

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

Tuesday, March 19, 2024

5:30 p.m.

City Council Chambers

4580 South 2300 East

Holladay, Utah

ATTENDANCE:

Planning Commission Members:

Dennis Roach, Chair

Paul Cunningham

Ginger Vilchinsky

Jill Fonte

Brian Berndt

City Staff:

Carrie Marsh, City Planner

Jonathan Teerlink, Community Development Dir

Brad Christopherson, City Attorney

WORK SESSION

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

The agenda items were reviewed and discussed. Community Development Director, Jonathan Teerlink, shared information about the proposed Text Amendment to Chapter 13.62 and explained that City Staff has provided background information about heights across all zones. Based on some elements in the General Plan, specifically Chapter 4, it is possible for the Planning Commission to discuss the merits of the request and the specifics of the General Plan. From there, the Planning Commission can make a recommendation to the City Council. However, City Staff recommends that the Commission keep the public hearing open and continue it to the next meeting.

Mr. Teerlink explained that some residents expressed concerns with how Text Amendments are noticed in the City. He clarified that this is done according to State law, but some wanted specific neighborhoods to be noticed. Mr. Teerlink reiterated the request to open the public hearing, keep the hearing open, and continue the item to the next Planning Commission Meeting.

Chair Roach wanted to know if City Staff has a recommendation on the application. Mr. Teerlink confirmed this. Since it is a specific height amendment, there is recommendation for approval. Commissioner Paul Cunningham noted that there has not been a change since Holladay became a City. He wanted to know if someone previously asked for a change that was declined. Mr. Teerlink reported that the height has not been addressed by the Council and an applicant has not previously approached the City. Commissioner Cunningham referenced the graph in the Meeting Materials Packet that shows the different heights in Holladay. He asked if there was an advantage to looking at all zone heights at the same time so there would be a solid rationale for the amendment. Mr. Teerlink stated that the Planning Commission can make that recommendation.

Discussions were had about the typical height of a commercial story. Mr. Teerlink reported that it is normally 13.5 feet. He mentioned the previous amendment to the height in the Holladay Village Zone. Some applicants were requesting additional height, because in the Holladay Village Zone, there is a requirement to have the first level be retail. The retail height takes up a lot of the space. The idea was to grant the extra height if there is retail as the main floor component.

City Planner, Carrie Marsh, shared information about the Action Items on the Regular Meeting agenda. The first related to the Walker Meadows Circle Subdivision. The item is an extension of the Final Plat approval. The request is to extend it by one year. The second Action Item is for Base 45 Subdivision, and it is also a request for an extension of the Final Plat approval by one year.

Following the Public Hearing Items and Action Items, there will be a discussion on the pending Historic Preservation Ordinance. Mr. Teerlink explained that the Historic Preservation section is missing some language that enables a property owner to put it on a City list. Property owners can go to the State and receive State Historic Designation for their properties, but the process to get a home on the Holladay list needs to be updated. The reason there may be a desire to put a property on the Holladay list is because for historic properties, there are a number of additional uses that are afforded to the property owner to sustain the property economically or create more interest in the property. City Staff has provided some information about historic preservation in the City. At the next Planning Commission Meeting, there will be a draft amendment presented for review.

Chair Roach noted that a list of existing properties was included in the Meeting Materials Packet. He asked if this change will allow a larger scope of properties to be added to the Holladay list. This was confirmed. Mr. Teerlink explained that the idea is to allow only the property owner to add a property to the list. Previously, any outside entity could add a historic property to the Holladay list. Chair Roach asked if this will result in additional restrictions to future property owners who assume ownership after it has been placed on the list. Mr. Teerlink confirmed this.

Discussions were had about developers who may want to tear down a historic site. Mr. Teerlink explained that there was some direction received about a potential Period of Stay so the Historic Preservation Commission can document the property appropriately. However, he clarified that this would not prevent a property owner from taking down a historic home if that was desired.

Chair Roach noted that a request was made to amend the order of the Regular Meeting agenda. It was suggested that the agenda start with the Action Items. This was supported by the Commission.

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

Chair Roach called the Regular Meeting to order at approximately 6:02 p.m. The order of the Regular Meeting agenda will be changed slightly to allow the Action Items to be considered first. Commissioner Cunningham read the Commission Statement for the benefit of those present.

PUBLIC HEARING

1. **Conditional Use Permit - Accessory Building Footprint Size - 3931 South 2175 East (R-1-10). Review and Consideration of a Request by Applicant, Colyn MacDonald, for a Conditional Permit Allowing Construction of a Detached Accessory Building with a Footprint Size Larger than Normally Permitted. Item Reviewed as an Administrative Application as Per Provisions stated in Holladay Ordinance §13.14.030 & 13.08.040 13.14.030 & 13.08.040. File #24-2-02.**

Ms. Marsh presented the Staff Report and explained that the application is for a Conditional Use Permit. The applicant is Colyn MacDonald, and the property is located at 3931 South 2175 East in the R-1-10 Zone. The applicant is requesting an accessory building that exceeds the permitted footprint

size of 900 square feet. The total footprint size is proposed to be 1,577 square feet, which is an additional 677 square feet over the permitted accessory building footprint size. The accessory building is compliant with setbacks and lot coverage standards. The narrative submitted explains that there is a desire to use the accessory structure as a mother-in-law apartment, sports court, and garage. The current accessory dwelling unit (“ADU”) code does not allow ADUs on properties that are half an acre or smaller. However, proposed amendments are currently under review and will be heard by the City Council on Thursday. If the applicant were to use their accessory structure for an ADU, requirements need to be met in order to rent it as an ADU. She clarified that the accessory structure can be built for private use with family member occupancy.

The Planning Commission needs to consider the impact on neighboring properties, discuss the specific uses proposed by the applicant, and potentially create Conditions of Approval. Ms. Marsh asked the applicant to address the Commission. Mr. MacDonald explained that his intention is to primarily use this as a structure for his children. The family moved to Holladay approximately seven months ago from Arizona. The idea is to use the structure for recreational sports. He reported that he wants to match the accessory building to the newly remodeled home, so the siding and stone will match. As far as the height, 17 feet is proposed. There are trees surrounding that are 30 to 40 feet, so the building height will not be intrusive. He pointed out that the accessory building will not be visible from the front of the home. This is intended for private use only.

Mr. MacDonald stated that the proposal is to have gravel along the north side of the property to back in some trailers that he owns. However, it will not be a formal driveway. He simply wants there to be 10 feet of gravel on the north side so the trailers will not sink into the mud. Commissioner Jill Fonte did not believe this was proposed to be a dwelling unit. Mr. MacDonald explained that initially, he mentioned a mother-in-law apartment, but right now, he does not intend to use it as an apartment. It was contemplated in case the family needs to take in his mother or mother-in-law. In that case, a section of the building can be converted. It would never be rented out as an ADU or have a separate meter. Chair Roach asked if the applicant would have an issue with the Planning Commission restricting the use to what was submitted. Mr. MacDonald stated that he would not have an objection to that, as he intends to use the building as described.

Chair Roach opened the public hearing.

Brent Hardcastle gave his address as 3920 South and stated that his property is directly west, across the street from the applicant property. He does not have an issue with what is proposed.

Jerry Williams gave his address as 3954 Alberly Way and expressed his support for the application. The MacDonald family is an asset to the neighborhood. Rarely has a family come in and had such a positive impact on the area. Everyone is pleased to have them live in the neighborhood.

Gary Jones gave his address as 3939 South 2175 East. He lives directly south of the MacDonald home. He has lived in the area for more than 40 years and it has been a benefit to have the MacDonald family in the neighborhood. What they are doing on the property is an improvement.

Jeff Lund gave his address as 3916 South Feramorz Drive and explained that he lives to the east of this property. He has a few questions about the application. On the application itself, he saw a reference to 2,000 square feet, but during the presentation, 1,577 square feet was mentioned. Ms. Marsh clarified that the applicant originally applied for a 2,000 square foot footprint, but after reviewing the application, it was found that a 2,000 square foot structure would not be compliant. The code states

that structures can only cover 28% of this size of property. Calculating what the current structure covers, that resulted in the remaining 1,577 square foot allowed on the property.

Mr. Lund asked if a public hearing would be needed if the proposal was to attach the accessory building to the home. Ms. Marsh explained that the hearing is because it is a detached structure. Mr. Lund pointed out that the other structures in this neighborhood are about 500 or 600 square feet with one or two car detached buildings. What is proposed is very different than what currently exists. He is not opposed to the application, especially since it will not be used as an ADU, but he feels it is important to acknowledge that what is being considered is very different for the area.

Roger Ding gave his address as 3956 South Feramorz Drive. He had a question about the irrigation ditch on the east side of the applicant property. He wanted to make sure that the construction will not interfere with that irrigation ditch and that there will still be access to service the irrigation ditch as necessary to prevent flooding in the neighborhood. Ms. Marsh explained that for properties with irrigation laterals, the applicants are required to have a waterway protection agreement that is signed by the irrigation management company. She added that all of the irrigation canals and ditches have utility easements for maintenance.

Ashley Smith stated that she owns the property at 3926 South Feramorz Drive. She asked if the structure will be built running east-west or north-south. It was noted that those decisions are made when there are plans submitted for the Building Permit. This application only relates to a Conditional Use Permit for the footprint size. Details for the building are largely non-regulated, but the Commission can institute conditions to mitigate potential impacts from the footprint size.

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

Mr. MacDonald responded to comments made during the public hearing. He shared information about the irrigation ditch. As for the building, it will most likely be 40x30 or 40x35 and will be in the northeast corner of the lot. That is where there are large trees located, so the building will not be obtrusive. Chair Roach recommended that if there is a lot of root zone that flows into the building area, there be mitigation to the roots so the large trees will remain around the structure.

Commissioner Brian Berndt referenced the aerial image. He asked if there are other buildings in the back that will be removed. This was confirmed. Mr. MacDonald explained that there are a few old sheds back there that will be removed. Commissioner Berndt asked what will happen if the City Council approves the proposed amendments. The 5 feet on the south side that is shown on the Site Plan might be a problem. Ms. Marsh explained that it can be moved further if there is a desire to increase the side setback, but as proposed, this is compliant with the setbacks. The Commission could draft a Condition of Approval to state that if there is living space on that side of the building, some additional screening must be added. Commissioner Berndt asked for additional details about the Site Plan that was submitted. It was clarified that the only thing the Planning Commission is approving at the current meeting is the size of the accessory building.

Commissioner Berndt moved to APPROVE the application for a detached accessory garage sized at 1,577 square feet, located at 3931 South 2175 East, based on the following findings:

- 1. The desired structure's footprint does not exceed the total allowed structure coverage on the parcel and is within the setbacks required for an accessory building.***

2. *Staff has not received objections or concerns (written or verbally expressed) to date respecting the CUP request.*

The approval is contingent upon the following conditions:

1. *The project is subject to height, setback, and lot coverage regulations for their property size.*
2. *The Owner/Applicant shall obtain a Building Permit for the proposed detached garage addition.*
3. *The Owner/Applicant shall not establish or use the structure as a commercial amenity.*
4. *The Owner/Applicant is to be compliant with impervious lot coverage standards when adding a driveway to access the detached structure.*
5. *The Owner/Applicant is to replace all trees removed by the placement of the accessory building and any other hard/impervious surfaces added.*

Commissioner Fonte seconded the motion. Vote on Motion: Commissioner Berndt-Aye; Commissioner Fonte-Aye; Commissioner Cunningham-Aye; Commissioner Vilchinsky-Aye; Chair Roach-Aye. The motion passed with the unanimous consent of the Commission.

2. **Zone Map Amendment - Rezone from RM to PO - 6375 South Highland Drive (R-M). Review and Recommendation to City Council on a Proposal by Applicant Aaron Hauga to Amendment to the Holladay Zone Map at this Location from the Current, Residential Multi-Family Zone (R-M) to the Professional Office Zone (PO) for Approximately 0.57 Acres of Property. Item Reviewed as a Legislative Action, According to Procedures Set Forth in Holladay Ordinance §13.07. File #24-4-04.**

Ms. Marsh presented the Staff Report and explained the application is for a Zone Map Amendment. The request is to rezone property at 6375 South Highland Drive from the RM Zone to the PO Zone. The property size is approximately 0.57 acres and is comprised of one larger parcel and two smaller triangular pieces. The RM Zone is a rollover from Salt Lake County, which had mixed-uses. It previously allowed both office use and residential use. In 2018, the City created the PO Zone, which expanded the uses slightly to include medical and dental uses but removed residential uses as a permitted use. Priority was given to property owners who were zoned as RM and used their buildings for office space to rezone to the PO Zone. That is the request made by the applicant, since the current use is an office. There is a desire to rezone to PO and redevelop the upstairs level of the property into a residential space. That residential space would come back to the Planning Commission as a Conditional Use Permit in the future. The Highland Drive Master Plan, Segment C, is interpreted as the applicable General Plan District that guides this particular application.

The Planning Commission has a few different options to consider. Given the General Plan recommendation for commercial, the C-2 Zone is the best fit. However, the PO Zone is also appropriate. Chair Roach asked if there is anything in the PO Zone or C-2 Zone that would make a difference to what the applicant is requesting. Ms. Marsh explained that the property owner might be interested in leasing space to someone in the future and that use might not fit within the PO Zone. In that instance, a rezone could be requested for the C-2 Zone to allow for expanded uses. Currently, the property owner has not expressed a desire to expand the uses beyond office.

Commissioner Fonte believed if the Commission approves the zone change to PO, the hands of the applicant will be tied for now. Ms. Marsh explained that they can come back and ask for a rezone to the C-2 Zone in future, they can withdraw their application and submit a new one for C-2, or the

Commission can forward a recommendation to the City Council for the PO Zone. The Planning Commission recommendation can be a positive recommendation, negative recommendation, or neutral recommendation. Commissioner Fonte wondered whether the City Council would look more favorably on the application if it were for the C-2 Zone rather than the PO Zone proposed. Ms. Marsh confirmed this since the C-2 Zone would fit with the General Plan.

The applicant, Aaron Hauga, introduced himself to the Commission. He explained that he is the applicant for the rezone, but since the application was submitted, he has sold the building. The new owner will be taking over, so he thought it was best that the new owner share comments.

Mike Ault gave his mailing address as 3340 South 300 West Suite #7 and introduced himself as the new owner of the building. Christopher Ault stated that he is Legal Counsel for the new owner and clarified that the actual owner of the property is 6375 Highland LLC. He is representing 6375 Highland LLC, and its member, Mike Ault. Chair Roach asked about the rationale for the rezone to PO. Mr. Ault explained that his parents wanted to move into a commercial space and live in the top floor. He has a Site Plan and plans for the remodeled top floor, which would be split into two apartments. One apartment would belong to his parents and the other would be available to rent. The reason the PO Zone was selected instead of the C-2 Zone is because the community would prefer it to be PO. For the purposes of the LLC, the zones are identical, as there is no desire to change the office use. The only thing that is proposed to change is the top floor use.

Chair Roach opened the public hearing.

Tom Lloyd gave his address as 6284 Wrenhaven Road. He is supportive of what has been proposed but is opposed to the idea of a future rezone to the C-2 Zone. His daughter lives behind the applicant property and C-2 allows a lot of additional uses that the PO Zone does not. He suggested that the Master Plan have an exemption for certain parcels to address issues in the area. Mr. Lloyd reiterated his opposition to the C-2 Zone and hoped it would be removed from the Master Plan. He expressed concerns about the traffic implications of a rezone to C-2.

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

Commissioner Fonte asked whether it is possible to designate some properties along that corridor as PO and some as C-2. City Attorney, Brad Christopherson, noted that the General Plan calls for certain areas to be C-2. However, he pointed out that the General Plan can be amended. Circumstances can change and what was previously contemplated may still not be the best choice.

Commissioner Fonte referenced a previous discussion about property on Murray Holladay Road. There was a lot of pushback at that time from nearby residents. She wondered whether the adjacent properties and homeowners are considered when the different Master Plans are created. Mr. Christopherson confirmed that these factors are considered on some level. He informed the Commission that when the City amends the General Plan, homeowners can share comments. Mr. Teerlink noted that the City will look at the General Plan again next year. Residents can share comments about what is proposed in the General Plan at that time if there is a desire to be involved.

Commissioner Fonte noted that what is in front of the Planning Commission is a proposal to rezone the applicant property from the RM Zone to the PO Zone. Commissioner Ginger Vilchinsky appreciated that there was a comment in the Meeting Materials Packet about the public meeting that was held. One of the reasons the PO Zone is being considered has to do with neighbor concerns. She

appreciated that the owners considered what the residents were concerned about. She understands that the request is not within the General Plan, but thought it made sense to make a recommendation to approve the PO Zone request and potentially amend the General Plan.

Commissioner Cunningham was in favor of what was proposed, because it satisfied the applicant and the nearby residents. However, he does not want it to appear that a decision has been made about the General Plan, because that is not a decision for the Planning Commission to make. Commissioner Cunningham stated that he is reluctant to forward something that goes against the General Plan, because there is purpose behind the General Plan. That being said, he is supportive of this particular application. Commissioner Fonte explained that Commissioners can vote on what is before the Planning Commission, which is a Zone Map Amendment, not the General Plan.

Commissioner Berndt agreed with the comments made by other Commissioners. This is a unique proposal, as there will not be a noticeable change as a result of the rezone. He supports the request. Chair Roach asked about the area across the street from the applicant property. Ms. Marsh believed that particular segment is referenced within the Highland Drive Master Plan. She explained that overall, Highland Drive is commercial on both sides, which the General Plan took into account.

Discussions were had about zoning in the area across the street from the applicant property. Mr. Christopherson spoke about the Commercial Neighborhood (C-N) Zone in Murray. The C-N Zone has to be low impact and is supposed to be a transition from a busy street to the residential behind. There are certain height restrictions and lot coverage restrictions. It is intended to ease the transition and act as a buffer. Chair Roach asked whether the C-2 Zone in Holladay is similar to the C-N Zone in Murray. Mr. Christopherson felt the C-2 Zone is fairly close, because of the height restrictions. The height restrictions might be slightly higher in Murray than Holladay.

Chair Roach liked what the applicant was trying to do, because it considered the nearby residents. However, he also wants to look at this from the perspective of the General Plan. If it is approved as the PO Zone, he suspects that in the future, it will be back before the Planning Commission for a Zone Map Amendment to change it to the C-2 Zone. He wonders whether the rezone to PO will simply delay the inevitable. Discussions were had about appropriate language for a motion.

Commissioner Fonte moved to forward a recommendation to the City Council to APPROVE an application by Aaron Hauga to amend the Holladay Zoning Map for 0.57 acres of land, located at 6375 South Highland Drive from RM to PO, based upon the following findings:

- 1. The proposed amendment is harmonious with the overall character of existing development in the vicinity.***
- 2. The proposed amendment may not adversely affect abutting properties.***
- 3. Facilities and services intended to serve the subject property are adequate, including roadways, parks and recreation facilities, police and fire protection, schools, stormwater drainage systems, environmental hazard mitigation measures, water supply, and wastewater and refuse collection.***

Commissioner Vilchinsky seconded the motion. Vote on Motion: Commissioner Berndt-Aye; Commissioner Fonte-Aye; Commissioner Cunningham-Aye; Commissioner Vilchinsky-Aye; Chair Roach-Abstain. The motion passed.

3. Text Amendment - Chapter 13.62 Allowed Building Height in the C-2 Zone Review and Recommendation to City Council on a Proposal by Applicant, Bret Laughlin to Amend Title 13, of the Holladay City Code, Land Use and Development Regulations Related to Maximum Building Height in the C-2 Zone. Item Reviewed as a Legislative Action, According to Procedures Set Forth in Holladay Ordinance §13.07. File #24-4-03.

Mr. Teerlink presented the Staff Report and explained that the application is for a Text Amendment to Chapter 13.62. This item relates to allowed building heights in the C-2 Zone. The Staff Report includes background information about the commercial zones in the City and the allowed heights. Since the incorporation of Holladay in 1999, the C-1 and C-2 Zones have largely stayed the same as far as standards are concerned. He reiterated that there is height information in the Staff Report as well as information about what the General Plan has to say about height. Elements of Chapter 4 can be used by the Planning Commission when considering this particular application.

Mr. Teerlink explained that the Text Amendment would impact all C-2 Zones throughout the City. The City is required to mail notices to all property owners impacted by the change, so all C-2 property owners received a notice. However, a request was received from some neighborhoods that abut C-2 Zones to extend the public comment period to allow an opportunity to comment. As a result, City Staff believes it is appropriate to open the public hearing and continue the item to the next Planning Commission Meeting to ensure that all interested residents have time to speak. Mr. Teerlink added that City Staff recommends approval for the proposed Text Amendment.

Commissioner Berndt referenced the proposal that building heights in C-2 Zones be set to a maximum of 40 feet, which is 5 feet taller than what is currently allowed. He wondered whether what is seen in neighboring communities is higher than that. Mr. Teerlink explained that even if the height is increased to 40 feet in the C-2 Zone, it will still be 5 feet below what is seen in Murray and Millcreek. Commissioner Berndt did not believe there will be a significant difference moving from 35 feet to 40 feet. He wanted to know if what is proposed retains competitiveness with other cities. Mr. Teerlink shared previous scenarios that have occurred in the City. Chair Roach appreciated the comments shared but noted that the Commission is only looking at an amendment. Mr. Teerlink noted that the Planning Commission can make a recommendation on the application itself. In addition, it is possible to share direction with the Council on possible future actions.

The applicant, Bret Laughlin, introduced himself to the Commission and noted that Chris Layton was also present. Mr. Laughlin believed 40 feet was proposed because that was something that was proposed to be a permanent change. Mr. Teerlink believed the City Council wanted to look at a General Plan amendment before looking at heights across the entire City. In the meantime, a Text Amendment to address the needs of this particular application makes the most sense.

Mr. Laughlin explained that he is a resident of Holladay, and he wants to break even with this development. To break even, he will either need to do something more affordable at 35 feet or something more aesthetically pleasing at 40 feet. If there are low 9- or 10-foot ceilings, it is only possible to charge so much per square foot. If there are 11- or 12-foot ceilings, the prices increase. In order to create something that stands out visually in the neighborhood, additional height is needed. While he would prefer to have a 45-foot height allowance, the 40 feet will still work.

Chair Roach explained that when the Text Amendment is considered for the zone, it does not just contemplate the applicant property. Part of the consideration is how the amendment will impact other properties. He understands that Mr. Laughlin wants to create something that is high quality and will improve the area, but the amendments will reach beyond his property. Commissioner Cunningham

understood the plan that Mr. Laughlin had, but this will impact other areas in the City as well. The applicant property is fairly simple to deal with due to the location, as there is not a lot of residential backing onto it. However, some other properties zoned C-2 are more complicated. He is reluctant to allow this additional height in the C-2 Zone with those differences to consider. Commissioner Cunningham asked City Staff whether it is possible to allow the additional 5 feet for this specific project without changing the whole C-2 Zone. Mr. Teerlink denied this.

Commissioner Vilchinsky discussed the area next to the applicant property. There are different height requirements in that area. She wondered whether it is possible to incorporate this project into that. Mr. Teerlink explained that it is technically possible. His assumption was that if that process was pursued, the heights allowed would likely be similar to the abutting properties, because on the far east side of Memory Lane are detached single-family homes that cannot be higher than 40 feet. In that instance, the end result might be the same as the Text Amendment for 40 feet.

Mr. Layton explained that there are regulations and setbacks in neighboring zones. As a result, there are other ways to protect neighbors from uses. As far as the height, the reason the 40 feet was settled on was not only specific to this project. It also relates to other C-2 Zone projects that have three stories and want to have commercial on the lower floor with mixed-use projects on the other floors. That mixture is viable and needed. The issue is that the quality of the spaces becomes diminished when the height is reduced to 35 feet. The additional 5 feet can make a difference. It is time for the City to look at this generally, because it impacts the design of many projects.

Commissioner Cunningham mentioned the possibility of concealing items on the roof with the additional 5 feet. He wondered whether that could be a tradeoff for the extra 5 feet. Mr. Layton noted that there are still items on the roof that are typically allowed above the height limit. Mr. Teerlink stated that the items on the roof can be a maximum of 8 feet above the limit.

Commissioner Fonte noted that Economic Development and Housing Manager, Ann Frances Garcia, was present at a previous Planning Commission Meeting. What is being discussed is the development of a high-quality structure. Ms. Garcia made a case for more moderate-income housing in Holladay. She wondered whether it would be possible to rethink this application, so it considers that need in the community. Mr. Laughlin explained that the additional height makes it possible to put three or four studio apartments over the restaurant. That means it will be both commercial and residential. This will not necessarily result in moderate-income housing.

Ms. Marsh noted that moderate-income housing is often created when new units are added. She explained that new units are typically more expensive, but what happens is that people looking to move into a newer and potentially nicer unit make available some of the older units.

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

Mr. Teerlink discussed moderate-income housing and explained that the intention was to find out where there are opportunities to create different types of housing. It has not been conceptualized that the C-1 and C-2 Zones would be the areas for that. He is glad that the discussions have considered moderate-income housing and offered to bring specific information back to the Commission. It is also possible for Ms. Garcia to address the Commission at the next meeting.

Commissioner Cunningham wanted to see someone provide information about the need for the additional 5 feet, so it is possible to create a finding. Some documents that illustrate how the addition

would benefit development is something he felt was worthwhile. Commissioner Cunningham also thought it was important to look at equivalent zones in the surrounding cities.

Commissioner Cunningham moved to CONTINUE to the next regularly scheduled Planning Commission Meeting, an application by Brent Laughlin, represented by Chris Layton, to amend Title 13, Chapter 13.62.110, of the City of Holladay Land Use Code to increase the maximum allowable height from 35 feet to 40 feet. Specific items to discuss further are requested:

- 1. Resolution of the noticing request.*
- 2. Additional explanation and examples of the argument for the height increase.*
- 3. Comparison to the surrounding localities for similar zones.*

Commissioner Berndt seconded the motion. Vote on Motion: Commissioner Berndt-Aye; Commissioner Fonte-Aye; Commissioner Cunningham-Aye; Commissioner Vilchinsky-Aye; Chair Roach-Aye. The motion passed with the unanimous consent of the Commission.

ACTION ITEMS

- 4. Walker Meadows Circle Subdivision - Extension of Final Plat Approval - 5203 South Highland Drive. (R-1-10) Request to Extend the Time Period for Final Plat Approval by Applicant/Property Owner, Darren Mansell. Previous Approval for the Preliminary Subdivision was Granted on November 15, 2022, with the Condition of Recording the Final Plat within One Year. Plats that Are Not Recorded within One Year Require Approval of Extension by the Planning Commission According to Holladay Ordinance §13.10.090. File #22-1-15.**

Ms. Marsh presented the Staff Report and explained that the application is a request to extend the Final Plat approval for Walker Meadows Circle Subdivision at 5203 South Highland Drive. This is a two-lot subdivision. The subdivision is currently waiting for corrections and comments from City Staff before it is recorded. The applicant can meet the extension within the allotted timeframe. The applicant was not present at the meeting to address the Commission.

Commissioner Vilchinsky moved to APPROVE the extension of the recording date for the Final Plat for “Walker Meadows Circle,” a residential Planned Unit Development subdivision in the R-1-10 Zone, located at 5203 South Highland Drive, to one year from the prior approval date of November 15, 2022 based on the following findings:

- 1. No significant changes have been made to the plat.*
- 2. Reasonable circumstances for the extension have been presented.*

Commissioner Fonte seconded the motion. Vote on Motion: Commissioner Berndt-Aye; Commissioner Fonte-Aye; Commissioner Cunningham-Aye; Commissioner Vilchinsky-Aye; Chair Roach-Aye. The motion passed with the unanimous consent of the Commission.

- 5. Base 45 Subdivision - Extension of Final Plat Approval - 2180 East 4500 South (R-M). Request to Extend the Time Period for Final Plat Approval by Applicant/Property Owner, Luke Martineau. Previous Approval for the Preliminary Subdivision was Granted on February 22, 2023, with the Condition of Recording the Final Plat within One Year. Plats that Are Not Recorded within One Year Require Approval of Extension by the Planning Commission According to Holladay Ordinance §13.10.09. File #17-1-05-01.**

Ms. Marsh presented the Staff Report and explained that the application is a request to extend the Final Plat approval for Base 45 Subdivision at 2180 East 4500 South. It is located in the R-M Zone, and this is an approved subdivision for 32 townhomes on 2.29 acres of land. All of the standards have been met and approved. She noted that nothing has been changed in terms of what is being requested. The applicant was not present at the meeting to address the Commission.

Chair Roach moved to APPROVE the extension of the recording date for the Final Plat for “Base 45,” a residential Planned Unit Development subdivision in the R-M Zone, located at 2180 East 4500 South, to one year from the prior approval date of February 22, 2023, based on the following findings:

- 1. No significant changes have been made to the plat.*
- 2. Reasonable circumstances for the extension have been presented.*

Commissioner Berndt seconded the motion. Vote on Motion: Commissioner Berndt-Aye; Commissioner Fonte-Aye; Commissioner Cunningham-Aye; Commissioner Vilchinsky-Aye; Chair Roach-Aye. The motion passed with the unanimous consent of the Commission.

6. Approval of Minutes- January 9, 2024

Chair Roach noted that he did not read the Commission Statement at the January 9, 2024, meeting.

Chair Roach moved to APPROVE the Meeting Minutes from January 9, 2024, as amended. There was no second. The motion passed with the unanimous consent of the Commission.

DISCUSSION ITEM

- 7. Discussion - Pending Historic Preservation Ordinance Update Presentation by Staff on Pending Updates to Title 13, of the Holladay City Code, Land Use and Development Regulations as they Relate to Council Direction on Historical Preservation Including; Historical Designation Process, Allowable Land Uses, Modification Standards, and Review Processes for Historic Sites. DISCUSSION ITEM ONLY for Future Review as a Legislative Action to Make a Recommendation to City Council, According to Procedures Set Forth in Holladay Ordinance §13.07.**

Mr. Teerlink offered to answer questions about how historic preservation is handled in Holladay. He noted that this is something that City Staff has been concerned about for some time, but the timing to address the matter needed to be appropriate. Former City Council Member, Dan Gibbons, championed the effort to make sure it is addressed. Council Member Emily Gray has taken his place as the liaison for the Historical Commission. She is trying to continue this work and informed City Staff that May is Historic Preservation Month. As a result, there is a desire to have this item in front of the City Council in May so it can be approved during that month. Mr. Teerlink clarified that there will not be an extravagant update or rewrite, but procedural changes.

Chair Roach asked what would qualify a structure as historic. He wanted to know if there is a certain date needed for consideration. Mr. Teerlink explained that it is open to whatever the State will approve and accept, whether that has to do with an architectural style, individual, or use. He shared an example on Spring Lane of a Victorian home. It is a historic property, not for the architecture, but for the dairy that was located there. This process starts at the State. Once there is approval, it is possible to bring the property to the City Council to add to the Holladay list.

Commissioner Berndt does not feel he has the background to express an opinion on a historic property. Mr. Teerlink noted that if a historic home comes to the Planning Commission for a Conditional Use for a remodel or addition, it is probably a good idea for the Design Review Board (“DRB”) to be the recommending body before it comes to the Planning Commission for approval. Chair Roach asked if it would make sense to involve the Historical Commission in those kinds of applications. Mr. Teerlink believed the City Council wanted the Historical Commission to assist property owners with the process, but not necessarily to be a recommending body to the Planning Commission. Commissioner Berndt suggested that the Commission share relevant information.

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 7:40 PM.

I hereby certify that the foregoing represents a true, accurate, and complete record of the City of Holladay Planning Commission Meeting held Tuesday, March 19, 2024.

Teri Forbes

Teri Forbes, Minutes Secretary
T Forbes Group

Minutes Approved: **May 7, 2024**