO CONDOMINIUM	$50.00/unit	LOT LINE ADJUSTMENT / COMBINATION:	$75.00
SPECIAL EXCEPTION	$600.00	OTHER:	
SUBDIVISION AMENDMENT	$500.00	**FINAL TOTAL DUE:**	600.00

OFFICE USE ONLY
FILE NUMBER: ~~2024~~ 24-7-09
PARCEL NUMBER: iworq 19126
GENERAL PLAN:
ZONE: ACREAGE:
PC ACTION: DATE: 8/6/24
CC ACTION: DATE:
FILE DATE:

RECEIPT DATE June 5, 2024 **No.** 191048
$600.00
RECEIVED FROM Ault Investments
Six-hundred dollars and no/100 DOLLARS
FOR RENT
FOR code amendment application
Check #1062

ACCOUNT	
PAYMENT	600.00
BAL. DUE	

CASH ☒ CHECK MONEY ORDER CREDIT CARD
FROM TO
BY

st(s)/submittals or it will not be accepted.
cisions and/or meetings dates at that time
rd Thursday of each month
a representative of the applicant.

RECEIVED
JUN - 5 REC'D

Carrie Marsh

From: michael ault <mlault1@yahoo.com>
Sent: Tuesday, June 11, 2024 11:04 AM
To: Carrie Marsh; Mike Ault
Subject: short term rentals

[External Email - Use Caution]

Carrie,

We are asking to do short term rentals at our building at 6375 South Highland Drive.

Our two story building was preivously in an RM zone which allowed for short term rentals but as we wanted to have our residence in the building as well as leasing out offfice space we requested a zoning change to PO. Holladay City's master plan calls for C2 zoning for this location; however, we requested the PO zoning change as the neighborhood behind us preferred that instead of a C2 zoning and the PO zoning would also fit our needs. On May 7, 2024 the PO zoning was approved by Hollladay City.

The PO zoning allowed us to put our residence and a one-bedroom apartment on the top floor and lease professional offices on the main and lower levels.We would like to be able rent the one bedroom apartment on short term basis as that would make the best use of the smaller apartment.

I don't believe this would impact our neighbors as we have a 6' high fence seperating us from the local neighborhood and access to their homes is from either 6200 South or 2300 East (not from Highland Drive). The property immediately to the south of our location is the Fairfield Inn with an ORD zoning. The property to north of us (I believe) is zoned RM which allows for short term rentals.

We would appreciate if you would approve our location for a permitted use for short term rentals.

Thank You,

Michael & Cheryal Ault

Planning Commission
Community Development
Department City of Holladay
801.527.3890

CITY of HOLLADAY

MINUTES DATE: MAY 21, 2024 PLANNING COMMISSION 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:

Written Meeting Minutes Approval

APPLICABLE REGULATIONS:

Utah Code 52-4-203
13.06.030

EXHIBITS:

Draft Meeting Minutes

STAFF:

Jonathan Teerlink, Planning Manager

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:

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MINUTES OF THE CITY OF HOLLADAY PLANNING COMMISSION MEETING

Tuesday, May 21, 2024
6:00 PM
City Council Chambers
4580 South 2300 East
Holladay, Utah

ATTENDANCE:

Planning Commission Members:	**City Staff:**
Dennis Roach, Chair	Jonathan Teerlink, Community Development Director
Jill Fonte	Brad Christopherson, City Attorney
Angela Gong	Carrie Marsh, City Planner
Brian Berndt	
Paul Cunningham	
Ginger Vilchinsky	

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WORK SESSION

Chair Dennis Roach called the Work Session to order at approximately 5:30 p.m. He reported that there are six items listed on the original Planning Commission Meeting agenda, but one has been removed and one has been amended. Item 3 was removed Item 6 has been amended. City Planner, Carrie Marsh reported that the February 20, 2024, Meeting Minutes will not be reviewed at this time. However, the January 23, 2024, and April 2, 2024, Meeting Minutes will still be reviewed.

Chair Roach stated who was present at the Planning Commission Meeting, including City Staff and Planning Commission Members. He noted that Commissioner Karianne Prince is excused.

The agenda items were reviewed and discussed. Community and Economic Development Director, Jonathan Teerlink, reviewed the first agenda item, "Royal Holladay Hills, Block C" Site Plan. He reported that Block C is a smaller block up on Highland Drive. It is within the Open Zone in the Site Development Master Plan ("SDMP"). The Open Zone is the most flexible zone in the Royal Holladay Hills development. The Site Plan before the Planning Commission is not for the entire block but for approximately half of the block. It is for a Chase Bank on the corner.

Staff has reviewed the application for compliance with the SDMP. Mr. Teerlink suggested that the Planning Commission focus on architecture, use, landscaping, and parking. As for access to the site, that is all on private roads and nothing accesses directly onto Highland Drive. On the south end, the trail acts as a buffer and separates the parking lot from Big Cottonwood Creek. Most of the landscaping will be interior to the site itself. The bank building will be slightly larger than is normally seen for a bank but is fairly straightforward in terms of the proposed design.

Mr. Teerlink explained that he would have preferred for this to be a normally permitted Site Plan, as it could then be approved by Staff. However, the Regional Mixed-Use ("R-M/U") Zone and SDMP are not set up that way. Every Site Plan goes to the Commission for Preliminary and Final approvals to ensure there is compliance with the Master Plan. Chair Roach noted that the Open Zone is the most flexible. He asked whether a much larger building could have been proposed in the location. Mr. Teerlink confirmed this. Four or five years ago, there was a hotel proposed to be there, but that plan has since changed. A bank and parking lot are much more conservative.

Commissioner Paul Cunningham noted that the Staff Report states that 90 feet is permitted. He wondered whether a one-level bank means the 90 feet can be preserved over the rest of the acreage. Mr. Teerlink denied this. The owner of the site previously mentioned that Block D will have the tallest heights. There is a lot of height that is allowed but is not being used on the site.

Commissioner Angela Gong referenced the 2007 SDMP and noted she was unable to find that document. Mr. Teerlink explained that the City website was recently changed over, so a lot of the links have not transferred. It is possible that the 2007 SDMP has not been moved at this time, but he offered to email her a copy of that document. Commissioner Gong explained that she wanted additional context about the expectations. She wanted to understand whether the Commission can still provide input or whether this is a matter of an application checking the boxes. Mr. Teerlink clarified that this is a check-the-box situation. In this instance, the Commission will look at zoning compliance, height, architecture, landscaping, and parking compliance. This is similar to what Staff does with other applications, but because of the SDMP, the Commission must do the review.

Commissioner Jill Fonte believes what is currently being proposed is the entirety of Block C. This was denied. Mr. Teerlink clarified that the proposal is for not quite half of Block C. It is likely that the Planning Commission will look at something else for the rest of Block C in the future. Discussions were had about architectural standards. Mr. Teerlink referenced Page 16 of the SDMP and explained that it outlines appropriate styles. Some ideas were proposed and the Technical Review Committee ("TRC") modified them for compliance. Commissioner Cunningham asked if there is a landscape buffer proposed along Highland Drive. Mr. Teerlink stated that the creek itself provides its own buffer, but there is still the trail that separates the bank of Big Cottonwood Creek. There is a 10-foot trail and another landscape berm, which is 15 feet to 20 feet of separation.

The next item on the agenda is the "Emigration Brewery" Mixed-Use PUD. Ms. Marsh reported that this review is for two motion items. Previously, the Planning Commission had approved a Preliminary Plan with the brewery and the four townhomes. Some modifications were made due to the new allowed height of 40 feet in the C-2 Zone and a third level will be added onto the brewery. The third level will have six residential units. Everything else will remain the same. Tied to those residential units are covered parking stalls on the side of the building. The other item is the Planned Unit Development ("PUD") where the residential units and building are located.

The setback reductions are detailed in the Staff Report. Ms. Marsh pointed out the current property line. Arbor Lane used to follow that alignment, but it was realigned and now angles out. That was done to create the intersection with Holladay Hills on the north side so both roads would feed into

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the central intersection onto Highland Drive. With that realignment of Arbor Lane, there is currently existing City property, which would then be vacated to become part of this property. Ms. Marsh pointed out the setback distance and the location of the covered parking stalls on a map.

Mr. Teerlink reported that the Preliminary Site Development Plan with construction details shows everything as far as the site development is concerned. The lines will come back as a plat once everything is in place. Commissioner Cunningham pointed out that the Planning Commission is approving a Site Plan where the lot lines will be changing. Mr. Teerlink clarified that the vacation of that right-of-way is at the discretion of the City Council. The City Council is aware of the situation, but that application is still pending. Discussions were had about the process.

Ms. Marsh shared additional information about the parking. The idea is that the residential stalls will be the six covered stalls. She does not know how the applicant intends to manage those parking stalls, but that is something that can be asked during the Regular Meeting. She pointed out that the parking minimums are met with what has been proposed. A question was asked about the driveway lengths. Ms. Marsh noted that the measurements are not shown. It is possible to ask the applicant for some of those details later in the meeting, but she offered to review the file.

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Commissioner Cunningham referenced the residential units. There is a 10-foot setback and the patios on the east and west extend into the setback. He wondered whether there is Staff support for what is proposed. Ms. Marsh explained that this is normal. If it was a covered deck or patio, an extension into the setbacks would not be appropriate. The design does not show the patios as covered. Commissioner Gong noted that there is a reference to a second-floor overhang and asked if there is a balcony over the patio. Mr. Teerlink informed the Commission that overhangs are allowed to be up to three feet into a setback. Patio details can be requested from the applicant.

Chair Roach reminded Commissioners that Item 3 on the agenda will not be discussed. The fourth item on the agenda is the "Fardown Estates" Subdivision application for an Amendment and Extension. Ms. Marsh shared the zoning map with the Planning Commission. She reported that there are two separate parcels that are already subdivided into two lots. The rear parcel is zoned as R-2-10 but is not part of the PUD. There are concrete walls on both sides of the PUD. The front property is in a subdivision and the second property on the rear is metes and bounds. The proposal is to extend the Fardown Estates Subdivision to bring in the piece that is not currently within the subdivision. There is also a proposal to adjust the lot lines slightly. There will be no zone adjustments. With the lot line adjustment, the applicant will meet the zone requirements. In the R-2 Zone, it is possible to have two attached units on 10,000 square feet or one detached unit on 6,250 square feet. Ms. Marsh reviewed the former line and the proposed lot line adjustment.

The fifth item on the Regular Meeting agenda is for the "Jettie Subdivision" PUD. Ms. Marsh explained that the proposal is to amend a subdivision to include a PUD element. The subdivision was created in 2015 and there are two lots. The total acreage between the two is 0.70 acres and it is located within the R-1-10 Zone. She noted that a 10,000-square-foot lot minimum is the standard for the zone. The property owner made improvements on a section of Lot 2 and wants to create a PUD to have a building area on the east side of Lot 2. Flag lots have setbacks that must meet the

neighboring or abutting parcel. That information is detailed in the Meeting Materials Packet. The side setbacks are indicated in yellow and the orange represents the rear setbacks.

Ms. Marsh explained that the applicant's proposal is to reduce the setbacks in order to consolidate and preserve the open space. Some of the proposed mitigation efforts involve landscaping. The Staff Report details a few other options that can be considered by the Planning Commission. Chair Roach asked what the standard for a building plat would be on the setbacks without a PUD. Ms. Marsh reported that it would be 22 feet on the east side, 22 feet on the south side, 8.8 feet on the north side, and 8.8 feet on the property line. Instead of a large backyard for the one house, the proposal is to shift what would be a backyard over into another area. Commissioner Brian Berndt wondered whether there is a measurement by which a PUD is approved and the smaller setbacks are granted. Ms. Marsh explained that it is based on the purpose and intent of a PUD.

Commissioner Berndt wanted to maintain protection for the adjacent property owners. Ms. Marsh explained that with PUDs, one of the intentions is to consolidate open space or preserve features that are on the site. That can be seen in common space or if there is a mature tree on the site.

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The section of code that outlines the purpose of a PUD is included in the Staff Report. The role of the Planning Commission is to determine whether the impacts of flexibility in the setbacks can be mitigated. Commissioner Gong asked for a definition of open space. Mr. Teerlink offered to find that and share it with the Commission. Commissioner Gong asked for details about the putting green. It was clarified that it is an astroturf. Commissioner Berndt stressed the importance of considering the adjacent properties when it comes to setbacks. It was noted that it stays with the land and is recorded on the Subdivision Plat. Any space designated as open space would have to remain as such. Chair Roach noted that there can be additional discussions about this application.

Chair Roach ended the Work Session and took a two-minute break before the Regular Meeting.

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

Chair Roach called the Regular Meeting to order at approximately 6:00 p.m. He noted that Commissioner Prince was excused from the meeting. All other Commissioners are in attendance. Commissioner Fonte read the Commission Statement for the benefit of those present. Chair Roach reported that there are six items on the Regular Meeting agenda. Five of those are Public Hearing items, however, Item 3 has been canceled. As a result, four Public Hearings will be held.

PUBLIC HEARING

1. 'Royal Holladay Hills, Block C' - Site Plan - 1888 E Rodeo Walk Drive (R-M/U Zone) Concept & Preliminary Review and Consideration of Commercial Site Development. Details Submitted by Applicant, Steve Peterson, for a Portion of 'Block C' within the Royal Holladay Hills Mixed-Use Development. Project Review as per Procedures and Regulatory Provisions of the Site Development Master Plan (SDMP 2007) and Holladay Ordinance §13.65.070(C). *File #19-9-19-7*

Mr. Teerlink presented the Staff Report and explained that the application before the Planning

Commission is a Concept and Preliminary review of a Site Plan for Block C in the Royal Holladay Hills Master Plan Subdivision. The application itself is not for all of Block C but for a portion of the block. This portion is intended to be used for a bank that will have its own parking lot and access. Elements of the SDMP that the Planning Commission will review are similar to zoning standards for normal development in a retail zone. However, there is some flexibility available.

The zone has some permitted uses and conditional uses. In this case, a financial institution is a permitted use. There are open space and landscaping requirements as well as architectural guidelines. City Staff and the TRC have been reviewing this application with the applicant and found that the bank site with the associated parking lot, landscaping, architecture style, and height, complies with the elements that are applicable within the SDMP. Staff recommends the Planning Commission hold a Public Hearing and have a discussion with the applicant about the site.

The applicant representative explained that a lot of time has been spent working on this application, especially on the architecture. Commissioner Cunningham asked for additional details about the building materials proposed. It was clarified that the brown shown is not a stucco finish. Some of the changes made include adding brick and eliminating stucco from the proposed design. Commissioner Cunningham noted that there seems to be more parking than is needed. This was confirmed. It is common parking, so the bank customers can use the parking on the remainder of the property and people using other parts of the property can use the parking from the bank. Commissioner Cunningham asked why the additional parking is needed. It was clarified that there are parking ratios. This will work with the ratios and what is added to the rest of the block.

Chair Roach asked about the parking that is in front of the bank immediately to the west. He noted that there is common and shared parking proposed, but wondered whether there will be designated bank parking only. The applicant representative denied this but noted that there will be some signs that call out 20 Minute Parking Only. However, none of the parking is exclusive to the bank.

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

Commissioner Gong expressed concerns about parking that exceeds the minimum. If this will be a commercial hub, it will either bring in several hundred vehicles per day or visitors will take transit. Currently, it seems to be geared towards vehicles, as there is a drive-thru ATM and extra parking. Having the extra parking is not conducive to what Holladay is trying to move towards, which is a shift towards transportation. If the overall parking ratio is more than the minimum, that is something she would like to see changed, as it will not be helpful for this area of the City. Mr. Teerlink reported that two pages in the SDMP control the parking and where the parking areas are designated to be. He pointed out the surface parking location for reference.

Commissioner Cunningham asked whether some properties on the site will have no parking and will use parking on the adjacent parcels. Mr. Teerlink confirmed that this may occur as developments continue. Commissioner Cunningham asked about the City Council's approval of the Master Plan. He wanted to know if there was a maximum number of parking spaces, which was confirmed. Mr. Teerlink reported that the proposal is nowhere near the maximum number.

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Commissioner Gong pointed out that this building is proposed to be 23.5 feet and the maximum height is 90 feet. It seems like this is an under-utilization of the space. If it is in the Open Zone, which is the most flexible of all the zoning in this plan, it feels like a missed opportunity. What is proposed is a one-story single-function building instead of something more dynamic, like mixed-use. Chair Roach stated that he was not in favor of the plan that was before the City Council approximately seven years ago, which included a 90-foot building. In the future, it is possible that this could come back to the City. The SDMP would allow for consideration of a larger building.

Commissioner Gong asked whether the applicant needs to do any environmental buffering since the property is so close to the creek. Mr. Teerlink explained that the trail acts as the buffer between development and the creek. There is an absolute setback that was approved in 2007 that requires an offset. Based on the SDMP, buildings cannot be closer than 40 feet to the bank of the creek.

Commissioner Fonte moved to APPROVE the Concept and Preliminary Commercial Site Development Plan for "Royal Holladay Hills, Block C," in the R-M/U Zone, located at 4833 South Sunset Boulevard Lane, with Final Site Plan and Plat approvals to be delegated to Staff, with the following Findings and Conditions of Approval:

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Findings:

1. ***Proposed land use of financial institutions is an allowed permitted use.***

2. ***Access, site details, and construction elements and details are found to be acceptable by divisions of the Technical Review Committee.***

3. ***All development details and all related components comply with the R-M/U Zone and SDMP as a Master Planned project.***

Conditions for Final Approval – to be submitted to and verified/approved by the Community and Economic Development Director with a recommendation by the Technical Review Committee:

1. ***Work with City Engineering on any clarifications to the submitted Storm Water Drainage Report.***

2. ***The applicant shall work with Staff on all needful clarifications, if any, made by the Commission during this meeting.***

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

2. <u>'Emigration Brewery' Mixed-Use PUD - 5025 South Highland Drive (C-2) Preliminary and Final Review and Consideration of a Request by Applicant, Bret Laughlin as Owner, for a Mixed-Use Residential/Retail Planned Unit Development in the C-2 Zone. Item Reviewed as a Conditional Use Permit as per Provisions stated in Holladay Ordinance §13.08.040 and §13.78. *File #23-2-03*</u>

Ms. Marsh presented the Staff Report and explained that the application is for a Mixed-Use Commercial and Residential Subdivision Amendment. The application was previously approved in June 2023. There is also a Conditional Use for a PUD. She reported that this property is located at 5025 South Highland Drive, which is the location of the old Roots Garden Nursery. The plans are for a brewery and townhomes. Previously, what was approved was a building with the brewery and restaurant and the townhomes. The applicant has come back with a modification to that to add six residential units on a third level. The C-2 Zone was recently amended to allow a 40-foot height. The proposal is within that 40-foot height maximum, which allows for the third level.

In addition to the Subdivision Amendment, a second motion will be required for the Conditional Use of the PUD. Ms. Marsh reported that PUDs are conditional. Typically, modifications for setbacks are considered. That is what is presented in this plan, with the setbacks for the residential townhomes and commercial buildings. Currently, in the C-2 Zone, buildings that do not contain any residential units require a setback of 20 feet on the corner side. What is proposed is a 0-foot setback next to Arbor Lane. Ms. Marsh pointed out the property line and explained that it runs in line with the brewery building and through the parking lot. That property line will be adjusted with the approval of the City Council to vacate a public right-of-way. What the Planning Commission is currently looking at is a 0-foot setback on the Arbor Lane side. The townhomes on Arbor Lane would require a 20-foot setback, but what is proposed is a 10-foot setback with a 12-foot average. The rear yard for the townhomes is required to be 15 feet in the C-2 Zone and it is proposed to have a 10-foot setback with an 11-foot average due to the angle. On the south side of the property, the required setback is 15 feet and an 11-foot setback is proposed with a 12-foot average.

During the Work Session, several questions were raised. Ms. Marsh explained that there was a question about the overhang on the patios for Unit 1 and Unit 4. With reduced setbacks as part of a Conditional Use, what is commonly examined is how to mitigate the impacts of that smaller setback. She noted that a Landscaping Plan has not been submitted by the applicant. One condition the Commission can place is a requirement for specific landscaping elements on the reduced setbacks. Ms. Marsh reported that utility service letters are in progress and Staff does not foresee an issue with obtaining those for the property. As for the Landscaping Plan, there would be a requirement to replace any trees that are removed and it must address Conditions of Approval.

The applicant, Bret Laughlin, introduced himself to the Commission. He noted that the architect, Chris Layton, is also present at the Planning Commission Meeting. Mr. Laughlin explained that most of what has been proposed has to do with the economics of the project. The intention is for the development to break even. The proposed setbacks and heights can make sure that occurs.

Chair Roach referenced the covered parking for residential. He assumed that parking will be for the residents living on the third floor of the brewery. He was curious about the placement on the

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south as opposed to the east side of the building. Mr. Layton explained that the reason those are covered is due to the second level extending out over the parking. Part of the restaurant level on the second floor protrudes out over the parking and creates covered parking. Those spaces are not designated for the six tenants, but appropriate parking for the site was proposed. The six additional dwelling units means enough parking needs to be provided for the bedrooms in the units.

Chair Roach asked about the covered patios in Unit 1 and Unit 4. Mr. Layton clarified that those do not require structure within the 10-foot setback. However, with roof overhangs, it is permitted to encroach into the setbacks by three feet. That would be the extent of those. Chair Roach wanted additional details about the landscaping. He asked for information about the number of trees placed around the residential units on the east side of the property where the townhomes will be. There was interest in knowing the estimated trees per unit. Mr. Layton stated that those details have not been determined at this time, but the landscaping standards for the zone will be met.

Commissioner Berndt asked how wide the landscaping strip is on the Highland Drive side of the site. Mr. Layton believes it is four feet at the narrowest point and extends to where it is almost nine feet at the northern end. Commissioner Berndt noted that having some idea of what will go in there would be beneficial. He is not sure whether the Commission needs to have the Landscaping Plan submitted at this time. Mr. Layton stated that it would have been submitted if that was a requirement. There is a desire to create that plan and have trees along the frontage that are consistent with the requirements in Holladay. Commissioner Berndt wondered whether there are any elevations the Planning Commission can look at. Mr. Layton explained that there are a lot of elevations have been done, but pointed out that those were not required for this submittal.

Mr. Teerlink reported that the C-2 Zone does not have architectural requirements. The elevations and what this looks like is not part of the PUD element. As for a Landscaping Plan, that could be helpful in terms of determining flexibility in the setbacks. For instance, how this would be offset by buffering and other landscape elements. Mr. Teerlink stated that parking lot landscape requirements include a certain number of trees per stall. That will be required for a Building Permit. Along the street frontage for Highland Drive, street trees are a requirement, so he foresees at least four or five street trees along there. The area along Arbor Lane can also be considered.

Commissioner Berndt noted that the City Council will make a decision on the right-of-way vacation. Mr. Teerlink explained that until the City Council decides to vacate that right-of-way, the path forward is an Encroachment License for a parking lot located in the right-of-way. Commissioner Berndt asked if that should be a Condition of Approval, which was confirmed.

Chair Roach asked about the increased height for the C-2 Zone. One of the recommendations the Planning Commission made for that approval was a TRC review of the architecture. He wondered whether that was included in what was ultimately passed by the City Council. Mr. Teerlink explained that it was included as a recommendation from the Planning Commission. The City Council gave City Staff allowance to look at requiring architectural controls in mixed-use. City Staff will be bringing a number of amendments forward to the City Council for consideration.

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Commissioner Fonte noted that the Commission is being asked to approve a reduction in setbacks for the applicant to have a development that breaks even. Mr. Layton clarified that a 10-foot side yard setback is being requested on the side yard to the south. With the setback to the rear, typically if there is another residential project, there would be a greater setback. However, adjacent to the property is a private driveway. There is no reason for the setback to be larger than what has been proposed. Commissioner Fonte explained that she is thinking about the people who will be living in these units. Instead of approving a reduced setback, she wanted to know whether the size of the units could be reduced. Mr. Layton pointed out that reducing the size of the residential units would impact those living in the units far more than a reduced setback.

Commissioner Fonte asked about the six units that are proposed on top of the brewery. Mr. Layton confirmed that there is a brewery component. There is a family restaurant and a 21 and older restaurant bar on levels one and two. On the third level, over kitchen areas and the brewery, will be the apartment units. Commissioner Fonte wanted to understand the sound mitigation efforts. Mr. Layton explained that there is a sound engineer to handle necessary noise mitigation.

Commissioner Cunningham wanted to know about sprinklers on the residential part of the building. He noted that there are no proposed sprinklers on the residential portion of the building, even though the other two levels are sprinkled and have a kitchen. He asked whether the Fire Department approves of what has been proposed. Mr. Layton reported that code-wise, there is no requirement for the residential units to be sprinkled. The commercial side needs to be sprinkled. He clarified that the mixed-use building will be fully sprinkled but not the separate residential.

Commissioner Gong asked what is along the south of the property. Chair Roach reported that it is the Highland Cove PUD. Ms. Marsh stated that those townhomes have their fire access turnaround on that side of the property. There were no additional questions for the applicant.

Chair Roach opened the public hearing.

Sarah Pierce gave her address as 2004 Arbor Lane. She has lived in this area for most of her life and there was always an awareness that they lived next to a commercial area. However, her home is on a traditional Holladay property with an acre of land and large old trees. Right now, it is very exposed. There has been good communication with Mr. Laughlin previously, so she is surprised to hear that 40 feet has been approved in the zone. That will look into their home and yard. All of the privacy that the family has enjoyed over the years will be destroyed. There has been work done in good faith with the applicant. She noted that large trees could be planted for privacy.

Patrick Hubley gave his address as 2004 Arbor Lane. He stated that he is disappointed and shocked about the increase in the height on the property. He has been fully supportive of the proposal from the applicant, but when it was first discussed, the maximum height was 30 feet. Adding another 10 feet increases the impact it has on their property as well as the other neighbors. As for the setbacks, he believes there should be as much distance as possible from the townhomes.

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

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Mr. Laughlin apologized for any miscommunication with the neighbors. The 40-foot height is only proposed to be used for the restaurant and brewery component. That allows for the six units above that use. There is no height increase from the original plan for the townhomes. He informed those present that he is a resident and not a developer. His decision to pursue this project was out of a desire to see something beneficial added to the property. All he cares about is breaking even on this project. He wants to see something that is aesthetically pleasing and landscaped well.

Commissioner Berndt asked whether it is possible to stipulate that the residential townhomes have a maximum height to address the neighbor's concerns. Ms. Marsh explained that for a PUD, one of the specific things the Commission cannot make conditional is the graduated height and the overall height. Those kinds of restrictions cannot be placed on a PUD by the Commission. Mr. Layton explained that there is a desire to use the new C-2 Zone requirements because it allows three stories in a commercial setting. That extra height is needed for the mixed-used building, but it is not needed for the townhome product. The townhome height is not proposed to change.

City Attorney, Brad Christopherson noted that the Commission is approving the Concept Plan and their plan is for no more than 35 feet on those townhomes. If something different is later desired, then the applicant would need to come back to the Planning Commission. The original plan did not allow for the 40 feet. The Text Amendment occurred and what is now before the Planning Commission is a modification to take advantage of the Text Amendment that occurred. The proposal for the townhome has not changed at all. That being said, some setbacks are proposed to change. Ms. Marsh clarified that the PUD was not approved before and the setbacks were not looked at specifically. That is the reason that the PUD is before the Commission now.

Commissioner Ginger Vilchinsky asked about the alignment of Arbor Lane. She believes there should be a Condition of Approval to ensure that the alignment occurs. Mr. Teerlink suggested that the language be framed around the fact that public right-of-way is being used for seven stalls. The requirement would be to either apply for an Encroachment License with the City Council or apply for a vacation of right-of-way so an Encroachment License is not needed. The currently proposed parking works, but six or seven of those stalls are located in the public right-of-way.

There was discussion about the neighbor's concerns. Chair Roach wanted to know the minimum required number of trees along the back property for the four units. It is possible to increase that amount as a Condition of Approval. For example, if the requirement is four trees, there could be a recommendation to have six or eight trees. He noted that there are a variety of trees that can be planted near a building that can grow tall and effectively mitigate the impacts. Sticking to the minimum will not necessarily accomplish that, but he does not want to suggest a condition that is too restrictive. He believes the applicant needs to have a bit of wiggle room, but increasing the minimum tree count on the back portion of the property is something that would offset concerns.

It was noted that the applicant needs to come back with a Landscaping Plan in the future. What the Planning Commission is considering is Concept and Preliminary. Mr. Christopherson explained that if there are concerns, the Commission can require the applicant to come back with a Landscaping Plan. The Commission has indicated there is a desire to mitigate the setbacks.

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Commissioner Fonte asked what the Planning Commission is approving if the PUD is approved. Mr. Christopherson explained that it has to do with flexibility for the setbacks and the Conceptual and Preliminary plans. The applicant will need to come back to receive Final approval for the site. Commissioner Gong noted that with the setbacks on the back, there is 15 feet required and the proposal is to have 10 feet. That is a 5-foot difference without the approval of the PUD.

Mr. Teerlink explained that one of the primary reasons City Staff is recommending approval for the flexibility in the setbacks is because there is a significant power line easement that runs north-south and cannot be encroached into. There are other dimensions that cannot be changed, such as fire access, parking stall depths, sidewalk widths, and so on. That pushes things out into certain areas and can create some difficulties with the design. It is one of the reasons there are PUDs.

Commissioner Gong does not believe the height change for the mixed-use building will impact the privacy of the lot next door. She likes that it is mixed-use. The change in the setback is a shift, but it does not seem that preserving the full setback will impact privacy levels. She appreciates that the developer and neighbors have been working together. It is positive that there have been discussions about trees being planted for mitigation. Chair Roach asked whether she is comfortable delegating the final approval to City Staff rather than having the applicant come back to the Planning Commission with a Landscaping Plan. Commissioner Gong still wanted to see the Landscaping Plan. However, when it comes to approving the PUD, she feels that is appropriate.

Chair Roach suggested that the last line in the proposed motion language be removed. This would ensure that the final approval comes back to the Planning Commission for the Landscaping Plan review. It was noted that a public hearing is not required for the Final Plat approval.

Commissioner Vilchinsky moved to APPROVE the Planned Unit Development Conceptual Site Plan application submitted by Bret Laughlin for "Emigration Brewery," a Mixed-Use Planned Unit Development in the C-2 Zone, subject to the following:

Findings:

1. ***The Preliminary Plat has been reviewed and considered substantially complete.***

2. ***The proposed land use complies with the allowed uses in the C-2 Zone.***

3. ***The lot size, coverage, and parking requirements meet the minimum requirements in the C-2 Zone.***

Conditions of Approval:

1. ***The remaining issues, as noted, are to be completed before a notice of Final Approval is issued:***

    a. ***Address Civil Plan comments by the City Engineer.***

b. Submit a Grading and Drainage Plan.

c. Provide Utility Service Letters with approved plans.

d. Submit Landscaping Plan with Tree Canopy Protection Plan.

e. The alignment of Arbor Lane and gaining permission to place the six or seven parking stalls on that piece of property.

f. When the Tree Canopy Protection Plan is presented, more than minimum requirements be shown along the east side of the property.

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

Chair Roach noted that there was a second motion that needed to be made for the PUD.

Commissioner Vilchinsky moved to APPROVE the Preliminary Plat for "Emigration Brewery," a Mixed-Use Planned Unit Development in the C-2 Zone, based on the following findings:

1. The Preliminary Plat has been reviewed and considered substantially complete.

2. The proposed land use complies with the allowed uses in the C-2 Zone.

3. The lot size, coverage, and parking requirements meet the minimum requirements in the C-2 Zone.

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

3. Zone Map Amendment - Rezone from RM to PO - 4535 South 2300 East Review and Recommendation to City Council on a Proposal by Applicant, Jonathan Airhart of Slope School to Amend the Holladay Zone Map at this Location from the Current Residential Multi-Family Zone (RM) to the Professional Office Zone (PO) for approximately 0.87 acres of property. Item Reviewed as a Legislative Action, as per Procedures set forth in Holladay Ordinance §13.07. *File #24-4-08*

The above item was removed from the Regular Meeting agenda.

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4. <u>'Fardown Estates' Subdivision - Amendment and Extension - 6018 South Latour (R-1-10/R-2-10) Conceptual Review and Consideration of an Application by Application/Property Owner, Troy Jensen, to Extend the Fardown Estates Subdivision to include an Additional 0.11 acres of land with Associated Amendments to the Subdivision. Item Reviewed as an Administrative Action for Permitted Uses in Accordance with Zone and Subdivision Standards Required by Holladay Ord §13.10. *File #24-1-04*</u>

Ms. Marsh presented the Staff Report and explained that the application is to amend and extend the Fardown Estates Subdivision. This property has two parcels. There is a rear parcel that is zoned as R-2-10 and a front parcel that is zoned as R-1-10. The property owner is seeking to adjust the existing property line between the two parcels. The issue is that the front parcel is in the Fardown Estates Subdivision and the rear parcel is not in a subdivision. In order to adjust the property line, the subdivision has to be amended. In that amendment, it is easiest to bring in that extra land from the rear parcel, which accounts for the extension of the Fardown Estates Subdivision. The request is to bring land into an existing subdivision and adjust property lines.

With the amendment and extension, both lots will meet the minimum size required per zone. Ms. Marsh reported that R-2-10 requires a 6,250 square foot lot and R-1-10 requires a 10,000 square foot lot. The rear lot will retain the 6,250 square feet and will increase in size from the existing size. There is enough land left over, with 11,809 square feet, for the front property. Ms. Marsh stated that there is a 20-foot access on the side. She pointed out that the plat currently being displayed is not the most updated one. In the Meeting Materials Packet, it is possible to see the amended version, which accurately shows the distances. There will be a 20-foot easement in favor of the rear parcel. The applicant will be applying for a code modification from Fire Code to reduce the width of that access and not require a turnaround. On the plat, it is noted that the rear parcel will have a structure that is fire-sprinkled. This would be required at the Building Permit phase.

The applicant, Troy Jensen, introduced himself to the Commission and explained that he lives in the home that is on the front parcel. The intention is to add the rear parcel into the subdivision. He has spoken to the Fire Marshal about the right-of-way and the easement and he stated that as long as the structure is fire sprinkled, there does not need to be a 20-foot-width. Fire sprinkling is something there is a willingness to do. Mr. Jensen stated that the idea is to build a home for his parents because he wants his parents to be nearby so he can assist them as needed.

Commissioner Berndt believed there is frontage on Emerald Ridge Cove. He noted that this is a private road. Mr. Jensen reported that along the portion of the Highland Point Village PUD lot, there is a wall that surrounds the north side and continues down on the west side of his property. He approached the Homeowners Association ("HOA") to find out whether it was possible to join that HOA, but that request was denied. Mr. Jensen reiterated that the property is currently bordered by a concrete precast fence. However, he supports what has been proposed.

Chair Roach opened the public hearing.

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Wayne Benion gave his address as 2035 Diamond Hills Lane and explained that he lives adjacent to the vacant property. When he spoke to Mr. Jensen previously, he was informed that he would build a house and join the HOA. He found him to be unprofessional during that conversation. There is a small shed in the northwest corner of the property and repair materials have been placed there to re-roof the shed. Those materials have been visible from his property for the last year.

Dina Robertson gave her address as 6008 Ruby Ridge Cove. She asked about the placement of the driveway and the access. She also wondered what the lot in the rear is part of if it is not currently part of the subdivision. Ms. Robertson noted that her other question about fire access was answered during the presentation. It sounds like the fire sprinklers will address that matter.

Ms. Marsh explained that the rear parcel is a separate parcel that is owned by the applicant. The rear parcel was zoned to the R-2 Zone when the PUD was created, but it was not incorporated into the PUD. It was never part of the subdivision. The original Subdivision Plat for Fardown Estates was shared, which was created in 1964. She pointed out that a significant area behind Lot 7 and Lot 8 was not in the Fardown Estates Subdivision originally. The application is to bring that area of land into the subdivision so the lot line can be adjusted between the two parcels. Commissioner Gong asked about the PUD that was previously referenced. Ms. Marsh reported that Highland Point Village is the PUD that has smaller lots and smaller setbacks. This parcel is not part of that.

Mr. Jensen addressed the public comments that were shared. Initially, when the property was purchased, there was communication with the HOA President, since there was a desire to become part of the HOA. The HOA President stated that she would present the matter to the owners. During one of the HOA meetings, it was determined that there was not a desire to include the property in the HOA. Some of the descriptions shared about conversations that occurred were inaccurate. Mr. Jensen explained that the intention is to use the land that is owned. The application complies with the zone requirements. He appreciated the consideration of the Commission.

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

Commissioner Berndt is glad to see this situation cleaned up. He does not want to get in the middle of a neighbor disagreement but believes the application will be beneficial. Commissioner Gong noted that the access road can be smaller because the house will be fire sprinkled. She wondered whether that will be a problem if there is a future change in ownership. Ms. Marsh explained that since that is noted on the plat, there will always be a requirement for the home to be fire sprinkled. Alternatively, the access can be changed to meet the fire requirements. She pointed out that utility letters are mentioned in the motion language as a requirement. The applicant has submitted four utility service letters at this point, so those will likely be available within seven to 10 days.

Commissioner Berndt moved to APPROVE the Preliminary Plan application by Troy Jensen to amend and extend the Fardown Estates Subdivision, subject to the following:

Findings:

1. The development complies with the General Plan.

2. The rear lot complies with minimum lot standards for a single-family detached unit development in the R-2-10 Zone.

3. The front lot complies with minimum lot standards for a single-family unit in the R-1-10 Zone.

4. Details required for a Preliminary and Final Plat have been submitted, with the exception of Utility Service Letters.

5. Vehicular access and utility easements to the rear lot are acceptable, pending public utility approval.

Conditions of Approval:

1. Submit all required utility service letters with acceptance of the proposed utility easement on the front lot.

2. Submit code modification required to UFA for fire sprinklers/release of access requirements.

3. Record an access easement in favor of the rear lot.

4. Provide CC&Rs specifically detailing maintenance of the access lane.

5. Within one year and in accordance with 13.08.010.D5, to defer administrative review and approval of the Final Plat by the Community and Economic Development Director, following a positive, written recommendation from the TRC.

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

5. <u>'Jettie Subdivision' PUD - Conceptual Site Plan and Conditional Use Permit - (R-1-10) Review and Consideration of a Request by Applicant Stephanie Volmer, Representing Owners Richard and Sylvia Hadlock, for a Conceptual Site Plan Review and Conditional Use Permit for a Proposed Planned Unit Development. Item Reviewed as an Administrative Application as per Provisions stated in Holladay Ordinance §13.08.040 and §13.78. *File #24-2-04*</u>

Ms. Marsh presented the Staff Report and explained that the application is a subdivision amendment to add a Conditional Use PUD to this two-lot subdivision. The Jettie Subdivision was created in 2015 at 1873 East Lincoln Lane. It is a two-lot subdivision in the R-1-10 Zone with a total acreage of 0.70 acres or 30,492 square feet. In the R-1-10 Zone, the minimum lot size is

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10,000 square feet. She reviewed the City Code for flag lots where there is a rear lot that is accessed through a driveway that goes back to the rear parcel. There is a requirement that setbacks for the abutting or immediately adjacent parcels match on the flag lot. There is a diagram included in the Staff Report that details what the setbacks would be: a rear setback on the east side, a rear setback on the south side, a partial side setback on the north side, and a partial rear setback on the north side, and a side setback on the west side. The applicant wanted to make some modifications to the setbacks, specifically to preserve an improved open area on the west side of the rear portion.

There is a desire to preserve the open area and make it a non-buildable space. This limits the area that was previously buildable space. With a shift to the east side of the property for a second structure, the applicant is asking for reduced setbacks from 22 feet to 12 feet on the east side and from 22 feet to 10 feet on the south side. The side setback is 10 feet, which is in line with what a side setback would be. On the north side, the proposal is a 10-foot setback, which is larger than a side setback for the east part. For the west part, where there is a rear yard, 10 feet is proposed.

The identified building area shown includes the driveway. Ms. Marsh reported that driveways are not typically included in the building area, but can be included. That building area provides flexibility to angle the house or offset it in some way. There is some proposed landscaping included in the Meeting Materials Packet and the landscaping is intended to mitigate the smaller setbacks. Requiring trees on the east side can be considered for a possible Condition of Approval.

Ms. Marsh reported that with a PUD, the intention is to allow some flexibility in the land use. This can relate to open space, unique neighborhoods, and high-quality housing. By limiting the building area, a smaller footprint is created than what could be there in exchange for the larger open space. Commissioner Berndt asked whether there is supposed to be a fire access turnaround on the proposed building envelope. Ms. Marsh explained that the proposal is to have fire sprinklers.

The applicant representative, Stephanie Volmar, introduced herself to the Commission. The application is for the Conditional Use PUD primarily so a single-family residence can be built on Lot 2. The current setbacks are very limiting, as the width of the lot is only 88 feet. With 22-foot rear setbacks, that limits the site significantly. The proposal is a lot line adjustment and flexibility in the setbacks. There is a willingness to take steps to mitigate any impacts from what is proposed.

Chair Roach referenced the duplex that abuts the top corner of the property. He wondered whether there is support for that building footprint to be set back further. Ms. Volmar confirmed that there is openness when it comes to the proposal. For example, there is openness to angling the house, shifting the house further to the west, or adding additional trees. In the Landscaping Plan, eight new trees are proposed, with four on each lot, but it is possible to add trees on the east side as well.

Commissioner Berndt asked why there is a desire to preserve the putting green. It looks like it will be with Lot 1. Ms. Marsh confirmed that it will be tied into Lot 1 as part of their legal property boundaries. With PUDs, there is a lot of flexibility, so there are no set standards for a certain amount of common space. In this case, it made sense to tie the open space and improvements there to Lot 1 specifically. She believes there was discussion about making it a common space, but for ease of use, it was easier to make it legally tied to Lot 1. One of the PUD intents is open space.

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Commissioner Berndt does not believe that saving the putting green area adds value to the open space. It also takes away the flexibility of how the lot can be developed. Moving the house further west away from the house to the east would be more appropriate. By lengthening it, the north and south setbacks can be increased so it is more cohesive with the surrounding property. Ms. Marsh noted that the putting green is open space, but it is not natural vegetation. It is possible for the Planning Commission to require that natural vegetation be added, but on the PUD, it is still designated as open space. If a future land owner came in and purchased Lot 1, it would not be possible to build and develop that area. Chair Roach noted that an external accessory dwelling unit ("E-ADU") could not be built on Lot 1 unless there was permission, because of the PUD.

The proposed setbacks were reviewed and the landscaping was discussed. Ms. Volmar reported that there are 10 trees that line the west side of Lot 1. Something similar could be done elsewhere on the property. There is an openness to adding vegetation to the lots if desired by the Commission. The intention is not to encroach on the neighbors. The owners of the property want to build a home for retirement in the back and it is currently too limiting to build anything there.

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Commissioner Berndt suggested reducing the setback on the west side to increase it on the east and then increase the north setback. He wants to give some consideration to the adjacent residential homes. Ms. Marsh shared information about the parcel that fronts onto Holladay Boulevard. The required side yard setback for the flag lot is 8.8 feet. The subdivision has a 10-foot public utility easement, so the side yard setback is met for the first part. It would then need to jog down to 22 feet for the next two parcels. Additional discussions were had about setbacks.

Ms. Marsh shared an image that illustrates the adjacent setbacks. The yellow is where the side yard setback would be and orange is where the rear yard setback would be. If the applicant was to develop the property as is, without a PUD, it would be 10 feet from the neighboring property on the west side, 25 feet from the property on the east side, would jog on the north side, and would be 25-feet from the property on the south side. Ms. Volmar explained that the property owners intend to build a small rambler 2,500 square foot house that is smaller than the building envelope. The idea is to change the property line so Lot 1 has a better backyard and Lot 2 can have a house.

Commissioner Fonte believes there is enough land to build the desired home and orient it in a way that it would not encroach on the neighbors. Ms. Volmar explained that even with the lot line adjustment that was proposed, Lot 2 is still 0.25 acres, which is enough space for a single-family residence in the R-1-10 Zone. The setbacks are the limiting factor on that particular lot.

Chair Roach opened the public hearing.

Douglas Lund gave his address as 1909 Lincoln Lane. He informed the Commission that he did not receive notice for the Planning Commission Meeting even though his property immediately abuts the subject property. He heard about the meeting from a neighbor instead. Mr. Lund has lived in his home for almost 30 years and has planted more than 30 trees since he moved there. When he first moved into his home, it was zoned R-2-8 and Holladay changed that to R-1-10. He

has more than 400 feet of public frontage because he is on the corner lot. Something that he enjoys about his lot is the back northwest corner. He likes the large setbacks and the privacy there.

Information about the R-1 Zone was shared. Mr. Lund explained that new developments are intended to be harmonious and compatible with the existing character and development patterns in the immediate vicinity. That includes building mass, setback, lot coverage, and height. Mr. Lund has looked at the PUD and the request to preserve existing greenery and trees. There needs to be a justification for why the PUD will be better for the City and by extension the neighborhood. He does not understand the rationale for a putting green. The proposed PUD would impact eight private backyards, including his own. Mr. Lund is not supportive of the proposal. There is more than enough space to build a 2,500-square-foot home within the current setbacks on the site.

Chris Jensen gave his address as 1878 East Lincoln Lane and explained that he lives directly across the street. The role of the Planning Commission is to follow the intent and spirit of the City Code that has been established. A lot of effort has gone into the zoning code. Mr. Jensen reported that on the south side of Lincoln Lane, there are six or seven flag lots and he lives on one of them. Before Holladay was incorporated, Salt Lake City required a flag lot to own a road all the way to the public street. That is not required at this time. Out of all the flag lots in the area, not one of them has reduced setbacks. Mr. Jensen referenced Section 13.01.030 under the Zoning Ordinance and noted that it is important to consider the spirit and intent of the language.

Mr. Jensen noted that the Staff Report lists conditional uses. It states that a conditional use shall not result in the loss of privacy. He does not understand how a 10-foot setback will ensure there is privacy for both property owners. As for the existing putting green, that was built on an adjacent parcel, and the request is now to come back and move it into Lot 1. There is also a request to reduce the setbacks. Mr. Jensen questioned whether the property owner will remain on the site in the future. He also expressed displeasure about the submittals, as there was no detailed information. There was no plat document or landscape plan included in the materials. He does not feel the proposal meets the code. As a result, he asked that the Commission deny the request.

Rick Stevenson gave his address as 4328 Holladay Boulevard, which is directly to the east of the subject property. He hopes Commissioners will take the previous comments into consideration. Mr. Stevenson noted that the applicants tore down a house where the existing home is, so he does not see a hardship in this scenario. He pointed out that the setbacks are in place for a reason. Mr. Stevenson informed the Commission that he did not receive notice about this hearing. The only reason he was aware of the hearing was because of communication from another neighbor. Mr. Stevenson reiterated that he did not see a hardship in this circumstance and asked for a denial.

Doug Herscher gave his address as 1874 Lincoln Lane. He is directly across the street from the subject property. Ahead of the meeting, he reviewed the language about the purpose of a PUD. In this case, the proposal is to have reduced setbacks, but it is important to consider what loss of privacy could occur as a result of the proposal. A PUD is meant to ensure that the adjacent properties will not be adversely affected, but it is clear that this proposal will adversely affect the nearby properties. Mr. Herscher does not believe the surrounding properties should be made less desirable as a result of the proposal and asked the Commission to keep that in mind.

Ms. Volmar shared clarifying comments. She explained that there was a desire to sell Lot 1. The property owner also has property in California. The property owner has six children who live in Holladay and Millcreek, so the plan is to sell Lot 1 and temporarily relocate to California while the house on Lot 2 is built. The intention is to return and then live on Lot 2. Ms. Volmar reported that a surveyor has been hired and the new survey was supposed to be submitted for this meeting, but it was unfortunately not submitted in time. However, it will be shared shortly. She noted that there are several flag lots to the west of this property, as flag lots are common in Holladay.

Ms. Marsh offered to look into the noticing since it is important for nearby property owners to be properly notified. As for PUDs, it is a three-step process. The Planning Commission can approve a concept and require the applicant to come back for preliminary, which would then have more details. For the concept portion, the basic idea is shared, feedback from the Planning Commission is considered, adjustments are made, and then the applicant comes back for the preliminary part of the process. The approval process for a PUD is still Concept, Preliminary, and Final. As for the intent of a PUD, it also includes facilities that are compatible with the present living environment. The purpose of a PUD is broad and it allows for flexibility in the land use. This property is over the minimum lot size, so it is within their rights to adjust property lines without a PUD.

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

Commissioner Berndt asked if it is possible to continue this application to a future meeting. Mr. Christopherson reported that the applicant can withdraw their application or request. Alternatively, the applicant could ask to make some refinements to what has been proposed. The Planning Commission also has the authority to approve, deny, or continue the application. The Commission can approve the Conceptual Site Plan and not approve the Preliminary Site Plan.

Commissioner Berndt stated that he does not support the Conceptual Site Plan with the reduced setbacks. Commissioner Fonte noted that she is not in favor of the reduced setbacks due to impacts on the neighbors. Chair Roach asked about the size of Lot 2 currently. Ms. Marsh reported that it is 0.39 acres. Discussions were had about what can be built on the property as it is. Ms. Marsh informed the Commission that the lot has building rights associated with it. Commissioner Fonte asked whether an E-ADU could be built on Lot 2. Ms. Marsh denied this but noted that if the size of Lot 1 was increased to half an acre, it would be possible to build a 1,200-square-foot guest house.

Commissioner Berndt noted that he has re-read the PUD language and does not believe it applies to this situation. He does not personally feel this application meets the requirements of a PUD. It was noted that if the PUD was granted, the open space area would be required to permanently remain open space. Commissioner Berndt explained that he has not been persuaded that the intent of the PUD would be met through this proposal. Commissioner Gong asked if there was a way to change the setbacks on one side without changing them on the other side. It was noted that this could occur if a PUD was approved. Other setbacks could be considered as part of the PUD.

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Ms. Marsh reported that the applicant held a neighborhood meeting, which is required for a subdivision amendment. The list of residents notified about that meeting was included in the Meeting Materials Packet. The Meeting Minutes from the neighborhood meeting as well as the list of attendees were also included. As for the notifications sent out by the City, that was separate. She offered to look at the list of addresses the City sent Planning Commission Meeting notifications to. Commissioner Berndt suggested that the discussion be continued in order to verify whether the City's noticing requirements were met. It would also allow the applicant to consider their options moving forward. Discussions were had about the options available to the applicant.

Chair Roach asked what would happen if the item was continued. Mr. Christopherson reminded the Planning Commission that the public hearing has been held and closed. As a result, there would not be new notices shared. No additional public comment would be heard on this particular application. If the applicant wants to hold another neighborhood meeting, that can be done, but it is not something that would be required. If feedback from the Commission is incorporated into their proposal, there would not be a new public hearing or neighborhood meeting required for that. The process would not necessarily start over if the applicant chose to make some modifications.

Chair Roach wants to determine the best path forward for the applicant given the feedback that has been received on the application. Mr. Christopherson reported that the applicant can withdraw the application and reapply with something that is substantially similar but different enough that the feedback has been taken into account. However, if there is a vote on this item, that application cannot be refiled for one year in the same form. Chair Roach asked if the applicant had an interest in withdrawing the application. It was noted that the applicant will withdraw the application. Mr. Christopherson stated that there would be a new public hearing held in the event of reapplication.

ACTION ITEMS

6. Approval of Minutes – January 23, February 20, and April 2, 2024.

Commissioner Cunningham moved to APPROVE the Meeting Minutes from January 23, 2024, and April 2, 2024. Commissioner Fonte seconded the motion. The motion passed with the unanimous consent of the Commission.

ADJOURN

Commissioner Fonte moved to ADJOURN. The motion was not seconded. The motion passed with the unanimous consent of the Commission.

The Planning Commission Meeting adjourned at approximately 8:24 p.m.

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I hereby certify that the foregoing represents a true, accurate, and complete record of the City of Holladay Planning Commission Meeting held Tuesday, May 21, 2024.

Teri Forbes

Teri Forbes
T Forbes Group
Minutes Secretary

Minutes Approved: _____

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Planning Commission
Community Development
Department City of Holladay
801.527.3890

CITY of HOLLADAY

MINUTES DATE: JUNE 4, 2024 — PLANNING COMMISSION 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:

Written Meeting Minutes Approval

APPLICABLE REGULATIONS:

Utah Code 52-4-203
13.06.030

EXHIBITS:

Draft Meeting Minutes

STAFF:

Jonathan Teerlink, Planning Manager

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:

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MINUTES OF THE CITY OF HOLLADAY
PLANNING COMMISSION MEETING

Tuesday, June 4, 2024
6:00 PM
City Council Chambers
4580 South 2300 East
Holladay, Utah

ATTENDANCE:

Planning Commission Members:	**City Staff:**
Dennis Roach, Chair	Carrie Marsh, City Planner
Paul Cunningham	Brad Christopherson, City Attorney
Angela Gong	
Ginger Vilchinsky	

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WORK SESSION

Chair Dennis Roach called the Work Session to order at approximately 5:30 p.m.

The agenda items were reviewed and discussed. City Planner, Carrie Marsh reported that the Public Hearing item is a Historic Site Modification Permit for Brinton House at 1981 Murray Holladay Road in the R-M Zone. She explained that the application has been evaluated under the existing code, as the Historic Preservation Ordinance has not been passed at a City Council level.

Ms. Marsh noted that the Staff Report details some history of the site. The historic house is in the front of the property and there was an addition in 1979 on the rear side of the property that incorporated a lot of the same elements seen in the main house. The modifications that the applicant is requesting include tree removals, painting window trim, replacement of the south side entrance door and the east side entrance door, fencing, and removing an existing garage and carport on the site in order to build a new one. The applicant sent over some architectural details for the newly proposed garage, which can be reviewed by the Planning Commission.

The Staff Report has a detailed review from Community and Economic Development Director, Jonathan Teerlink, about each of the items that were suggested to be changed. There is a recommendation included for each of those items. Ms. Marsh suggested that the Commission review those recommendations first. A question was asked about the doors. Ms. Marsh explained that the current doors were not there from the beginning. At some point, there was a replacement.

Chair Roach asked about a Landscape Plan. Ms. Marsh reported that she spoke to the applicant about landscaping and trees earlier that day. She noted that it is possible to send him a tree recommendation list. Alternatively, the Commission can share tree recommendations.

Chair Roach asked for additional information about the fencing on the west side. Ms. Marsh clarified that no details were provided to outline what the fencing would be replaced with, but it is possible to ask the applicant about what is envisioned in this area. It is possible for there to be an iron fence on the front of the property. Chair Roach pointed out that the proposal is to demolish the garage on the east side of the parking lot in the back and it will be moved further back. He asked what will be in the current garage location. Ms. Marsh explained that there will be parking.

As far as the doors, Chair Roach noted that what is proposed is a modern glass door. Ms. Marsh reported that new elevations were sent to City Staff earlier in the day. Those images were reviewed. She pointed out the east side of the property and the details for the new garage. Chair Roach stated that prior to the Work Session, he was advised by the City Attorney that notifications were sent out, but only to those in the immediate area. As a result, it is best to continue the Public Hearing to ensure that due process is met. The applicant can address Commissioner comments.

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

Chair Roach called the Regular Meeting to order at approximately 6:00 p.m. Since there was no one from the public present outside of the applicant, the Commission Statement was not read.

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PUBLIC HEARING

1. 'Brinton House' Historic Site Modification Permit - 1981 Murray Holladay Road (R-M) Review and Consideration of a Request by Applicant Katie Thibodeaux, Representing Owner Roderick Enterprises, for Modifications to a Designated Historic House and Site. Item Reviewed as an Administrative, Conditional Use Application as per Provisions Stated in Holladay Ordinance §13.08.040, §13.86.030 & §13.86.050. *File #24-2-05*

Ms. Marsh presented the Staff Report and explained that the application is a Historic Site Modification Permit for the Brinton House. She reported that the Brinton House is a historic home and site located at 1981 Murray Holladay Road. The existing property has a historical home on the south side with an addition that was added to the north side of the home in 1979. The applicant is proposing a replacement of the front doors on the south side and the east doors next to the parking lot. Other modifications include site landscaping, such as the removal of trees on the east side of the building. Those aspens will be replaced with some columnar evergreens. Three other trees on the site are shown to be removed. The applicant needs to submit a Landscape Plan showing the replacement location for those three trees. There is also a proposal to demolish a detached garage and carport on the site. A larger garage would then be built on the north side of the property.

Other proposed modifications include painting the window trim black. There is also a canopy proposed on the east side. The Staff recommendation is to add more ornate detailing so it ties in with the historical architecture and modification to the doors so there is more visual weight. Ms. Marsh noted that the applicant has a presentation to share with the Planning Commission.

The applicant representative, Ben Wheat, introduced himself to the Commission. He explained that the building was recently purchased for the Roderick Enterprises headquarters. Roderick Enterprises is a local land developer and property owner that has been in business since 1956. The company has been established in Murray for the last 17 years, but the business has outgrown that building. There is excitement to move to this location. The first floor will be the headquarters for their main operations. The building is in excellent shape, but some freshening up is needed.

Mr. Wheat reported that one part of the proposal is to paint the window trim, fascia, and railing black. There is also a proposal to replace the entrance doors that are not part of the original structure. He explained that the idea is to have a storefront door with black metal mullions with tempered glass. The current door is old, drafty, and is not period-specific to the house. Mr. Wheat clarified that a canopy will not be added, but there will be a black frame that will frame the entrance. There will not be a physical canopy that protrudes. He reviewed an example image.

Commissioner Angela Gong asked whether the glass on the front will be frosted. Mr. Wheat denied this and explained that it would be clear glass. Additional discussions were had about the entrance doors. Mr. Wheat explained that the two yellow doors and surrounding windows will be replaced with the storefront glass door that has been proposed. Mr. Wheat informed the Commission that there would not be an awning, but a crossbar. There will be fence replacement done in accordance with the fence regulations in Holladay. Portions of the fence have been neglected in terms of maintenance. Fence material has not been proposed at this time, but that is regulated by the code. Metal rod fencing is likely what will be in the front. Since this is a historical site, there is a desire to bring all of the proposed changes to the City for consideration.

Commissioner Paul Cunningham expressed concerns that the application is premature to be in front of the Planning Commission. As for fencing, there are a lot of things that are allowed in the code that may not make sense for a historic site. There is a desire to maintain the historic character. Without knowing what kind of fence materials are envisioned, he is not sure that he could vote on this application. More details are needed before a motion is made on this application.

Ms. Marsh noted that guidance can be provided to the applicant. For example, what the Planning Commission would like to see on the site. Chair Roach explained that after the presentation from Mr. Wheat, there could be discussions about some possible material recommendations. City Attorney, Brad Christopherson, recommended opening and then continuing the public hearing.

Commissioner Cunningham asked whether the Historical Commission was notified about this application. Mr. Christopherson reported that the agenda was published according to requirements. There was no special consideration or notice given to the Historical Commission. Commissioner Cunningham thought it would make sense to hear from a member of the Historical Commission about an appropriate fence material. Ms. Marsh pointed out that there is no requirement for the applicant to discuss plans with the Historical Commission, but the applicant can take ideas to them and return to the Planning Commission with their suggestions. Alternatively, the applicant can share some sort of explanation for the choices made.

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Mr. Wheat reported that renderings were provided to the Planning Commission for context. He reiterated that an awning is not being requested, so references to that in the Staff Report can be removed ahead of the next Planning Commission Meeting on this item. As far as fence replacement, whatever is proposed will be an improvement over the existing conditions. The fencing along the west side is the worst in terms of overall condition. On the north and east side, there is chain link fencing with privacy slats. If the recommendation from City Staff or the Historical Commission is to have a brick wall, chances are the existing fence will remain, due to the costs. On the west side, there will likely be some kind of wrought iron fencing. There will not be vinyl fencing or something that would look completely out of place on the property.

Mr. Wheat discussed the request for a Landscape Plan. He explained that it is possible to ask the Landscape Engineer to create that plan. The trees identified will have a 1:1 replacement with a columnar. The current trees are too close to the building and create issues from an insurance standpoint and a fire safety standpoint. The two trees out front are proposed to be replaced to provide more visibility to the site. He noted that trees will be relocated on the site.

Mr. Wheat explained that the placement of the existing garage takes away from the historical look of the site. It has no correlation or tie-in to the main structure. The proposal is to tear that down, add five parking stalls in that location, tear down the carport in the back, and relocate the garage to the rear of the building. This will be hidden from the street sight. The elevations provided to City Staff indicate there will be a full brick building to match the brick of the add-on structure from 1979. He acknowledged that all City standards and requirements need to be met.

Chair Roach believed a two-story building with setbacks right against the fence had been proposed. He wondered whether that was allowed in that zone. Mr. Wheat reported that the back parking lot of the commercial project is to the west and the north is the canal. Chair Roach expressed concerns that a neighbor across the canal might have a view of a wall where trees and a fence used to be located. Ms. Marsh stated that the location of the building is not something that is negotiable, as it is controlled by the zone. It will need to meet the setback requirements of the R-M Zone.

Commissioner Ginger Vilchinsky asked about the doors on the front side. It was brought to the attention of the Commission that the current door adds some dimension or heaviness, which keeps it closer to the original period of the house. She wondered whether something less modern could be considered. The Fox Market, for example, has metal doors at the front of the shop that are more ornate. Something similar to that could be considered instead of what is currently proposed.

Chair Roach reported that in order for the Planning Commission to vote on the application, there will need to be clarity about what kind of door will be installed. More details are required. Mr. Wheat understands some of the concerns about the door on the front but asked the Planning Commission to allow them to move forward with what is proposed on the east side. Commissioner Vilchinsky asked if the applicant needs a Conditional Use for the proposed changes on the east.

Ms. Marsh clarified that anything that is substantially modified on the site requires the applicant to come forward to the City. With the rear addition, there were still historical elements incorporated. She suggested that the doors tie in some of the previous architectural elements.

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Mr. Wheat informed the Commission that he is open to something different on the south side, but on the east side, he would like to see what is currently planned to be incorporated into the site.

Discussions were had about the window styles. Mr. Wheat reported that the black lines shown in the example images are mullions. Commissioner Vilchinsky still thought the design looked too modern. She does not necessarily feel what is proposed matches the historical look of the building. However, if the applicant is able to incorporate some of the suggestions from City Staff, it might blend in a little bit better with the historical character. Ms. Marsh believes slight modifications can be made, which will allow for the more modern door, but ensure that it looks more traditional. For instance, more mullions or arched features that reflect the architecture of the historical structure.

Mr. Wheat reviewed some example images with the Commission and additional discussions were had about the door style. Chair Roach noted that there are ways to tie in historic elements without them looking the exact same as the historic design. Ms. Marsh wondered whether there could be some sort of fill on the doors, where the doors have a slight arch and a larger bodied frame. A glass door could be filled with extra trim so it mimics the visual weight without a wooden door. Additional details can make a difference in the overall look and feel of the door. Ms. Marsh likes the idea of a transom window with some extra mullions so it pulls the line across more. Mr. Wheat asked whether this is envisioned as horizontal or vertical. Ms. Marsh stated that either could work in certain locations. Those details can create a more traditional look, which is missing in the proposal. It is possible to have a modern structure, but add fill to the glass door to make it more traditional.

Chair Roach suggested that a meeting take place with a member or members of the Historical Commission. It would be meaningful to return to the Planning Commission with some feedback. Chair Roach clarified that the Historical Commission is not a deciding factor when it comes to this application, but it could be worthwhile to hear from them, as the opinion of the Historical Commission would carry a lot of weight with him. Commissioner Gong acknowledged that the existing door is not historic. A historic style door is not being suggested, but the Planning Commission wants to see small nods to the historic style in the more modern elements proposed. She appreciates that the applicant is considering wrought iron for some of the fencing, but suggested that Mr. Wheat return to the Planning Commission with more specificity.

Chair Roach shared comments about trees on the site. On the Landscape Plan, he wants to see what trees will be replaced and what those trees will be replaced with. He noted that the property is limited and there is not a lot of green space. While he understands that the aspens are not properly placed, those provide a certain shade element to the parking lot, which the columnar evergreen will not. Mr. Wheat confirmed that a Landscape Plan can be created to outline what is proposed for the site. He explained that the trees grow out instead of down. Inside the building, on the west wall, when the drywall was torn out, there were aspen tree roots found. Chair Roach acknowledged that it was not the right tree in the right location. Mr. Wheat stressed the importance of removing them and adding something that is better suited for the property. Chair Roach suggested that since the garage is being torn out, there be a landscape island placed there instead.

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That addition could provide more shade canopy and address the heat island. If the cost of that is prohibitive, he understands that, but it is something that could be a benefit to the overall site.

Commissioner Gong asked about the two trees in front that are blocking visibility from the street. Mr. Wheat reported that he will have a Landscape Plan created. It will show the trees that are proposed to be removed as well as the location of the new trees and the type of new trees. Ms. Marsh discussed the tree canopy replacement requirements. Applicants have the option to plant trees off-site. If there is a situation where it is not possible to fit enough trees on the site, it is possible to plant them elsewhere. There is a specific distance for that option. She offered to share those details with the applicant following the meeting. Chair Roach noted that there is line of sight trimming that can be done for some of the existing trees on the site. It sounds like this has already been planned for some of the trees. Commissioner Gong asked about the trees along the fence. Mr. Wheat noted that an Arborist Report is included in the Staff Report. Half of those trees were determined to be sickly enough that removal is necessary. Ms. Marsh pointed out that if some trees along the fence line are removed, there could be space to plant replacement trees there.

Ms. Marsh reported that the tree canopy sustainability language intends to ensure that when trees are removed, the trees are replaced. The replacement replenishes the canopy. It will not be mature right away, but over time, there will be improved conditions on the property.

Chair Roach opened the public hearing. There were no comments. The hearing remained open.

Commissioner Cunningham moved to CONTINUE the application for the 'Brinton House' Historic Site Modification Permit at 1981 Murray Holladay Road and leave the public hearing open. Commissioner Gong seconded the motion. Vote on motion: Commissioner Cunningham-Aye; Commissioner Gong-Aye; Commissioner Vilchinsky-Aye; Chair Roach-Aye. The motion passed unanimously.

ADJOURN

Chair Roach moved to ADJOURN. The motion was not seconded. The motion passed with the unanimous consent of the Commission.

The Planning Commission Meeting adjourned at approximately 6:47 p.m.

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I hereby certify that the foregoing represents a true, accurate, and complete record of the City of Holladay Planning Commission Meeting held Tuesday, June 4, 2024.

Teri Forbes

Teri Forbes
T Forbes Group
Minutes Secretary

Minutes Approved: _____

DRAFT