

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

Tuesday, February 15, 2022

6:00 p.m.

City Council Chambers

4580 South 2300 East

Holladay, Utah

ATTENDANCE:

Planning Commission Members:

Ann Mackin, Vice-Chair

Martin Banks

Chris Layton

Alyssa Lloyd

Karianne Prince

Dennis Roach

City Staff:

Jonathan Teerlink, Community Development Director

Brad Christopherson, City Attorney

Crystal Nichols, Business License Official

WORK SESSION

In the absence of Chair Howard Layton, Vice-Chair Ann Mackin assumed the Chair and called the Work Session to order at approximately 5:30 p.m.

The agenda items were reviewed and discussed. It was noted that the first agenda item was rescheduled.

The Clarendon Woods Amended and Extended Concept/Preliminary Plan was presented. Community Development Director, Jonathan Teerlink, reported that the lot is approximately 30,000 square feet in size. The subject property is located on Casto Lane in the R-1-10 zone. The request is to subdivide the property into two 14,000 square-foot lots, which is more than the minimum lot size for the R-1-10 zone. The deep lot will be accessed from a private driveway. Staff reviewed the concept and preliminary plans. Currently, what is sought by the Technical Review Committee (“TRC”) are placeholders for the utilities and access road. Staff felt that concept and preliminary approval can be reviewed tonight with a public hearing. The drawings provided were also in a format that can be delegated to staff for final approval.

The next matter on the agenda was the Holladay Gateway Preliminary Residential Subdivision. Mr. Teerlink commented that it is an excellent example of a preliminary level review document. Previously, there was a concept layout showing individual lot sizes showing that 13 lots can be developed on 6,250 square feet. The property would need to be reconfigured with an internal drive. At this stage, more details were being presented. The Fire Department reviewed the drawings and some comments coincided with engineering. The applicant was asked to make a minor change and widen the flare of the driveway so that cars traveling north into the site do not have to slow down as much to enter safely. The Landscaping Plan was fairly detailed and the applicant provided the square footage of the tree canopy removal and replacement.

Another element pertained to what can be done with the corner Salt Lake Public Utilities well site. In the past five to six weeks the applicant has been in discussions with Salt Lake Public Utilities. They reached an agreement on how to sod the area. It will also blend in well with what is proposed for the remaining right-of-way. There is a large strip between what Salt Lake Public Utilities owns and the sidewalk on 4500 South. Staff recommended approval unless there are specific elements that cannot be articulated in the drawings.

Commissioner Roach inquired about the drainage basin area and if it will provide water to the adjoining lot. Mr. Teerlink stated that the text refers to an off-site area.

Commissioner Layton commented that the TRC commented that the applicant did a very good job on the utilities, site drainage, and retention. He suggested that perhaps that was done to mask the blatant disregard for aesthetics and architecture. He noted that the two groups of dwelling units have nothing in common with one another yet they are supposed to be considered part of the same development. He was concerned that they have robbed the area to force the ability to develop lots of an approvable size for the other units. Aesthetically, he liked the modern style but they were juxtaposed against older, rundown homes. He found it obvious and disgusting. Commissioner Layton was perplexed by the project and was looking for a better reason to be more critical of it beyond the fact that he simply does not like it.

Chair Mackin recalled that when it was originally approved on November 24, 2021, the vote was dissenting. She stated, however, that it meets the TRC requirements. Commissioner Layton stated that they must look at what is being presented and what the applicant is seeking approval of and whether there is a just reason to not recommend it.

Commissioner Banks stated that in most cases there is a standard by which a project is judged. He asked if the request meets the standard criteria. Mr. Teerlink stated that the standards are given to provide compliance with the R-2-10 zone and the preliminary construction drawings. He confirmed that this is an administrative review. He stated that if the project were being considered as a Planned Unit Development (“PUD”) there would be flexibility to apply conditions. It was instead a preliminary plan subdivision.

Commissioner Layton was interested in hearing from the applicant as to why they chose not to involve the entire acreage as one cohesive development and the merits of why they chose to exclude four of the dwelling units. His recollection was that the applicant wanted greater density but did not get it so they are now doing what is proposed.

Commissioner Prince was concerned with disharmony between the various pieces. She asked if there were any guidelines regarding cohesiveness with the neighborhood. Mr. Teerlink stated that there are not in this case.

Commissioner Layton questioned why they would choose to utilize the other four dwelling units and then turn their back on them. To him, it was clear that because they needed the total acreage to get the proposed number of units they did not want to spend the money to do anything to the others to make it look like one cohesive development. He found it very frustrating that that is acceptable. Commissioner Lloyd stated that the loophole was created as part of the rezone.

Mr. Teerlink explained that the next step will be preliminary review and potential approval, which establishes the utility layout, drainage areas, driveways, and access points. Final approval would include ownership platting. He stated that no structural elements should be reviewed at this stage. They will be addressed at the Building Permit stage and reviewed based on the R-2-10 standards. He was wary of height with the request and stated that some modifications may be needed. The height is based on lot size and is 32 feet for 6,250 square-foot lots and increases from there.

Commissioner Layton commented that because the project does not need to go before the Architectural Review Board the lack of cohesion within the development should be a justifiable reason for denial. Mr. Teerlink did not think it was justifiable and stated that there have been properties in the past where existing properties were manipulated in size because they were so large.

Commissioner Lloyd commented that the entire subdivision, although architecturally different, is architecturally uniform. She asked if it has to be uniformly developed and improved to the level of the other homes. Mr. Teerlink confirmed that that was the case. When a preliminary level construction drawing is approved, it is stamped and included in the file for the subdivision. Each time a permit is requested, the drawings are referenced and reviewed against what is approved for the new site plan. Commissioner Lloyd assumed that all landscaping will be improved to the same standard as the rest of the subdivision and that internal and external improvements to the existing properties will be at a level that is consistent with the rest of the subdivision.

Commissioner Layton commented that he had not seen anything proposed showing how they plan to improve the existing homes that remain. Mr. Teerlink stated that that will have to be addressed by the applicant. He was aware that they pulled a remodel permit on one of the homes.

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

In the absence of Chair Howard Layton, Vice-Chair Ann Mackin assumed the Chair and called the Regular Meeting to order at approximately 6:00 p.m. and read the Commission Statement.

PUBLIC HEARING/ACTION ITEM

1. **Zone Map Amendment – Rezone from RM to PO – 2225 East Holladay Boulevard. ***THIS ITEM WAS RESCHEDULED TO MARCH 1, 2022*** File #22-4-02.**

The above item was tabled.

2. **“Clarendon Woods” Amended and Extended – Concept/Preliminary – 2606 East Casto (R-1-10 Zone). Review and Consideration of an Application by the Owner, Bob Ricks, to Subdivide .655 Acres of Land. This Two-Lot Residential Subdivision will be Added as an Amendment to the Abutting “Clarendon Woods” Subdivision as Per Holladay Ordinance 13.06, 13.08, and 13.10. File #95-1-03-02.**

Community Development Director, Jonathan Teerlink, presented the staff report and stated that the request is for a subdivision plat for two lots in the R-1-10 zone on Casto Lane. The subject property is an exemplary lot in Holladay that more than conforms to the zone it is in. The R-1-10 zone requires 10,000 square foot lots. The property owner is providing a plat showing two 14,000 square-foot lots. The rear lot is serviced by a private driveway. The Technical Review Committee (“TRC”) reviewed the application at the concept and preliminary level and recommended the

Planning Commission hold a public hearing, review the request, and delegate final approval to staff.

The applicant, Bob Ricks gave his address as 4179 South Holloway Drive. He reported that the property was purchased from the neighbor to the west who subdivided the property into two one-third acre lots. Mr. Ricks planned to build a family home on the rear lot and sell the front lot. A neighborhood meeting was held feedback was received from residents. He stated that once approved they hope to proceed as soon as possible.

Mr. Teerlink stated that there were concerns about the potential for high-density housing but was relieved to hear that the intent was to develop two residential homes. One neighbor was concerned about how close it would be to the property line. Mr. Teerlink assured him that all of the setbacks would be adhered to.

Commissioner Prince asked if there are any rules for setbacks for a private driveway that goes down the west side of the property. Mr. Teerlink stated that lots on private driveways are determined to be unique from all other development patterns in a residential neighborhood. Setbacks for lots on private driveways must mirror the yards they abut. He explained that with regard to allowing flag lots or deep lots in subdivisions, the Council was more concerned about the impact. Mirroring yards forces the home to be either centered away from backyards or to move toward nearby intensity. Setbacks for a driveway can be placed on the property line but the City prefers they not be since that is where water typically flows off onto the neighboring property. Usually, there is a curb or separation. The 20-foot width was the most significant to allow for emergency vehicle access.

Chair Mackin opened the public hearing.

Van Evans gave his address as 2607 Casto Lane and asked where the principal driveway for the two homes will be located. Mr. Teerlink stated that it is proposed to be on the westernmost side. A portion on the west side of the line was to be maintained as well. It was noted that the drawing was not correct and the property goes further to the east. What was proposed was acceptable to Mr. Evans.

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

Commissioner Lloyd moved to approve the Preliminary Development Plans for “Clarendon Woods, 2nd Amended and Extended”, a residential subdivision in the R-1-10 Zone located at 2606 East Casto Lane, finding that the proposal:

- 1. Is in accordance with the intent, standards, and criteria as per the Holladay City General Plan, Title 13 of the Holladay Zoning and Land Use Code, and Holladay Subdivision Regulation Codes;***
- 2. The new lot is accessed directly from Casto Lane – a public street; and***
- 3. All trunk utilities are readily available, pending submittals of official connection letters from each provided.***

Commissioner Prince seconded the motion. Vote on motion: Commission Layton-Aye, Commissioner Lloyd-Aye, Commissioner Prince-Aye, Commission Roach-Aye, Commissioner Banks-Aye, Chair Mackin-Aye. The motion passed unanimously.

3. “Holladay Gateway” – Preliminary Residential Subdivision – Approximately 2300 East 4500 South (R-2-10 Zone). Review and Consideration of a Proposal by Applicant, Jake Christensen, for a Preliminary Level Subdivision Development Plans for 1.95 Acres of Property. Development Details Support this Conceptually Approved 13-Lot, Single-Family Home Layout with Site Amenities. Review as Per Holladay Code 13.06, 13.08, and 13.10. File #21-1-14.

Mr. Teerlink presented the staff report and stated that the request involves the review of a preliminary subdivision application for a project on the corner of 2300 East and 4500 South. The TRC reviewed the plans in accordance with City standards and found them to be appropriate for review tonight. Another element the Planning Commission asked the applicant to explore was the potential use of the Salt Lake Public Utilities site on the corner. The applicant was prepared to present what they have come up with since then. Prior to tonight’s meeting, the applicant provided minor revisions for the Planning Commission’s consideration pertaining to sidewalk rerouting, extending the backyard, and various landscaping adjustments. The new drawings were provided via email.

The applicant, Jake Christensen gave his address as 13416 Banbury Park Lane. He stated that they settled on the final rezone at the lowest possible density. Multiple neighborhood meetings were also held where the feedback received was factored into the plans. The neighbors did not support twin homes and preferred single-family homes. Mr. Christensen also worked with staff and the City Council to incorporate recommendations and opinions from the various bodies. He felt that what was presented was the best project possible and something that will be a great addition to the City of Holladay.

Mr. Christensen described the landscaping plan and stated that about 70 new trees will be planted. They are also increasing the tree canopy by about 25% and bringing in new landscaping rock and grass as well a new road, new water lines, new sewers, and new buildings.

Chair Mackin asked Mr. Christensen to describe his conversations with Salt Lake Public Utilities. Mr. Christensen stated that they met three times. This parcel has a history in the City of Holladay and there have been issues in the past to get it relandscaped. His understanding was that the issue was with funding coming from the City of Holladay. Apparently, there was no allocation to have that redone. Salt Lake Public Utilities asked them to get an appraisal for the land to establish a lease rate. They also provided full landscaping and irrigation plans and the legal paperwork to allow that to happen. They were now waiting for their review. The last meeting went well and he felt that progress was made. The timing with Salt Lake Public Utilities is longer than working with a private entity but they do not have the financial incentives to make a deal.

Mr. Christensen stated that a large tree fell on the property that they would like to have cut up and removed and sod planted. Salt Lake Public Utilities had concerns about the scope of the landscaping because they have the potential to build a pumphouse for future growth. What they

are currently proposing is sod on the square parcel and something more intricate on the right-of-way.

Mr. Christensen reported that the current tenant has been using the parcel as their driveway for the last 20 to 30 years, which established a prescriptive easement. His understanding was that when the gate was installed it established their property boundaries because it has been used as a driveway. Mr. Christensen explained that their intent is to landscape the property in order to lease it. If the residents wish to access the property they will have to walk down and through the gate. Mr. Christensen confirmed that that was the case and stated that it is considered prescriptive in nature because they did not gate the entire property. It was felt that the gate was constructed to establish control of the property. It was put up the day before the negotiation because they were worried that the applicants would claim a prescriptive easement. Possible options were discussed.

Mr. Christensen stated that with other properties they have charged \$1 for one day out of the year so that an easement is not established. The question was clarified as to whether the applicants would be amenable to opening the property to public use and eliminating the fence altogether if the City had no objection. Mr. Christensen stated that their main concern was with liability but he agreed to consider it. He stated that there are additional implications as well, however. Currently, they are not obligated to keep it open as a public park. What they have entered into is a private contract. If it is a joint effort to get landscaping they would be willing to open it up to the public. If it is a private contract, however, that would be a different situation.

In response to a question raised by Commissioner Banks, Mr. Christensen stated that there is vehicular access where the resident's driveway is. A pedestrian access could be placed there. If a Lease Agreement were in place, they would present a new plan showing how it connects. It must be cohesive with what currently exists. The intent would be to landscape the entire area with walkways through it. There would be access points from both sides.

Commissioner Layton commended Mr. Christensen for his patience. He asked why he chose to only develop nine of the 13 dwelling units. It seemed to be blatantly obvious that one is a new development and the other are contiguous homes. Mr. Christensen prefaced his comments by stating that the scope of the hearing is limited and is not whether they are going to demolish the existing homes. He stated that they plan to do the highest quality development possible. If there was a way to make the project of higher quality, they would. They are limited by several factors including the zoning code, the opinions of residents, feedback from professionals, and market conditions. They are upgrading all of the existing homes and have pulled a Building Permit on one that shows that all that is remaining is the structure. Everything else is being removed and redone such as new flooring, kitchens, HVAC, roofs, and paint. The intent was to modernize the homes and bring them up to current standards. They would not rent out or sell a product that is not up to current standards.

Commissioner Layton asked what zoning issues are limiting them. Mr. Christensen stated that infill development is happening more and more in Salt Lake City because they are running out of land. It is very challenging to acquire this type of acreage anywhere on the east bench. Every new development is tight and compact because of limited acreage. The issue with infill development is that there are existing structures that must be worked around. When developing at a much lower density, the problems increase. Other cities allow for greater density because a different zone

allowed for new development. If the City wished to have the homes completely torn out and brand new would need to be addressed in the zoning code and General Plan.

Commissioner Lloyd disagreed and stated that Mr. Christensen owns the buildings and does not have to work around them. He stated that he intends to rehab the existing buildings. Previously, he stated that the existing buildings have at least another 10 years of life. From an economic perspective that did not seem worth keeping. At that time, Mr. Christensen indicated that his intent was to rent them. She asked what he plans to do and wondered why he would treat the existing buildings differently than the new ones with the new roads in the subdivision. She did not see the property as being treated as one subdivision since there are four outlier buildings. While the request complies, but for a residential subdivision entitled Holladay Gateway, it is wholly dissatisfactory.

Mr. Christensen stated that their intent is to create the highest and best development possible. There are, however, certain things that restrict them.

Commissioner Roach appreciated the level of tree canopy being put in on the property. He also liked that he is putting in more than he is taking out. He was, however, concerned about the long-term viability of upgrading the homes that are not being touched as part of the project that many of the trees will be surrounding. He did not want the canopy to be doomed in the process. As long as the plan is approved it should be held accountable to the same standard. He encouraged Mr. Christensen as he is infilling it with the new development, to apply the same level of detail to the trees that are planted to create a gateway effect. He stated that that will help with what others do not view as the best approach by leaving the existing structures. Mr. Christensen confirmed that when the homes are redeveloped, the tree canopy will be maintained.

Commissioner Prince asked about the timeline in terms of rehabbing the homes that will remain due to the construction of the nine new homes. She asked about the timing of the rehab. Mr. Christensen stated that the landscaping will be consistent throughout the subdivision. It was expected to go in next spring as completion of the homes gets closer. The condition of the current homes must be improved before being rented or sold.

Mr. Christensen confirmed that they own all of the homes. Some will be rented until a Building Permit is obtained at which time they will be demolished. The landscaping of any existing home will be redone as well as other substantial improvements.

Commissioner Layton liked the idea of Mr. Christensen renovating the existing homes to be consistent with the new modern style. He liked the product but did not like that he had turned his back on the rest of the development. The existing homes will not be at the same level of architecture, aesthetics, or condition. In general, it is not a cohesive development. He questioned the integrity of the solution. Mr. Christensen agreed to discuss the details with him outside of tonight's meeting.

Commissioner Prince stated that the request seems to meet the criteria the Commission is charged with looking at.

Commissioner Lloyd wanted to discuss potential proposals to keep this from happening again. She suggested that the Commission be proactive moving forward.

Commissioner Banks moved to take a short recess. Commissioner Lloyd seconded the motion. The motion passed with the unanimous consent of the Commission.

After a short recess, the Commission resumed its deliberations.

In response to a question raised, Mr. Teerlink stated that it is imperative that the applicant cross Salt Lake Public Utilities with a road or construct a drainage easement detention basin that is connected rationally to approve this subdivision. Such an agreement must be in place prior to coming before the Commission. Another situation could be parking, which is a common agreement that is entered into with an abutting property owner.

Commissioner Prince moved to approve the Preliminary Development Plans for Holladay Gateway, a residential 13-lot subdivision in the R-2-10 zone located at the corner of 2300 East 4500 South finding that the proposal:

- 1. Complies with the Conceptual Plan approved on November 24, 2021;***
- 2. Construction elements and details were found to be acceptable by various divisions of the Technical Review Committee;***
- 3. Improvements to the Utah Department of Transportation (“UDOT”) right-of-way along 3400 South presents an opportunity to enhance a prominent yet decidedly derelict corner of a main Holladay intersection; and***
- 4. The applicant shall continue negotiating with Salt Lake City Public Utilities to attempt to reach an agreement.***

Chair Mackin seconded the motion.

Commissioner Prince withdrew her original motion and modified it as follows:

Commissioner Prince moved to approve the Preliminary Development Plans for Holladay Gateway, a residential 13-lot subdivision in the R-2-10 zone located at the corner of 2300 East 4500 South finding that the proposal:

- 1. Complies with the Conceptual Plan approved on November 24, 2021;***
- 2. Construction elements and details were found to be acceptable by various divisions of the Technical Review Committee;***
- 3. Improvements to the Utah Department of Transportation (“UDOT”) right-of-way along 3400 South presents an opportunity to enhance a prominent yet decidedly derelict corner of a main Holladay intersection;***

4. *The development complies with the underlying zone and General Plan; and*
5. *The applicant shall continue negotiating with Salt Lake City Public Utilities to attempt to reach an agreement.*

Chair Mackin seconded the motion. Vote on motion: Commissioner Layton-Nay, Commissioner Lloyd-Nay, Commissioner Prince-Aye, Commissioner Roach-Aye, Commissioner Banks-Aye, Chair Mackin-Aye. The motion passed 4-to-2.

Commissioner Prince moved that final approval be deferred to staff. The motion was seconded by Chair Mackin. Vote on motion: Commissioner Layton-Aye, Commissioner Lloyd-Aye, Commissioner Prince-Aye, Commissioner Roach-Aye, Commissioner Banks-Aye, Chair Mackin-Aye. The motion passed unanimously.

Mr. Teerlink stated that if there are any substantial changes, the project will come back to the Planning Commission for review.

ACTION ITEMS

4. **Approval of Minutes – 1/11/22.**

The minutes stood approved with the unanimous consent of the Commission.

ADJOURN

Commissioner Prince moved to adjourn. Commissioner Roach seconded the motion. The motion passed with the unanimous consent of the Commission.

The Planning Commission Meeting adjourned at approximately 7:07 p.m.

I hereby certify that the foregoing represents a true, accurate, and complete record of the City of Holladay Planning Commission Meeting held Tuesday, February 15, 2022.

Teri Forbes

Teri Forbes
T Forbes Group
Minutes Secretary

Minutes Approved: April 15th 2022