

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

**Tuesday, April 2, 2024
5:30 p.m.
City Council Chambers
4580 South 2300 East
Holladay, Utah**

ATTENDANCE:

Planning Commission Members:

Dennis Roach, Chair
Jill Fonte
Paul Cunningham
Karianne Prince
Brian Berndt

City Staff:

Jonathan Teerlink, Community Develop Dir.
Brad Christopherson, City Attorney

WORK SESSION

Chair Dennis Roach called the Work Session to order at approximately 5:33 PM.

The agenda items were reviewed and discussed. The first item on the agenda was continued during the last Planning Commission Meeting. It is a proposed Text Amendment for Chapter 13.62 and has to do with building heights in the C-2 Zone. Community Development Director, Jonathan Teerlink, explained that at the last meeting, the Commission requested that City Staff and the applicant come back with some additional information. One of the requests had to do with what was happening outside the City of Holladay. Cottonwood Heights, Millcreek, and Murray were looked into, and those details were included in the Meeting Materials Packet. He noted that it provided clarification about the location and permitted heights in those cities. Additionally, the applicant provided a schematic to illustrate what height would look like distributed through the space.

Chair Roach asked to review the schematic that was submitted by the applicant. The document was discussed. Mr. Teerlink stated that it showed two and a half levels. Chair Roach pointed out that if the Text Amendment was approved for the C-2 Zone, the change could open up the door for lower-quality three-story buildings. Mr. Teerlink noted that the Commission can make a recommendation to the City Council that City Staff look into architectural standards for the C-2 Zone. Currently, what the Planning Commission is considering is the change from 35 feet to 40 feet. Chair Roach expressed concerns about some of the building designs seen in other cities.

Commissioner Jill Fonte noted that the Planning Commission often discusses what is happening in surrounding cities. However, it is important to remember that the City of Holladay has its own distinct character. When the Planning Commission starts to think too much about what is happening elsewhere, this can impact the character of the City. It is necessary to preserve what makes the City of Holladay special. Commissioner Paul Cunningham pointed out that the General

Plan acknowledges growth. In this case, it is worthwhile to at least consider what is being done elsewhere in order to better understand what growth could look like in the community.

Commissioner Cunningham stated that the proposal makes sense for this particular application at this specific location. That being said, there are other properties in the same zone where the setbacks and height may not make sense. For example, there might be residential abutting those properties and the increased height may feel more intense. At the last meeting, the Commission was informed that there was a request to continue the item so additional noticing could be done. He wondered whether any comments had been received. Mr. Teerlink denied that there have been comments submitted about this application but noted that the public hearing is still open.

Commissioner Brian Berndt asked if commercial architecture is reviewed by the Design Review Board (“DRB”). Mr. Teerlink explained that it is not. In C-1 and C2 Zones, there are no architectural controls. Commissioner Berndt pointed out that with a well-designed building, the higher height will not be as noticeable. He believed design standards for these buildings made sense. He clarified that the reason he previously asked for information about other cities is because commercial development is changing. Examples from other locations can be useful. He stressed the importance of the City being competitive, so it is possible to attract commercial investors. This assists with economic development. There is no desire to eliminate the character of the City of Holladay, but it is necessary to acknowledge that commercial development is changing everywhere.

Chair Roach referenced the map that was included in the Meeting Materials Packet. He wondered whether there was a separate Master Plan for the Holladay Gateway. Mr. Teerlink explained that the section in question is an anomaly because there is another zone that is prepared for that already and it is well above 40 feet. That is not necessarily something to consider with this application.

The second item on the Regular Meeting agenda is a proposed Text Amendment to Chapter 13. Chair Roach explained that this relates to the Historic Preservation Ordinance. There was a discussion about this at the end of the last Planning Commission Meeting. Mr. Teerlink reported that the City of Holladay currently has a Historic Preservation Ordinance, but in 2018, the Council reorganized a lot of the committees and commissions working for the City. This included the Historical Commission and its responsibilities. In doing so, the process by which a property owner could add their historic property to the City of Holladay list was amended, but the Council never discussed the matter further. The proposed update will essentially correct the application process.

The issue that the Council had previously was that any entity could propose that the property be placed on the historic designation list for the City of Holladay. That left the property owner completely out of the process. Mr. Teerlink explained that what is proposed addresses that issue. It has to be the property owner or their agent that nominates a property to be added to the list in the City of Holladay.

Commissioner Berndt asked if there is an incentive for property owners to add their property to the list. Mr. Teerlink explained that the way this was drafted, it had to already be a Federal or State designated property. Alternatively, there were some procedures outlined that allowed the

City Council to determine the historical significance. Once it is on the list, if the owner wants to apply for a Conditional Use Permit for extra land uses outside of the zone, that can be done. Other uses may be permitted in order to sustain the preservation effort of the historic property. Mr. Teerlink explained that the owner would need to come to the Planning Commission to modify the property, including demolition. If the property is proposed to be demolished, there is a 30-day stay to allow the City to document the property inside and out for historic preservation purposes. The incentive is that the City will allow more land uses, but a Conditional Use Permit is needed.

Chair Roach wanted to know what would happen if a historic property was sold. He asked if there will be additional steps for properties with that designation. Mr. Teerlink denied this. However, he noted that there is a process for a property owner to remove their property from the list. If a historic property is purchased and it becomes unsustainable for them economically, a request can be made to have the property removed from the list. The City Council can also remove a property from the list if it becomes dilapidated to the point that it has lost all of its historical significance.

Commissioner Cunningham was surprised that removal from the list could occur without any public notice. Mr. Teerlink explained that this is a policy question he wanted the Planning Commission to discuss. There are two highlighted sections in the Meeting Materials Packet. He asked for feedback about those sections. Commissioner Cunningham thought it made sense to publicly notice. Mr. Teerlink clarified that the discussion about removal from the list would still happen in a public meeting, but the question was whether or not notices should be given to neighbors. Different cities have different policies in place, so it is something for the Commission to consider.

Commissioner Fonte asked why only neighbors would be noticed in that instance. It is often residents living throughout the community who care about historic properties. City Attorney, Brad Christopherson, pointed out that there would still be notice provided on meeting agendas. Chair Roach asked about the costs associated with noticing. Mr. Teerlink explained that the size of the mailings has been reduced so there is a postcard rate because that is the cheapest option.

The last item on the Regular Meeting agenda is a proposed Text Amendment to Chapter 13.04.040 and 13.100.010. Chair Roach explained that this will be a continued item, as there needs to be a decent amount of discussion on the matter. Mr. Teerlink stated that the concern is finding other land use zones that are available for quasi-public uses. The idea is to look for land use zones that churches can move into. There is some direction in the Staff Report, as it outlines some of the potential zones. He suggested that the public hearing be opened, and the item be continued.

Chair Roach clarified that this item was the result of an application submitted for the Korean Presbyterian Church of Utah. The church requested that quasi-public uses be added to the C-2 Zone. Mr. Teerlink reported that the City Council has not made an official decision on that application, but a request was made that City Staff explore other zones to add church uses to.

Commissioner Berndt understood that any time a Liquor License is requested, the proximity to churches and schools needs to be considered. He wondered whether the opposite was true. For instance, if a church wanted to move into an area within that proximity boundary. Mr. Teerlink

explained that it could create issues if the business with the Liquor License changes hands, and a new license needs to be applied for. Chair Roach asked about renewal or reapplication for the license. Mr. Teerlink reported that if there is the same owner, it continues year after year, as long as there is compliance. That being said, if there was a new owner, reapplication is needed.

Chair Roach ended the Work Session. There was a short break before the Regular Meeting started.

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. and reviewed the agenda. Commissioner Berndt read the Commission Statement for the benefit of those present.

PUBLIC HEARING

1. CONTINUED - Text Amendment – Chapter 13.62 Building Height in the C-2 Zone. Review of and Recommendation to the City Council of 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. Continued from 3/19/2024. File #24-4-03.

Mr. Teerlink presented the Staff Report and explained that the item is a Text Amendment for Chapter 13.62. The application is a request to amend heights in the C-2 Zone. He noted that at the last Planning Commission Meeting, it was requested that City Staff and the applicant come back with some additional information. City Staff has prepared the information that was requested by the Commission, specifically related to zoning and requirements for commercial heights in the cities that abut Holladay. The applicant has prepared a schematic drawing of what the height looks like as it is dispersed through the stories. The original Staff Report is included in the Meeting Materials Packet, as the opinion of City Staff has not changed since the last meeting.

The applicant representative, Chris Layton, introduced himself to the Commission. He is a resident of Holladay and loves living in the community. The application before the Commission has to do with responsible growth. It is necessary to evolve with real estate and development trends as well as trends in construction and architecture. Mr. Layton explained that he is a licensed architect and has had his own firm for 34 years. He has seen firsthand how zoning must evolve with the needs. This request is not about increase as far as the number of stories or uses. It is about quality. Allowing this type of building to occur means that commercial spaces can coincide with residential uses. There is a desire to embrace growth in a responsible manner and this request provides the opportunity to do so. The schematic submitted is for this specific project, but this is not a site-specific issue. In any of the commercial zones where there is a desire to see three-story mixed-use development, the additional height is needed to provide appropriate heights for each story.

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

Commissioner Berndt asked if any commercial areas in the City are vacant. Mr. Teerlink could not think of any that were currently vacant. Commissioner Berndt wanted to better understand the impacts if an amendment was made to the C-2 Zone. Chair Roach noted that during the Work

Session, there were discussions about height and building architecture. He is in favor of what is envisioned for the subject property since it is unlikely that the additional 5 feet will have an impact on that particular area. However, he does have concerns about some other C-2 Zone areas.

Commissioner Cunningham expressed concerns about setbacks. He does not have an issue with this particular location but has concerns about how the amendment will impact other properties. Additionally, he believes there should be some sort of architectural review. He suggested that buildings be able to reach 40 feet as long as there is a review of the setbacks and architectural design. It is important to allow additional height but to do so in a thoughtful manner.

Commissioner Karianne Prince asked about the setbacks for the C-2 Zone. Mr. Teerlink offered to find that information. Commissioner Berndt wanted to know if there is a way to have an architecture review for commercial. He does not want to add another layer that will create an administrative burden but wondered whether it is possible. Mr. Teerlink explained that the current request is for a height amendment, but it is possible to suggest that the DRB review C-2 Zone developments. That Board already reviews the Holladay Village Zone and Holladay Crossroads Zone. Chair Roach suggested that any development that wishes to exceed the existing height requirement of 35 feet to reach 40 feet would need to undergo a review from the DRB.

Mr. Layton noted that there is a graduated height restriction in certain zones and overlays. As long as the 40-foot limit of the building falls inside of the graduated height limitation of the zone, he believed that would be appropriate. It might be something for the City Council to consider. Mr. Teerlink reminded the Planning Commission that all commercial redevelopment Site Plans come to the Planning Commission, so the Commission has an opportunity to look at the Site Plan. At the City Council level, it is possible to discuss adding architectural controls. He answered the previous question posed by Commissioner Prince about setbacks. Front yards are at 20 feet, but it depends on what is surrounding the commercial property. It is more restrictive if it is abutting residential. For side yards that abut residential, the setbacks are 15 feet. For rear yards abutting residential, it is also 15 feet. Otherwise, the Planning Commission can set the setbacks.

Commissioner Prince and Commissioner Fonte liked the idea of incorporating some sort of architectural review. Chair Roach believed the Commission was fairly comfortable with what was proposed, but there is a desire to see an additional DRB review and/or graduated height.

Commissioner Berndt asked whether City Staff saw a viable way to move forward with what had been discussed. Mr. Teerlink explained that there can be a recommendation to approve the Text Amendment request with an additional recommendation to include an architectural review in commercial zones. Commissioner Prince wondered whether the ask would slow down this particular applicant. Mr. Teerlink did not believe that it would slow down the work of this applicant.

Discussions were had about appropriate language for a motion to articulate what was discussed. Mr. Christopherson asked whether height was the main concern or if additional stories were the concern. Mr. Teerlink clarified that it is not possible to exceed three stories. Chair Roach stated

that the Commission wants to see the quality architecture for an applicant to receive additional height.

Chair Roach moved to forward a recommendation to the City Council to APPROVE 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, with the following consideration:

1. *When an applicant wants to build beyond the standard 35 feet to 40 feet, there must be an additional layer of Design Review Board or City Staff review to ensure it has the architectural quality desired in order to receive approval for the additional 5 feet.*

This motion is based on the following findings:

1. *The proposal aligns with principles of the General Plan as an amendment from a property owner to:*
 - a. *“The City’s future development patterns must include...the accommodation of growth and economic development at focused locations.” Chapter 2: Future Land Use and Urban Design Concepts, Page 14.*
 - b. *“Review the entitlement process and existing zoning ordinances to foster desired economic development.”*
 - c. *“Allow the intensification of uses in the existing economic districts where they will not create excessive negative impacts to surrounding residential properties.” Chapter 4: Economic Stability and Resilience, Implementation Measures, Page 45.*
2. *Development standards for the C-1 and C-2 Zones are potentially 25 to 35 years out of date, potentially causing conflict with current construction standards for interior height clearances.*

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

2. **Text Amendment – Chapter 13 - Historic Preservation Ordinance Update. Review and Recommendation to City Council on Proposed Amendments to Title 13, of the Holladay City Code, Land Use and Development Regulations as they Relate to Council Direction on Historical Preservation Including; Historical Review and Designation Processes and Modification Standards for Historic Sites. Item Reviewed as a Legislative Action, According to Procedures Set Forth in Holladay Ordinance §13.07. File #24-04-06.**

Mr. Teerlink presented the Staff Report and explained that the application is for a Text Amendment to Chapter 13. It relates to the Historic Preservation Ordinance and was discussed at the last Planning Commission Meeting. He noted that the amendment request comes from the City Council, and it is to update the ordinance. What the update does is reestablish the process where an applicant can add their property to the Historic Sites Register for Holladay when they have been designated at a Federal or State level. Alternatively, a property can be added to the register if the property is shown to have significant historic value through a series of steps. Property owners and their agents are the only ones who can add a property to the Historic Sites Register. They are also the only ones who can request removal of the property from the Historic Sites Register.

Mr. Teerlink explained that noticing requirements will follow the same process as a rezone. There will be notices given to properties within 500 feet and it will be put on the meeting agenda and City website. The Planning Commission authority is not proposed to change much. He reported that the authority the Planning Commission has for historic properties is to approve Conditional Land Use Permits for the extra land uses allowed on that property. The reason the City Council designates historic properties is because there are additional land uses allowed. The idea behind that is to help economically sustain the property. The Commission is the approval body for Conditional Land Use Permits as well as alterations to the site, architectural modifications, additions, and landscaping changes. Modification in the ordinance is defined as anything that drastically alters or changes the structure, including demolition. There is a 30-day stay proposed as well to ensure that a historic property can be documented before demolition occurs.

Commissioner Berndt asked about a remodel or redesign of a historic building. He wondered whether the City has the expertise to ensure the historical architecture is considered. Mr. Teerlink explained that City Staff will outline what is reasonably required before the applicant comes to the Planning Commission. The City will be looking for architectural review from specialized designers who will propose drawings that align with the original site design.

Chair Roach asked about photographic documentation. Mr. Christopherson explained that the County Recorder's Office has a lot of photographic documentation that goes back many years. Part of the process will likely include looking at whatever public records are available for that specific property. Mr. Teerlink added that the documentation required for a Federal or State historic designation process is extensive. It is expected that this information would accompany any application with the City. Commissioner Fonte asked what would happen if someone owned a historic property and wanted to turn it into a retail location. She wanted to know if that application would come before the Planning Commission for consideration. Mr. Teerlink confirmed this.

Chair Roach opened the public hearing.

Camille Pierce gave her address as 2052 East Arbor Lane. Her home was originally built in 1938 with an addition made in 1957. It belonged to a prominent family known for its fine furniture store. The home sits on 1.5 acres of property along Big Cottonwood Creek with substantial mature vegetation and a variety of flower gardens. A lot has been invested in the replacement of the plumbing, burying utility lines, installing solar panels, doing seismic strengthening, and maintaining the building and yard. Close to \$7,000 has been spent working with an architectural firm to create a means of protection and preservation for the historical property in the City of Holladay.

Ms. Pierce contacted the Utah Historical Society and the State Historical Preservation Office. There have also been discussions with some of the people on the Historical Commission in Holladay. Additionally, there has been consultation with a well-known historian, and she received encouragement about the historical value of her home and property. Ms. Pierce has watched every single home that is sold be demolished. Only the empty land surface seems to be valued these days. She wants there to be a way to preserve her home, trees, and plantings in the future.

Kim Duffy gave her address as 2195 Walker Lane. She is grateful that the ordinance is being considered again. What the proposed ordinance appears to do is restore what the City of Holladay used to have in place, but it seems to now bypass the Historical Commission. If the City has a Historic Preservation Ordinance and a Historical Commission, it makes sense that the two should be linked. She was told in January that as a Commissioner, she is unable to lobby the City Council on ordinances. That seems counterproductive to her. However, she clarified that she is addressing the Planning Commission as a constituent and not as Vice-Chair of the Historical Commission.

Ms. Duffy reiterated the importance of everyone working together and referenced 13.86.020 – Historic Sites Register. She noted that there are eight buildings listed there and she is familiar with those buildings. One of the houses has been removed from its original site, so it will not qualify under the new ordinances. Another house has undergone a major renovation to the principal façade in the last year, so it will not qualify either. Another house is owned by a family that is resistant to participation in Holladay preservation events and would likely be surprised their home is even included on the list. Additionally, another house was demolished three months ago.

Ms. Duffy wanted to see an ordinance that spelled out the duties of the Commission. She also wanted to see a grant obtained so there is funding to pay for additional listings on the Holladay register, to document properties demolished on the list, or pay a historian to write about the history of the City of Holladay. She referenced 13.07.050 – Procedure, it talks about the roles of the Community and Economic Development Director, City Council, and City Staff. Nowhere does it say what the role of the Historical Commission is in this process. She wanted to understand why the Historical Commission is not included in this process when its entire focus is on history.

As for the removal of properties from the Holladay list, only the opinion of the City Council is considered. Ms. Duffy felt the Historical Commission should be included in the processes outlined. Ideally, the petitions would pass on with the advice of the Historical Commission. She

added that the ordinance does not incentivize adding properties to the Holladay list. It was suggested that if a property was on the national register, the property owner automatically be invited to be placed on their property on the Holladay list. That could be done retroactively as well to capture properties in the City that are on the register but are not included on the Holladay list.

Under 13.86.060 – Additional Uses for Historic Sites, it stated that the Planning Commission may approve several uses for a historic site. This included an antique shop, art shop, and boarding house. Ms. Duffy explained that her neighbors would not welcome a boarding house at her address. She also pointed out that the proposed language does not have anything to address a developer who owned a historic structure. There should be a way for that developer to work with the City and Historical Commission when there is a desire to develop something mixed-use or higher density in order to save the building. She spoke about the Brinton House that was recently removed. If everyone had worked together on that, that situation may have been different.

Ms. Duffy stated that there are elements of the new ordinance that she likes. For instance, the mention of dark sky-compliant lighting and the 30-day documentation period. She wondered who would be responsible for the documentation and whether it would be done by the Commission.

Steve Glaser gave his address as 2052 East Arbor Lane. When he looked at the ordinance in the past, it didn't seem like a homeowner could easily receive meaningful protection for their property. Comments made by City officials have always indicated that there is no desire to impose historic preservation on a property or remove the property rights of the current owner. However, he felt that if a homeowner wanted that protection on their property, there should be a process for that. As long as revisions are being considered, he thought it made sense that a homeowner who wants historic protection on their property can obtain that if their home is considered to be historic.

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

Commissioner Berndt asked how the Historical Commission will be involved in this process. Mr. Teerlink stated that they are not. Commissioner Berndt thought that decision was odd. He pointed out that the Commission could share some of their historical expertise. Mr. Teerlink explained that the City Council pointed out that the Historical Commission has its specific directives in Title 2. There is a list of responsibilities for the Commission listed there. Those responsibilities did not explicitly relate to the proposed update to the ordinance. Chair Roach wondered whether it was possible to simply involve the Historical Commission rather than give the Commission responsibility or authority. It seemed appropriate to hear from them since the Commission has charge over all of the properties that are listed as historic in the City. Mr. Teerlink believed that was a fair suggestion. One of the primary responsibilities is to educate and assist. The Historical Commission could assist property owners who want to move through the listing process.

Chair Roach asked if there is a cost associated with listing a property in the City. Mr. Teerlink reported that the process itself is similar to a Text Amendment or a Rezone. That process has a fixed fee, which is \$500. For a Text Amendment or Rezone, there is a lot of work that goes into it, but for a determination from the City Council to list a property, he assumed there would not be

as much work that went into that. Chair Roach noted that if a property was already recognized at a Federal or State level, it does not make sense to have significant fees charged at a City level.

Commissioner Prince wondered whether a designation as a local historic property would carry over to a future owner. Mr. Teerlink confirmed this and explained that it would stay with the property. Chair Roach asked about the process a new owner would need to go through to remove a property from the listing. He also felt the Historical Commission should be notified so there could be education about the history of a property before it was torn down or demolished.

Commissioner Fonte wondered if it made sense for the Planning Commission to continue the application given that the Historical Commission has not been involved in this process at all. It makes sense to her to involve the Historical Commission in decision-making that involves historic properties. Chair Roach understood that desire but noted that the Text Amendment will tie up a loose end because right now, there is not an option at the City level. This would at least make it possible for the City to recognize historical properties and take some kind of action. He suggested wording the recommendation in a way that it stresses the importance of the Historical Commission.

Commissioner Fonte asked if there is a rush to forward a recommendation to the City Council. She wanted to know what the harm would be in continuing the item to a future Planning Commission Meeting. Mr. Teerlink explained that the City Council directed City Staff to have this in front of them by May 2024. He reported that May is National Historic Preservation Month and there is a desire to have something that can be approved by that time. Commissioner Cunningham asked if the Historical Commission exists by ordinance, which was confirmed. He was curious what the elected official determined the role of the Historical Commission to be. Mr. Teerlink referred to Title 2 – 2.08.010. It talks about all of the Commissions in the City and their responsibilities. He highlighted the responsibilities delegated to the Historical Commission.

Chair Roach read the third responsibility delegated to the Historical Commission. He felt what is currently being discussed would fall somewhat under that responsibility. When it comes to listing or delisting a historic property, it makes sense to receive input from the Historical Commission in some manner. Mr. Teerlink stated that the responsibilities are intended to be education-based.

Commissioner Cunningham expressed concern about delisting a property without a public notice. It makes sense to share information about why a home was torn down or changed in some way. He thought it would be worthwhile to hear additional comments from the Historical Commission.

It was noted that there was a hand raised in the audience. Chair Roach allowed the commenter to speak. Ms. Duffy stated that she had read through all of the documents from when the demolition of the Brinton House was approved. There was a neighborhood meeting held, as required, and there were seven attendees. The neighbors did not understand the history of the home and essentially decided for the community what would happen to the historic building. The developer indicated that the neighborhood meeting requirements had been met. She believed the requirements needed to be more meaningful than that and there should be more consideration.

Mr. Teerlink noted that the Planning Commission can make a recommendation to consider a public notice for delisting and the involvement of the Historical Commission. At that point, if the City Council wants those suggestions included, additions can be made. Chair Roach encouraged those interested to attend the relevant City Council Meetings and share comments directly with decision-makers at that level. Mr. Christopherson explained why adding a property to the list is voluntary.

Commissioner Berndt thought it was important to have the Historical Commission's input on the proposed language. He pointed out that the Historical Commission has a lot of expertise in this area, and it makes sense to use that. Chair Roach asked whether a continuance would delay the item and impact the desired timeline. Mr. Teerlink stated that it is more appropriate to continue the item for further public comment rather than continue it for Historical Commission feedback.

Discussions were had about how to proceed. Chair Roach pointed out that there will be another public hearing at the City Council level. He thought it made sense to move forward with a recommendation but make suggestions about what should be considered. Members of the public and members of the Historical Commission can attend the City Council Meeting and provide additional feedback at that time. From there, the City Council can make a determination. Commissioners talked about potential language for a motion and appropriate recommendations.

Chair Roach believed that based on the Commissioner discussions so far, there is support for the Text Amendment as a starting point. However, it seems there is a feeling that more is needed. He suggested that those with additional thoughts and suggestions share them with the City Council during the next phase of the process since the City Council can take more direct action on those items.

Commissioner Cunningham moved to forward a recommendation to the City Council to APPROVE an application by the City of Holladay, City Council, to amend Chapters 13.07.050, 13.86, and 13.103.010 of the City of Holladay Land Use Code as proposed and drafted, based upon the following findings:

- 1. The amendments proposed are supported by the Goals and Policies of the General Plan by promoting and facilitating historic preservation in all zones of the City.***
- 2. The City Council as the Land Use Authority is the applicant and has requested amendments to reestablish the process, standards, and procedure of historic site preservation/designation.***

The Planning Commission requests that the City Council discuss the following:

- 1. That there be consideration of a reasonable or reduced filing fee.***
- 2. That the Historical Commission be included in the process in some manner.***
- 3. That there be consideration of whether or not to record against the title.***

4. *That there be consideration of a public process for delisting a property, which includes notice provided to the Historical Commission.*
5. *That there be consideration of a public hearing for delisting.*

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

3. **Text Amendment – Chapter 13.04.040 and 13.100.010 Land Use Zones for Quasi-Public and Community Location Uses as directed by City Council. Review and Recommendation to City Council on Proposed Amendments to Title 13, of the Holladay City Code, Land Use and Development Regulations as they Relate to Quasi-Public Uses and Community Locations as Defined by Utah State Code §32B1-102, in Addition to Identifying Zones in which Community Location Uses would be a Conditional Use. Item Reviewed as a Legislative Action, According to Procedures Set Forth in Holladay Ordinance §13.07. File #24-04-07.**

Mr. Teerlink presented the Staff Report and explained that this is a Text Amendment to Chapters 13.04.040 and 13.100.010. He explained that there was a Council direction received to review additional land use zones where quasi-public or church uses may be added. Currently, the P Zone is the only zone where churches can be located. City Staff has provided background information related to the application and potential zones that may be appropriate for these uses. The current recommendation is to open the public hearing, start the discussion, and continue the item.

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

Commissioner Prince moved to CONTINUE an application by the City of Holladay to amend Chapter 13.04 and 13.100.010 of the City of Holladay Land Use Code, to the next regularly scheduled meeting. Commissioner Cunningham seconded the motion. Vote on Motion: Commissioner Cunningham-Aye; Commissioner Fonte-Aye; Commissioner Prince-Aye; Commissioner Berndt-Aye; Chair Roach-Aye. The motion passed with the unanimous consent of the Commission.

Additional discussions were had about the proposed Text Amendment. Mr. Christopherson explained that currently if a church wanted to move into Holladay, a rezone is necessary unless that church is moving into an existing church. That is an issue because there are Federal and State protections that require accommodation of religious uses due to Constitutional protections. In Holladay, there are no P Zones that are not occupied, which means a rezone becomes necessary. The request is for the Planning Commission to consider what zones are most appropriate for quasi-public uses. In most cities, residential zones allow for churches, but that is not done in Holladay.

Commissioner Fonte asked for an update on the Korean Presbyterian Church of Utah. Mr. Christopherson reported that the church withdrew the application. Chair Roach noted that the City Council had not wanted to approve the Text Amendment during the last meeting. Mr.

Christopherson explained that the City is now considering an amendment to the zoning code that addresses the fact that a rezone is required in order to locate a church in Holladay. Chair Roach noted that the Korean Presbyterian Church of Utah wanted to locate the church in a C-2 Zone. With what is now being considered that location still would not work for the use. It was noted that there will be additional discussions about this at the next Planning Commission Meeting.

ADJOURN

Commissioner Prince 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 7:26 PM.

I hereby certify that the foregoing represents a true, accurate, and complete record of the City of Holladay Planning Commission Meeting held Tuesday, April 2, 2024.

Teri Forbes

Teri Forbes
T Forbes Group
Minutes Secretary

Minutes Approved: **May 21, 2024**