

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

Tuesday, March 1, 2022

6:00 p.m.

City Council Chambers

4580 South 2300 East

Holladay, Utah

ATTENDANCE:

Planning Commission Members:

Ann Mackin, Vice-Chair

Chris Layton

Alyssa Lloyd

Karianne Prince

Dennis Roach

City Staff:

Jonathan Teerlink, Community Development Director

Brad Christopherson, City Attorney

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. Community Development Director, Jonathan Teerlink, reported that three public hearings were scheduled. The first was a map rezone amendment for property located at 2225 East Murray Holladay Road, which is an existing office building in the RM zone. A few years prior, all office uses were removed from the RM zone to create a better clientele base in office buildings. The property is now going through the process of applying for the rezone. Barbara Fortuna, the Property Manager, will describe who she is looking to lease to. If the property is to remain under the current zoning, the proposed tenant, a dentist, would be unable to obtain a Business License.

Agenda items 2 and 3 involve Conditional Use Permits for accessory buildings. Agenda item number 3 is the amendment. Mark Campagna approached the Council in June of 2021 regarding a four-acre parcel in the Walker Lane area and was approved for a 3,600-square foot guest house. Mr. Campagna has prepared the construction drawings and was asking for an additional 600 square feet for a total of 4,200 square feet. The determination to be made by the Commission was whether to amend the original conditions to provide the additional square footage. The additional square footage was the result of squaring off jogs and articulations in the wall.

Mr. Teerlink reported that agenda item number 2 involves a guest house on a private driveway. Staff received a few phone calls from neighbors. One was interested in the architecture and another neighbor further up the hill indicated that he has an easement through his property for the sewer line connection. He wanted to ensure that it is not disrupted.

Mr. Teerlink stated that agenda item numbers 4 and 5 are returning applications. The Hulton Court matter was back for Preliminary review due to a unique situation. He referenced a discussion staff had with the applicant, his legal counsel, and the City Attorney. Mr. Teerlink stated that nothing

came out of the meeting that would warrant amending the staff report. The options were to hear from the applicant, Ron Hilton, and continue or deny the proposed configuration. City Attorney, Brad Christopherson, stated that the issue was whether the properties are contiguous. The City Attorney's Office has stated that they are not contiguous because there is a road that has been in existence for over 100 years. The legal descriptions of the two parcels overlap the road and each other. Mr. Hilton and his legal counsel disagree with that assessment.

Details from the original approval were discussed as well as connectivity issues. Commissioner Lloyd stated that there have been other discussions among previous developments along Murray Holladay Road about the density they were allowed because of the available buildable land. Commissioner Layton stated that there are also adjacent developments on the south side that had to be redesigned to comply with the zoning. He did not understand why a Planned Unit Development ("PUD") was considered in this case since the property is not contiguous. His concern was what should be done now.

Mr. Teerlink explained that staff looks at the drawing that was presented at the time the PUD was approved with the proposed setbacks and compares it to the site plan that was submitted for the Building Permit. If they do not match, the request is denied. A question was posed in the staff report relative to whether the Commission was comfortable considering the property as a whole for the applicant to meet the threshold for a PUD. Planning Commission approval was based on a six-lot configuration.

Without having a preliminary drawing to present, Commissioner Prince felt that the request should be denied. Mr. Christopherson did not suggest that it be denied but perhaps tabled. Commissioner Layton felt that continuing it was the only answer at the present time. When it comes back he would want to be sure that there are not two different sets of drawings. He was concerned that the confusion is intentional on the part of the applicant.

Commissioner Lloyd suggested that the Commission be prepared to review and act on what is before them. She considered what is presented to be incomplete. She preferred to have the applicant present something that can be voted on. She was uncertain whether the Commission should give him time at this meeting.

Commissioner Roach was inclined to take the advice of the City Attorney.

The Viewmont Cove request was next addressed. It is a two-lot subdivision in the R-1-15 zone and both lots far exceed the required minimums. The request is the result of a rezone that took place two to three years ago. The applicant is now submitting a preliminary drawing. It was noted that the two lots are served by one driveway.

A Closed Session was also proposed to discuss the deployment of security measures for the Planning Commission. Chief Hoyal would be making a presentation.

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. She read the Commission Statement.

PUBLIC HEARING/ACTION ITEMS

1. **Zone Map Amendment – Rezone from RM to PO Zone – 2225 East Holladay Boulevard. Review and Recommendation to the City Council on a Proposal by Property Owner, Columbia Development Corporation to Amend the Zone Map at this location from the Current Residential Multi-Family Zone (“RM”) to the Professional Office Zone (“PO”) for an Existing Office Building on Approximately .89 Acres of Property. As Per Legislative Review Procedures Set Forth in Holladay Ordinance Section 13.07. File #22-4-02.**

Community Development Director, Jonathan Teerlink, presented the staff report and stated that the above matter is a legislative action item. He explained that rezones, text amendments, and law changes are subject to review and approval by the City Council; however, they delegated recommendation authority to the Planning Commission who is the land use authority. In this case, the request is to take advantage of a recently adopted zone. In 2000, when the City of Holladay was incorporated, a Mixed-Use zone was adopted known as the Residential Multi-Family (“RM”) zone. Under County jurisdiction, office buildings were built into the zone. During the time that rezones were being requested for RM, there was some confusion with respect to what was being entitled and whether a rezone would be required. The Council at the time decided to separate the two and created the Professional Office (“PO”) Zone.

The PO zone creates issues for existing office buildings when new tenants are sought since medical and professional office uses are no longer allowed. The Council anticipated that owners of office buildings would request the new PO zone for the benefit of the vitality of their office building and to remain competitive.

Chair Mackin opened the public hearing.

Barbara Fortuna was present on behalf of Columbia Development and gave her business address as 2225 East Murray Holladay Road. Columbia Development is a small, family-owned business and they own three office buildings a few residential homes. They have owned the subject property since 1986. They are trying to stay competitive in the growing market and found that they are limited in terms of potential tenants. In 2016, she requested a Conditional Use Permit for Dr. Stephens to office in their building and was now seeking the proposed change. Ms. Fortuna requested the change on behalf of Columbia Development Corporation and appreciated the Commission’s consideration.

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

Commissioner Lloyd moved to forward a recommendation to the City Council to APPROVE the application from Barbara Fortuna to amend the Holladay Zoning Map for .89 acres of land located at 2225 East Murray Holladay Road from RM to PO. Commissioner Prince seconded the motion. Vote on motion: Commissioner Prince-Aye, Commissioner Roach-Aye, Commissioner Lloyd-Aye, Commissioner Layton-Aye, Chair Mackin-Aye. The motion passed unanimously.

2. **Conditional Use Permit – “Hopkinson” Accessory Garage – 3045 East Whitewater Drive (R-1-21 Zone). Review and Consideration of a Request for a Conditional Use Permit for Jared Hopkins to Allow Construction of a Detached Accessory Building**

with a Footprint Size Larger than Normally Permitted. As Per Provision Stated in Holladay Ordinance 13.14.030 and 13.08.040. File #22-2-02.

Mr. Teerlink presented the staff report and stated that as the land use authority, the Planning Commission is responsible for approving and considering conditional uses for certain uses in the City. Uses are normally allowed or not allowed with standards, however, there may be distinct situations where certain conditions could be applied to mitigate adverse impacts. In 2016 when the ordinance was written, the intent was to provide for setbacks and footprint sizes for accessory buildings. The Council at the time recognized that there may be certain situations where the permitted footprint size of an accessory building may be exceeded. In this case, the applicant is requesting a Conditional Use Permit to exceed the normally permitted footprint size that staff can approve at the counter.

A public hearing is required to identify potential adverse impacts. Mr. Teerlink received two phone calls on this request. One individual was concerned that a private easement runs through the property. The other was more interested in what the building will look like. The applicant, Jared Hopkinson, was requesting approval to construct a 1,600 square-foot detached accessory building/guest house. The proposed size is 400 square feet larger than allowed by Code.

Chair Mackin opened the public hearing.

Jared Hopkinson gave his address as 3045 East Whitewater Drive and is seeking approval of a plan with slightly more square footage that is allowed for an accessory building on the western half of his lot. The proposed garage will have an apartment unit on top. The garage will be ground level with an elevation difference between the top parking area of about 12 feet. Access to the apartment will be from the top parking area near the house. The northeast wall will be about 10 feet underground.

Sue Fisher gave her address as 2994 Tolcate Lane to the west of Mr. Hopkinson. She stated that the proposed structure will likely block some of her view. She had no objections to what was proposed.

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

Commissioner Prince asked Mr. Hopkinson what his intention was with the apartment unit and if he plans to register it with the City. Mr. Hopkinson stated that he intends to go through the process.

Commissioner Layton asked about the height restrictions on an accessory building in the zone. Mr. Teerlink stated that it is 20 feet. The applicant provided staff with sketches that are not to scale but that have a low cellar-type pitch. The request was expected to meet the height restrictions but will be overseen by staff.

Commissioner Roach moved that the Holladay Planning Commission APPROVE the application for a detached accessory garage sized at 1,600 square feet located at 3045 East Whitewater Drive subject to the following conditions:

- 1. Be consistent with policies set forth in the City's General Plan applicable to the site where the conditional use will be located.***

2. *Be allowed by the zone regulations where the conditional use will be located.*
3. *Be compatible with the character of the site, adjacent properties, and uses, and existing development within the vicinity of the site where the use will be located.*
4. *Provide vehicular access to the site without materially degrading the existing level of service of the abutting streets.*
5. *Locate all driveways oriented to direct traffic to streets, major or local, without impacting the safety, purpose, and character of these streets.*
6. *Locate on-site parking areas and structures, particularly those locations likely to encourage street-side parking for the proposed use, in areas of the site that will not adversely impact the reasonable use of adjacent properties.*
7. *Accommodate peak traffic to the site without impairing the use and enjoyment of adjacent properties.*
8. *Provide an internal circulation system designed to mitigate adverse impacts on adjacent property from motorized, non-motorized, and pedestrian traffic.*
9. *Restrict hours of operation of the proposed conditional use in relation to the hours of activity or operation of other nearby uses to mitigate noise, light, odor, or other nuisances that unreasonably impair the use and enjoyment of adjacent properties.*
10. *Demonstrate existing or proposed utility and public services will be adequate to support the proposed use at normal service levels and are designed in a manner to avoid adverse impacts on adjacent land uses, public services, and utility resources.*
11. *Install appropriate buffering, such as landscaping, setbacks, and building location, to protect adjacent land uses.*
12. *Ensure that the neighbor's sewer easement is respected and accommodated.*
13. *The request must comply with the Tree Ordinance.*

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

3. **Conditional Use Permit, Amendment – “Campagna” Accessory Garage – 2602 East Walker Lane (R-1-87 Zone). Review and Consideration of a Request to Amend a Previously Approved Conditional Use Permit for Ashley Rothwell-Campagna to Allow Additional Area Added to a Detached Accessory Building with a Footprint**

Sized Larger than Normally Permitted. As Per Provisions Stated in Holladay Ordinance 13.08.040(L). File #21-2-07-01.

Mr. Teerlink presented the staff report and stated that in June of 2021 the applicant requested a Conditional Use Permit for an accessory building from the Planning Commission, which was approved. The size was decided upon and approved. The applicant has since approached staff with a request to increase the approved size. No changes were proposed to the location, architecture, or height. The modification involves squaring off walls of the footprint that was originally approved and increasing the square footage by approximately 400 square feet.

Mr. Teerlink reported that the area in which the accessory building is to be placed cannot be more than 25% of the rear yard area. The subject property is seven acres in size and complies with that requirement. The Planning Commission can choose to keep the conditions as is with the new size or amend them as needed.

The applicant, Mark Compagna, gave his address as 2602 East Walker Lane. He explained that the original building was the original home that was on the property. Between himself and his mother-in-law next door, they own 25 acres. The original design involved extending the carport in the back of the building. They are proposing to add two additional spaces to the building. To make the design more efficient, they would like to square off the building. The new building will be much cleaner and match the design of the home.

Commissioner Lloyd saw no need to change the existing conditions. Commissioner Layton disagreed and stated that they should be amended since the applicant wishes to extend the building for two additional spaces and functions. What is proposed is a 10% increase to a building on nearly seven acres.

Commissioner Lloyd moved to APPROVE the amendment to the previously approved Conditional Use Permit for a detached accessory garage on property located at 2602 East Walker Lane, for and on behalf of Mark Campagna as Owner/Applicant. The said Conditional Use Permit is, and shall be, based upon the following findings – as originally stated on June 1, 2021, including:

- 1. The garage is intended to, or will have the expected effect of, replacing a house of similar dimension to the proposed garage that currently rests on the Property in the vicinity of the proposed garage's idealized position.***
- 2. The desired garage structure will provide covered/enclosed parking not apparently present on the Property – thus providing value to the lot, bringing it into better with the spirit of the zoning code [sheltered parking provision], and improving, at least theoretically, the safety of the site (e.g., being able to access vehicles in a structure during winter months).***
- 3. The detached garage is proposed to be a one-story structure [but 18' tall at its highest point at the edge of the shed-style roof].***
- 4. The structure is intended to be set away from adjoining property lines (as shown on the site plan attached to this report) by some 50' 8" and 62' 6" (easily***

complying with (the) relevant setback requirement(s) listed in H.C.C. § Chart 13.14.101).

5. *The building, per the Applicant, is, "...proposed to match the new house with the same siding and roofing" [standing seam metal roof with board and batten siding].*
6. *Staff has not received objections (written or verbally expressed) to date respecting the CUP request.*
7. *Should the structure (CUP) be approved, a Building permit will be required to further authorize its construction which in turn will trigger plan review and inspections to ensure code conformance during the planning and construction processes.*
8. *Approval of the CUP will neither violate the City's General Plan nor the spirit of its zoning code as the structure is entertainable by CUP by code and is a use commensurate with that intended to populate single-family zones.*
9. *Provision of utilities, emergency, and general site/building location[al] access, and conformance to zoning bulk regulations (e.g., setbacks, height standards, etc.) will be evaluated during plan review after a building permit is applied for to sanction construction of the building.*

Conditions:

1. *The Owner/Applicant shall obtain a Building Permit for the proposed detached garage structure and final occupancy approval before using the same for its intended purpose(s).*
2. *The Owner/Applicant shall not establish or use the structure as an accessory dwelling unit on the Property.*
3. *City approval of the project garage does not, and shall not, abrogate the Applicant's/Owner's responsibility to comply with any relevant deed restriction(s) and/or Covenants, Conditions, and Restrictions ("CC&Rs") that may be assigned to the Property.*

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

ACTION ITEMS

4. **"Hulton Court PUD" – Preliminary Subdivision Plan/Plat – 2394 thru 2397 Murray Holladay Road (R-1-10 and R-2-10). Review and Action on a Presentation by Property Owner, Ron Hilton of Preliminary Level Development Plans and Details for a Residential Single-Family Planned Unit Development Subdivision Located in Accordance with the R-1-10 and R-2-10 Zone Regulations and a Holladay Ordinance §13.08.010 and 13.10.070. File #21-1-15-1.**

Mr. Teerlink presented the staff report and stated that subdivision plats require administrative review through the Planning Commission. The above application has completed two of the three stages. When staff receives a preliminary level application, there is a detailed checklist that the drawings are compared to. The drawings were presented in a seven-lot layout, which is contrary to the Planning Commission's previous approval for a six-lot configuration.

The applicant, Ron Hilton, gave his address as 2394 Murray Holladay Road. He reported that a meeting was held the previous day with himself, his legal counsel, and City Attorney, Brad Christopherson. Mr. Christopherson agreed that further study was warranted. A written copy of his comments was submitted.

Mr. Hilton thanked the Commission for granting conceptual approval and explained that they are still seeking approval for a seven-lot Planned Unit Development ("PUD"). He looked at the six-lot alternative and submitted rough sketches. They were not amending their application at this point and were still seeking the approval of seven lots. Concern was expressed with the configuration that some of the neighbors might feel like they got a special exception to the rule. He spoke to some of his neighbors in the R-1 zone that immediately borders the subject property. Frank Holt and Liz Corgen submitted letters to the City. Mr. Holt expressed support for the three smaller homes versus the larger homes in the R-1 portion. Most of those they spoke to had no preference. Ms. Corgen did not directly address the question but previously indicated that she would prefer three small homes to two very large homes. She was most concerned about traffic issues. Mr. Hilton agreed that more stringent speed enforcement was needed.

Ms. Corgen suggested that the City acquire some of the property and provide more public spaces. Mr. Hilton did not object to that and was open to allowing the City to acquire Lot 3 to create common areas. This would allow the City to double the size of the park and add more parking. Mr. Hilton stated that from a zoning standpoint, they are entitled to seven lots. Limiting the south property two lots would increase the size of the lots but is contrary to what they envision.

Chair Mackin commented that the matter before the Commission is the preliminary plat for six parcels as previously approved by the Commission, not seven. Because what is presented and what was approved differ, action cannot be taken tonight. Potential options were discussed. Mr. Hilton stated that they cannot appeal a decision of the Planning Commission until a decision is made on final approval.

Commissioner Layton was concerned that Mr. Hilton took the Commission's time away from other items on the agenda with something that is not ready to be presented. Mr. Hilton stated that if the outcome of the legal analysis does not allow them to develop seven lots, they will amend their application to six. The intent tonight was to give the Commission a preview of what seven lots would look like. Chair Mackin felt that the best option was to table the matter to allow for further legal assessments.

Commissioner Layton did not want there to be any misunderstanding and made it clear that Mr. Hilton was only granted conceptual approval for six lots within the standards of an R-1-10 and R-2-10 as they are currently zoned. Mr. Hilton recognized that but stated that there are legal questions to be answered. Commissioner Layton disagreed and stated that there is no legal

question about what the Commission approved. The other legal discussions that have taken place pertain to contiguous properties and other issues that have nothing to do with what was approved.

Commissioner Prince was willing to continue the matter but did not want her time to be wasted by having Mr. Hilton come back to discuss something that does not meet with what was conceptually approved. When he comes back, what is presented needs to be relevant.

Commissioner Roach moved to continue the matter until the Commission receives word back from City Staff and the City Council about the legal proceedings involved. Commissioner Lloyd seconded the motion. Vote on motion: Commissioner Prince-Aye, Commissioner Roach-Aye, Commissioner Lloyd-Aye, Commissioner Layton-Aye, Chair Mackin-Aye. The motion passed unanimously.

5. “Viewmont Cove” – Preliminary Subdivision Plan/Plat – 4813 South Viewmont (R-1-15). Review and Action on a Presentation by Property Owner, David Haynie and Denise Hurst of Preliminary Development Plans and Details for a Residential Subdivision in Accordance with the R-1-15 Zoning Regulations and as Per Holladay Ordinance §13.08.010 and 13.10.070. File #21-1-13.

Mr. Teerlink presented the staff report and stated that the request is for preliminary review of a property that was a result of a recent rezone from R-1-21 to R-1-15. The TRC reviewed the plat for compliance with standards set forth and recommended preliminary approval.

The applicant, David Haynie, was present representing himself and his wife, Denise Hurst. Several months earlier they presented a plan to split the property in half with a driveway to the rear lot. They were seeking to move forward to final approval.

Commissioner Prince asked about the Landscaping Plan and specific information on the tree canopy. Mr. Haynie stated that they presented information on the trees that currently exist on the property. Details on the rear lot will be submitted by a future owner. Mr. Teerlink referred to notes on the plat and stated that more could be added to reference compliance with the Tree Ordinance.

Commissioner Prince moved to approve the Preliminary Development Plans for “Viewmont Cove”, a residential single-family home subdivision in the R-1-15 zone located at 4813 South Viewmont Road finding that the proposal:

- 1. Is in accordance with the intent, standards, and criteria specified in the Holladay City General Plan, Title 13 of the Holladay Zoning and Subdivision Regulation Codes.***
- 2. Properties are accessed directly from Viewmont, a public street.***
- 3. All trunk utilities are readily available with connection approval submitted from each provider.***

Conditions:

- 1. Staff shall place a note about maintaining the Tree Ordinance Section 13.77 on the plat as recorded.***
- 2. Delegate Final Plat approval to Staff.***

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

6. Closed Session Pursuant to Utah Code Section 52-4-204 and 205 to Discuss Personnel Issues, Potential Litigation, and Property Acquisition and Disposition.

Chair Mackin moved to go into Closed Session for the purpose of discussing the deployment of security measures for the Planning Commission. Commissioner Prince seconded the motion. The motion passed with the unanimous consent of the Commission.

The Planning Commission was in Closed Session from approximately 7:00 p.m. to 7:45

ADJOURN

The Planning Commission Meeting adjourned at approximately 7:55 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, March 1, 2022.

Teri Forbes

Teri Forbes
T Forbes Group
Minutes Secretary

Minutes Approved: April 5th 2022