

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

Tuesday, January 11, 2022

6:00 p.m.

City Council Chambers

4580 South 2300 East

Holladay, Utah

ATTENDANCE:

Planning Commission Members:

Howard Layton, Chair

Martin Banks

Chris Layton

Alyssa Lloyd

Karianne Prince

Dennis Roach

City Staff:

Jonathan Teerlink, Planning Manager

Todd Godfrey, City Attorney

Gina Chamness, City Manager

WORK SESSION

Chair Howard Layton called the Work Session to order at approximately 5:40 p.m. He reported that Commissioners Chris Layton and Dennis Roach were in the City Council Chambers and Commissioners Alyssa Lloyd, Martin Banks, and Karianne Prince were attending the Work Session via Zoom.

The agenda items were reviewed and discussed. Planning Manager, Jonathan Teerlink reported that the agenda included an application for Hulton Court – Amended and Extended, located at 2394 through 2397 Murray Holladay Road. Last year, the applicant had a subdivision plat approved for lots on the south side of Murray Holladay Road. Since then, the applicant was able to purchase land across the street. The intention was to add that land to the subdivision plat boundary. Mr. Teerlink stated that the application was an amendment and extension of the previous approval. The applicant also asked for a Planned Unit Development (“PUD”). There were several considerations for a PUD. For instance, the Planning Commission could waive various zoning regulations, with the exception of height and use.

The applicant’s property crossed a public street, Murray Holladay Road, but was also within two different zoning districts. The North Phase was located within the R-2-10 Zone and the South Phase was located in the R-1-10 Zone. Mr. Teerlink explained that the Technical Review Committee (“TRC”) reviewed the applicant’s requests based on the standards for a subdivision plat and found the drawings before the Commission to be sufficient for review.

There were minimum lot size standards for the R-1-10 and R-2-10 zones, which needed to be considered to be a candidate for a PUD. Mr. Teerlink reported that the threshold is 30,000 square feet. The applicant had 30,000 square feet described for both the North Phase and South Phase. However, that included an area that was in the right-of-way. The Planning Commission could consider varying that requirement slightly to consider the property prior to the dedication. Mr. Teerlink noted that there was remnant ground on both sides of the street. The previous

Community Development Director, Paul Allred, left some direction about what to do with that remnant ground, but it was up to the Planning Commission to make the final decision.

The Commissioners wanted to know if the intention was to allocate the extra square footage on the south parcel. Mr. Teerlink explained that was what had been proposed. From a Staff point of view, the seven lots proposed in the PUD configuration were compatible with the neighborhood. He noted that there were two questions the Planning Commission needed to consider:

- What should be done with the net and gross area for a PUD?
- How should the remnant ground in a subdivision be considered?

Mr. Teerlink stated that there was a fair amount of extra ground in the R-1-10 Zone. There was not enough space to add a 10,000 square foot lot, but there was too much space for a common area. There was discussion about whether the application would qualify as a PUD. Mr. Teerlink explained that there was a request to create extra open space between the properties. One of the primary considerations of a PUD was to create open space. On the south side, it was requested that there be some type of common area. The applicant was looking to add in the existing white brick home for a clubhouse use. He noted that the clubhouse would be for both the North Phase and South Phase residents. Mr. Teerlink added that there were subdivisions within the City that were bisected by public roads. He was not aware of any PUDs that were bisected by public roads in Holladay. However, there were examples County-wide.

Commissioner Prince asked what the difference was between a subdivision and a PUD. Mr. Teerlink explained that subdivisions have straightforward standards for setbacks and lot size. On the other hand, a PUD allowed an applicant to request flexibility in lot size, setbacks, road configuration, and lot coverage. The idea was that certain allowances would lead to better amenities in the community. Commissioner Chris Layton pointed out that the neighbors to the east and west, on the south side of Murray Holladay Road, were within the same zone, but were approved under different rules. He believed that the allowance of a PUD would more or less spot zone the area. Mr. Teerlink referenced a previous PUD application on Highland Drive. Some conditions were set by the Planning Commission at that time to mitigate areas of concern. The current process would allow the Commission to mitigate areas of concern for Murray Holladay Road as well.

Commissioner Banks wondered what the reason was to seek a PUD. Mr. Teerlink noted that the North Phase was an R-2-10 Zone and traditionally, that meant two duplexes on 10,000 square feet. That was not necessarily the product that the applicant wanted to develop. The applicant wanted to develop detached single-family structures and had asked to take the two attached structures and detach them onto smaller lots. That would create bungalow-style homes rather than twin duplex homes. Mr. Teerlink explained that this was one of the primary reasons for the PUD request. If approved, the amount of density would remain the same. Chair Layton noted that the Commission would have the opportunity to ask the applicant questions during the Regular Meeting.

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

Chair Layton called the Regular Meeting to order at 6:06 p.m. and read the Commission Statement. He reported that Commissioners Chris Layton, Banks, and Roach were in the City Council Chambers, and Commissioners Lloyd and Prince were attending the Regular Meeting via Zoom. Commissioner Mackin was excused.

PUBLIC HEARING/ACTION ITEM

1. **“Hulton Court – Amended and Extended” – Concept – 2394 thru 2397 Murray Holladay Road (R-1-10 and R-2-10) Review and Consideration of a Proposal by Property Owner, Ron Hilton, for a Conceptual Site Plan Application to Amend “HULTON COURT” a Previously Approved Residential Subdivision, by Adding Additional Property to Redevelop a Total of 1.3 acres Located in the R-1-10 and R-2-10 Zone, to Form a Seven (7) Lot, Single-Family Home Subdivision, Planned Unit Development. As Per Holladay Ordinance 13.08 File #20-1-15-1**

Planning Manager, Jonathan Teerlink presented the Staff Report and stated that the above item was an amendment request to an existing subdivision that was approved late in 2021. The request was to amend “Hulton Court,” a two-lot subdivision, and extend it to include some additional property that was located across the street. He noted that there would be a public hearing on the item.

Commissioner Banks wondered if the Conceptual Site Plan and PUD application were separate applications and motions. Mr. Teerlink explained that the Planning Commission would look at the Conceptual Site Plan at the current meeting. There were many moving parts to the application, and it would be beneficial for the Commission to separate the two. Commissioner Roach noted that the packet mentioned a six-lot subdivision rather than the proposed seven. Mr. Teerlink clarified that the applicant's request was for a seven-lot subdivision. Chair Layton pointed out that the seven lots were requested with the assumption that remnant ground from the north property could count toward the south property. That would allow there to be three units on the south property instead of two. Mr. Teerlink confirmed this.

Commissioner Banks asked if legal counsel had shared an opinion about the remnant ground. City Attorney, Todd Godfrey noted that he had not shared an opinion on that issue. He did not have a domain but could advise the Commission and provide insight. At the end of the day, whether a question was a legal or policy question would be determined by the Planning Commission. He was anxious to hear from the applicant about the remnant ground as it was of interest to the Planning Commission. Chair Layton asked the applicant to present.

The applicant, Ron Hilton, shared background information on the application. He explained that he had been working on the project for approximately three years. Initially, the South Phase property was purchased, and he lived in a home there. He reported that he conferred with the City before buying the property. A subdivision potential research request was submitted, and a letter was received from Mr. Teerlink. Mr. Hilton reported that the proposal at that time was to rezone the property on the South Phase to build six small homes. The rezone request was denied by the City Council at the end of 2019. Since then, he had looked into alternate options.

Mr. Hilton clarified that the intention was not to rezone. He also explained that in the City of Holladay, the PUD Ordinance does not have a density bonus. In some communities, a PUD allows for an increase in density but that was not the case in Holladay. The intention was not to alter the

density with the PUD. Mr. Hilton had asked the City how many units could be built without the rezone, and it was reported that three homes could be built because according to the deed, the property was over 30,000 square feet. The minimum for the zone was 10,000 square feet per house. However, when the property was surveyed, the square footage was slightly less and there were dedications to Murray Holladay Road. As a result, three units were not possible, and he applied for a subdivision with two equal-size lots. That application had been approved. At the same time, there were properties available nearby that he believed could benefit from the same sort of vision that he had for the South Phase project.

The properties were between two areas with distinct characteristics. For instance, Holladay Village is high-density with multi-story and multi-family homes, consisting mostly of townhouses and condominiums. Within one block of that were single-family detached residential homes. Mr. Hilton wanted to ensure that there was a smooth transition between the two areas. The development could act as a transitional buffer by decreasing density from the Holladay Village area and matching the bungalow homes in the surrounding neighborhood.

Mr. Hilton explained that a subdivision with two equal-size lots had been approved but the lots would be too large to put the desired single-story homes on them. As a result, he tried to see if there was another approach. A second subdivision potential research request was submitted to the City approximately one year ago. Several questions were raised and the previous Director, Paul Allred answered those questions. Mr. Hilton relied on those answers as he moved forward, purchased the North Phase property, and tried to achieve his overall vision. One question had to do with two different zones in the same PUD. Mr. Allred stated that it was possible to have two different zones in the same PUD, but the criteria of each zone needed to be met independently. Another question pertained to a public right-of-way that bisected the PUD. Mr. Allred stated that it was not a problem to have a public right-of-way that bisected the PUD.

Mr. Hilton reported that the property boundary went out into the middle of Murray Holladay Road and was the reason there were less than 30,000 square feet. He clarified that both the South and North Phase properties went into the middle of the road. This was a unique situation that was unlikely to set much of a precedent because there were not many places within the City where two lots met in the middle of the road. Mr. Allred indicated that because the property fell slightly short of the amount needed to have three homes on the south side, a lot line adjustment from the middle of the road northward would incorporate some of the land from the North Phase. That would qualify the South Phase to have three homes and the North Phase would have room left over for two duplexes, which would create seven units in total.

Mr. Hilton explained that in the R2 Zone, there could be either single-family or duplex homes. Duplexes in the R-2-10 need to be on 10,000 square feet, which is 5,000 square feet per home. The single-family home requirement is 6,250 square feet. It would be possible to put five units on the North Phase without a PUD. However, that was not what he wanted to do. Mr. Hilton stated that with or without the PUD or the lot line adjustment, it would be possible to have seven units. The reason the PUD was desired was because it would equalize the size of the lots. It would also provide flexibility on setbacks. He stated that the North Phase would allow five units, but the setbacks meant that the units would have a small footprint. To achieve a reasonably sized unit, the homes would need to be taller. The South Phase has larger lot sizes and homes built on the

lots would need to be larger to recoup the value of the land. Without the PUD, it would not be possible to have the smooth transition that was desired. Example images were shared.

There had been positive feedback at the latest neighborhood meeting. Mr. Hilton stated that there was a lot of negative feedback at earlier neighborhood meetings when he attempted the rezone. However, the current proposal was viewed more favorably. Mr. Hilton further discussed the PUD. The currently approved two-lot subdivision did not have an open space requirement, but the PUD would. That was something he wanted to see in the area. Additionally, the common area would be a nice amenity. Mr. Hilton reported that he received feedback from Preserve Utah about the home that he currently lives in. He wanted to preserve the home for historical reasons, which was why the clubhouse had been suggested. The brick portion dated back to 1898. He also wanted to see some of the mature trees preserved. Mr. Hilton felt good about the application. He believed the PUD was a good solution and would create a transition area.

Commissioner Banks asked what would happen if the PUD was not approved. For instance, if the South Phase design would change or if both phases would be impacted. Mr. Hilton explained that it would affect both. The South Phase had lots that were too large for the style of home that he wanted, and the North Phase had lots that were too small. Equalizing the lot size and normalizing the setbacks would be beneficial. If the PUD was not approved, he planned to fully utilize the larger lots, but ideally, he wanted to be more compatible with the historic bungalows.

Commissioner Layton noted that Mr. Hilton believed density would remain the same with or without a PUD. He did not believe that was true or that it was accurate to state that five lots could be placed on the North Phase within the current zoning. Mr. Hilton clarified that the PUD Ordinance defined density by the number of dwelling units, not by whether they were attached or detached. Without a PUD, five units could be built including two duplexes and one detached unit. Discussions were had about Conditions of Approval. Mr. Teerlink stated that specific conditions could be added during the Subdivision Plat phase. Commissioner Lloyd stressed the importance of conditions that would ensure the layout and overall plan did not change after the fact. Mr. Hilton stated that he would sign whatever agreement is necessary.

Commissioner Layton noted that Mr. Hilton could have two duplexes and one single-family home on the north side and two dwelling units on the south. That could be done without a PUD. Mr. Hilton informed the Commission that he is not a professional developer. He had undertaken this task because he wanted to live in a single-level single-story bungalow home that is compatible with the neighborhood. He desired to live in that type of environment. Others had invested who wanted the same thing.

Chair Layton opened the public hearing.

Clark Richards gave his address as 2470 Kentucky Avenue and stated that he was not opposed to the Hilton project. However, he believed that the development should be done within the existing ordinances and codes. The current project was asking for a PUD that would be bisected by a major road. He did not believe that was a good idea for safety reasons. Additionally, the proposal included a common area on the south side. Mr. Richards pointed out that there would be people walking across the street to access that common area, which was also a safety concern. He felt that the Hilton project was asking to push lot lines and pack too many houses into too small of an

area. That could lead to parking issues. Mr. Richards asked that the Commission seriously consider the proposal before making a decision.

Commissioner Banks wondered if Mr. Richards had concerns beyond congestion and parking. Seven homes would be seven homes, regardless of how those homes are laid out. Mr. Richards believed that the clubhouse would cause residents to travel back and forth between both sides of the street. Murray Holladay Road is a major arterial and could be dangerous. He did not have any concerns about the aesthetics and reiterated his support for development as long as it was done within the existing ordinances and codes. He did not want this to set a precedent.

Michael and Colette Dixon gave their address as 2369 East Murray Holladay Road and explained that they lived at the Terraces at Holladay on the third floor. They liked what was proposed and did not have a problem with the PUD. It was a thoughtful plan and considerate to the residents in the area. The PUD would allow there to be a common area, which would benefit the community overall. Mr. Dixon believed the proposal would be a benefit to the City of Holladay.

Mr. Hilton addressed some of the comments. He explained that the minimum amount of visitor parking required is one-half of one space per unit. The proposal went well beyond that and there would be parking at the end of each turnaround and parking in the common area. There would be one or more visitor parking spaces per unit, not counting driveways. While traffic in the area was a concern, he noted that there was a crosswalk nearby that was well-marked. Those wishing to cross the street to use the clubhouse could use that crosswalk to do so.

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

Commissioner Lloyd asked about setbacks. Mr. Teerlink reported that the North Phase will have 6 ½-foot setbacks to the property line and a 13-foot separation from buildings. The rear yard will have 20-foot setbacks to the west property line. To the north, there was a buffering setback, which was 10% of the lot width. Commissioner Lloyd was concerned about the impact on existing neighbors. Mr. Hilton explained that the general intent was to adhere to the standard setbacks on the perimeter of the projects. The primary reductions would be internal to the project, with one exception, which was the boundary with the Terraces at Holladay. He reported that the side setback there would be five feet instead of 10 because it backs onto parking. Additionally, the existing home on that property has a five-foot setback so the proposal would maintain what existed.

Commissioner Lloyd asked about the south side. Mr. Hilton explained that the intention on the south was the same. He wanted to adhere to the standard setbacks and reduce them slightly between the new homes. Commissioner Lloyd reiterated that her concern was how the setbacks will impact the existing neighbors in the area. Commissioner Layton noted that a PUD allowed there to be lesser setbacks and tighter conditions. He did not see a reason why the Planning Commission should consider the PUD for the current application.

Commissioner Lloyd pointed out that conditions could be placed on the PUD. One condition could be related to single-story construction. She felt that the development would be beneficial to the neighborhood and would fit in with the houses that directly abutted the property on the east and the south. Commissioner Roach noted that in the future, the houses around the project area would likely not remain historic and small. There would be larger homes developed over time. While

the single-story development made sense short term, it may not be that impactful to the community long-term. Chair Layton reminded the Commission that the current application was for the Conceptual Site Plan, which was related to the seven units. In order to achieve the seven units, ground that was considered excess on the north side needed to be counted on the south side. It may be beneficial to obtain additional insight or legal advice. The item could also be continued.

Commissioner Prince echoed the concerns expressed by Commissioner Layton. She was not certain that borrowing square footage from another area would be appropriate. It would be best to have additional information and ask legal counsel whether that was a valid option. Commissioner Layton noted that the rezone for the property was denied previously because there was not a legitimate reason to have more than two single-family dwellings on the south parcel.

Mr. Godfrey understood the concerns expressed by the Commission. He believed the issue was whether there is contiguous property within the meaning of the subdivision ordinance. After listening to the presentations and discussions, he was still not prepared to offer an opinion on that. Mr. Godfrey was also not prepared to offer an opinion on whether or not the requirement in the subdivision ordinance was subject to waiver through a PUD. He asked for an additional week or two to look into the issues further and properly advise the Commission.

Commissioner Banks asked if it was appropriate to borrow from the north parcel and add to the south parcel. Mr. Godfrey explained that borrowing happened often in PUDs as well as different lot size averaging subdivision concepts. He was not troubled by that part of the proposal, but he did have questions about whether a street like Murray Holladay Road met the definition of contiguous property in the subdivision ordinance. Based on the feedback from Mr. Godfrey, Commissioner Banks believed it would be best to continue the item.

Commissioner Banks moved to continue the “Hulton Court – Amended and Extended” Conceptual Site Plan to a subsequent hearing until the Commission has an opportunity to receive feedback from legal counsel regarding the contiguous and borrowing issues. The motion was seconded by Commissioner Roach. Vote on motion: Commissioner Chris Layton-Aye; Commissioner Lloyd-Nay; Commissioner Banks-Aye, Commissioner Roach-Aye, Commissioner Prince-Aye, Chair Howard Layton-Aye. The motion passed 5-to-1.

2. Approval of 2021 Meeting Minutes – 11/9, 11/16, and 12/14.

The minutes from November 9, November 16, and December 14, 2021, were reviewed and discussed. Commissioner Banks asked that an amendment be made to the November 9, 2021, minutes on page 1, line 25. He noted that it should state:

- The first agenda item is a legislative action.

For the November 16, 2021, minutes, Commissioner Banks asked that page 3, line 5 be reworded. For instance, the minutes could state: “one potential option could be that the Planning Commission present...” and the words “be presented” could be deleted to better reflect the intention of his comment. On page 3, line 22, Commissioner Banks asked that “intended to,” be deleted and “was inclined to at least consider,” be inserted. Additionally, “hold” should be reworded to say,

“holding.” For December 14, 2021, Commissioner Roach asked that page 9, line 9 be reworded. He felt that the word “stated” should be replaced with “asked to clarify.”

Commissioner Roach moved to approve the November 9, November 16, and December 14, 2021, meeting minutes, as amended. The motion was seconded by Commissioner Banks. Vote on motion: Commissioner Chris Layton-Aye; Commissioner Lloyd-Aye; Commissioner Banks-Aye, Commissioner Roach-Aye, Commissioner Prince-Aye, Chair Howard Layton-Aye. The motion passed unanimously.

ADJOURN

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

The Planning Commission Meeting adjourned at approximately 7:35 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, January 11, 2022.

Teri Forbes

Teri Forbes
T Forbes Group
Minutes Secretary

Minutes Approved: Feb.15, 2022