

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

**Tuesday, April 5, 2022  
6:00 p.m.  
City Council Chambers  
4580 South 2300 East  
Holladay, Utah**

**ATTENDANCE:**

**Planning Commission Members:**

Ann Mackin, Vice-Chair  
Martin Banks  
Alyssa Lloyd  
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 Holladay Planning Commission Work Session to order at approximately 5:30 p.m. The agenda items were reviewed and discussed.

Community Development Director, Jonathan Teerlink, reported on the Gunderson Residence and stated that the request is a site plan review for residential home construction in the Foothills and Canyon Overlay Zone (“FCOZ”). The FCOZ was established by the County in 1997 as a slope and canyon protection overlay zone that regulates design and development standards to protect livestock, wildlife, and natural habitats. The FCOZ Overlay Zone spills out from the canyons into the foothills and specifically along Wasatch Boulevard. Most of the properties in Canyon Cove are in the FCOZ Overlay Zone, which dictates retaining wall heights and grading parameters.

To approve new home construction, Staff is limited to very specific guidelines in terms of what types of slopes and disturbances can be created. It must be established by ordinance. In some cases, the lot is much steeper than the ordinance allows. Those situations have to be reviewed by the Planning Commission and a public hearing must be conducted. In this instance, there is one lot immediately off of Wasatch Boulevard that has never been developed. The property has been held by an estate for some time and is now coming to the City for development. The Site Slope Analysis provided to the Planning Commission reports that this is a steep lot with a 30% grade or potentially steeper. The main purpose of tonight’s meeting is to establish the building pad on slopes steeper than 30%. However, the Planning Commission is specifically prohibited from exceeding development on slopes greater than 40%. That data is missing from the Site Slope Analysis and the Commission may want to ask the applicant about that.

Commissioner Banks made note of the Short-List of Principal, Abbreviated Findings from the Technical Review Committee. Number eight on the list stated:

- No slopes greater than 50% are understood to be intended to be introduced into/onto the property as a result of [future] development.

He was not sure what the relevance of that finding was if the Planning Commission is prohibited from exceeding development on slopes greater than 40%. Mr. Teerlink explained that the language relates to manmade slopes left over after development occurred. Commissioner Roach asked if other safety measures had been explored. Mr. Teerlink noted that the applicant could not be permitted to go onto the site to trench or excavate for soil studies before the City established whether it was appropriate for the applicant to build on the lot. Some comments were received from neighbors with concerns about rockfall and slope stability during trenching. As a result, it was beneficial to determine whether the Planning Commission believed a 30% development is suitable for the terrace pads, as proposed. He explained that this was the first step.

Mr. Teerlink reported on the Oly Vista Subdivision and stated that the request is for a two-lot subdivision in the R-1-10 Zone. The lot directly accesses the intersection of Cottonwood Lane and Holladay Boulevard. There were concerns expressed by the Technical Review Committee. For instance, whether the existing driveway should remain or be moved to the south. The City Engineer recommended that it remain in its current location because the community has always understood that driveway to be there. Changing the location may create unnecessary confusion. The City may want to consider adding an additional light for left-hand turns. This would make it clear for anyone coming out of the Oly Vista Subdivision that there is a green light, and it is possible to turn left. The City Engineer was looking further into the traffic light options.

The Unified Fire Authority (“UFA”) reviewed the application for access and safety as well as engineering for stormwater retention. Both lots far exceed the minimum 10,000 square feet. During demolition, the property owner had to remove some dead trees, however, the intention was to protect the existing tree canopy as much as possible. Commissioner Banks asked about the maximum four-foot retaining wall that was required in the Preliminary Level Analysis. Mr. Teerlink explained that this was a standard of the ordinance. In the front yards, a maximum four-foot retaining wall is the limit before there is another terrace. On the site plan, it notes a five-foot retaining wall, but Staff believes a four-foot retaining wall will still accomplish the needs for the grading pattern. Commissioner Roach asked about the applicant's letter that referenced a six-foot retaining wall. Mr. Teerlink noted that this could be clarified with the applicant during the Regular Meeting.

Mr. Teerlink reported on the North Holladay Gateway Planned Unit Development (“PUD”) and stated that after the preliminary level review and approval by the Planning Commission, Staff had back and forth discussions with the applicant on how to create a plat for the development. The property owner stated that the majority of the lots, as configured, would be better off if they were all owned in common rather than individually owned. The only way to create that type of ownership was through a PUD process. He explained that some backtracking is taking place with the application. The application is now at a preliminary level for a Conditional Use PUD, even though the Commission had already seen the concept and preliminary levels.

Mr. Teerlink noted that the Conditional Use Permit (“CUP”) allowed the applicant to distribute land ownership in common to the Homeowners Association (“HOA”) and only restrict the private land to the footprint of the buildings. Commissioner Lloyd wondered if the PUD would allow different

setbacks. This was confirmed, but it was noted that the applicant had not proposed any change to the setbacks. Commissioner Roach suggested that the Commission restrict the PUD to ensure that setbacks remain the same. Mr. Teerlink asked the Commission to refer to the plat document. He recommended that the configuration be approved in perpetuity. To change the footprints shown on the plat document, the applicant would need to return to the Planning Commission to make amendments. The current setbacks are conformed to traditional R-2-10 Zone requirements. Language could be added to state:

- Acceptance of the PUD designation is subject to compliance with the approved Site Plan. Deviation from the Site Plan would negate the PUD status and trigger a process to return to the Planning Commission for an amendment.

Commissioner Roach wondered how the language would impact potential redevelopment for the four existing homes. Mr. Teerlink explained that a footprint is proposed for those homes.

Vice-Chair Mackin noted that the Hulton Court PUD is an action item, and no public hearing was scheduled. Mr. Teerlink confirmed this and explained that the applicant is returning to the Planning Commission with a preliminary level review for a six-lot plat, with four in the north phase and two in the south phase. The Technical Review Committee reviewed the information related to site drainage, retention, emergency access, and compliance with the previously approved Conceptual Plan. Commissioner Lloyd asked if the issues related to Murray Holladay Road had been resolved. Mr. Teerlink did not believe so. His understanding was that the property owner, Ron Hilton, would likely appeal once approval is granted on the preliminary plat. At that time, he could return to the City Council on appeal to determine whether he was entitled to six or seven lots. He read from 13.10.050 D5k of the City Code, which stated:

- Parcels that are not contiguous shall not be included in one plat, nor shall more than one plat be made on the same street. Contiguous parcels owned by different parties may be included in one plat, provided all owners join in dedication and acknowledgment.

Mr. Teerlink explained that a PUD that crosses a street is not an issue legally, but there was no requirement for Mr. Hilton to have the properties on two plats. One of the conditions would be to have it on two plats. Some cleanup work needed to be done. Mr. Hilton and his attorney submitted letters that would be included in the record. Mr. Teerlink explained that the dispute about the application is whether the properties are contiguous or not.

**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 Holladay Planning Commission Regular Meeting to order at approximately 6:00 p.m.

## **PUBLIC HEARING/ACTION ITEM**

### **1. “Gunderson Residence” - Site Plan – 5618 South Wasatch Blvd - (R-1-21 Zone/ FCOZ Overlay) Review and Consideration of a Request by Applicant Michael Anderson, Kent Gunderson as Owner, for Single-Family Home Construction Upon Steep Slopes, Subject to Review by the Commission as per FCOZ Overlay Zone. Review and Consideration as per Holladay Ordinance 13.12.150, 13.72.020A(3), -030.E, -050.D & -050.E. File #22-2-03.**

Community Development Director, Jonathan Teerlink, presented the Staff Report and stated that the application before the Planning Commission is an administrative request. It is a review of a residential-detached single-family home in the R-1-21 Zone with the FCOZ. Staff is limited in its approval purview for the application since the slopes are in excess of standards that can be approved administratively. The slopes are steep enough that the Planning Commission needs to review the development pad, the access driveway to that pad, and the limit of disturbance proposed for the site. Mr. Teerlink explained that the FCOZ requires the Planning Commission to review several requirements. There is a threshold that the Commission may not cross, which is slopes that are 40% or steeper. The Planning Commission can review development patterns and proposals 30% or greater but not steeper than 40%.

The Site Slope Analysis was included in the packet for review. However, the analysis stopped at 30+%. That was something that should be addressed with the applicant. Mr. Teerlink explained that Slope Waivers in the FCOZ are a conditional use type of approval. Certain conditions can be applied, such as height reductions and fencing limitations.

The applicant, Michael Anderson explained that the 30+% listed in the Site Slope Analysis did not exceed 40% but that could be clarified further. He offered to reach out to the engineering firm that had conducted the analysis. There are some challenges on the site, including a 20-foot utility easement through the property. The driveway is roughly 100-feet long, which is the maximum allowed by the Fire Department. Mr. Anderson explained that the intention is to have the home as low as possible to prevent disrupting the views off of Wasatch Boulevard. He reported there is a request for a fence modification. There is a wall along Wasatch Boulevard that stops just prior to the site and there was a desire to put in a larger wall there to buffer the sound. The intention is to have a sound wall along the length of the property that is between six and eight feet.

Discussions were had about the fence height. The allowed height is four feet, but Mr. Anderson believed that six or eight feet would be suitable for the property. Vice-Chair Mackin wondered whether the fence would be concrete. Mr. Anderson explained that the intention was to have a gabion wall instead. Commissioner Roach noted that there were three homes in front of the site, directly to the west. He wanted to know if the wall would be put in front of those homes. Mr. Anderson stated that the property was further north of those homes. He shared a map with the Commission and indicated where the wall would terminate.

The Commission further reviewed the Site Slope Analysis. Vice-Chair Mackin noted that the red section was 30-40%. She explained that the Commission was limited in what could be approved and the Commission could not approve anything that was over 40%. It was suggested that there be a condition to state that nothing can exceed 40%. Vice-Chair Mackin believed the Commission might need more detail as it was important to have all of the information ahead of a vote.

Vice-Chair Mackin opened the public hearing. There were no comments. The public hearing was closed.

Mr. Teerlink reported that one comment was submitted via email from a resident on Indian Rock Road. The resident is a geologist and expressed concerns about rockfall, the safety measures that will be in place during construction, and parking along Wasatch Boulevard. He also felt it was important for the parking along Wasatch Boulevard to be retained. Mr. Teerlink explained that from a City perspective, parking in that area was of concern. That section of Wasatch Boulevard had become overflow parking for the Mount Olympus Trailhead and Pete's Rock. Neighbors in the area had expressed concerns in the past about excessive noise, litter, and drone activity directly related to parking on Wasatch Boulevard. Staff was dealing with parking on Wasatch Boulevard, but not specifically in connection to the application before the Commission. Mr. Teerlink stated that the City had posted "No Parking" signs along certain sections of Wasatch Boulevard.

Commissioner Lloyd was concerned about negative impacts on nearby homes. She also expressed concerns about extending the fence along Wasatch Boulevard, because property owners in the area had a right to their view. Commissioner Lloyd noted that installing a larger fence on the west side of the property would effectively box the lower houses into a sound room. It would keep the sound in the backyards as opposed to allowing the sound to rise up the mountain. Given the slope of the property and the height of the home, a lower fence would provide very little visual privacy. It would just be a keep-out barrier. She felt that could be accomplished with something that will not bounce the sound down to the neighbors. Commissioner Lloyd believed that moving forward, there needed to be conditions in place to accommodate the surrounding neighbors.

Vice-Chair Mackin agreed that sound was an issue, but her main concern had to do with the Slope Waiver. The applicant was looking for a Slope Waiver due to the steepness of the lot. Staff could not approve the Slope Waiver and for the Commission to move forward, she felt a more detailed Site Slope Analysis was needed. The slope information needed to be very clear.

*Commissioner Banks moved to continue the "Gunderson Residence" – Site Plan – 5618 South Wasatch Boulevard (R-1-21 Zone/FCOZ Overlay) until such time that the Commission had a chance to review a revised Site Plan that addressed the specific slopes in 5% increments, between the 30% and 40% limit, and could hear more from the applicant about how the sound and visual issues raised in connection with the fencing would be addressed. Additionally, more visual details about the fence shall be presented. Commissioner Roach seconded the motion. Vote on motion: Commissioner Lloyd-Aye; Commissioner Roach-Aye; Commissioner Banks-Aye; Commissioner Mackin-Aye. The motion passed unanimously.*

2. **"Oly Vista Subdivision"– Concept/Preliminary Plan – 4877 South Holladay Boulevard (R-1-10 Zone). Review and Consideration of a Proposal by the Owner, Landblu, LLC, with Buck Swaney as Agent, to Subdivide 8.01 Acres of Land for Single-Family Home Development. Review and Consideration as Per Holladay Ordinance 13.10. File #22-1-03.**

Mr. Teerlink presented the Staff Report and stated that the application before the Planning Commission is an administrative review of a subdivision for compliance with the R-1-10 Zone. The Oly Vista Subdivision directly accesses the intersection of Cottonwood Lane and Holladay

Boulevard. The Technical Review Committee reviewed the application according to the concept level review. Specifically, the Committee reviewed whether the lots were a minimum of 10,000 square feet and provided access from a major arterial. Those elements were compliant. The two lots far exceed the minimum lot size required for the zone and provide an access point from Holladay Boulevard, which is a public street. Additionally, the applicant is requesting a combination concept and preliminary review. This is allowed by ordinance.

A neighborhood meeting related to the application was held. Mr. Teerlink reported that the applicant would share information about the meeting. He also noted that the Fire Marshal approved the plan but there were concerns about the depth of the back portion of the home and how that would impact fire access. The applicant, Buck Swaney, gave his address as 3295 East Silver Lane in Salt Lake City, Utah. For the most part, this is a subdivision that can be done without a PUD, but to get everything to work well, some minor exceptions to the standard code needed to be made. Mr. Swaney overviewed the proposal to subdivide the parcel:

- The front (westernmost) .06-acre section of the parcel, which currently extends into the middle of Holladay Boulevard would be dedicated to Holladay City, providing right-of-way for public use and benefit. This dedication would run from the middle of Holladay Boulevard to one foot east of the existing sidewalk.

There was a request for special permission as it related to the front retaining wall. On the plan, there was reference to a five-foot retaining wall rather than the customary four-foot retaining wall. However, in the narrative that was shared with the Commission, he had asked for a six-foot retaining wall. He discussed setbacks and noted that the proposal would generally have conforming setbacks, however, due to the motor-court facing orientation of the homes, there would need to be some adjustments made. The proposed setbacks were discussed, and the locations were shown on a map. Vice-Chair Macken asked about the PUD. Mr. Teerlink explained that the Planning Commission needs to first establish the carrying capacity of the zone and approve the concept. The Commission was not approving a PUD currently.

The neighborhood meeting was discussed. Mr. Swaney reported that during the meeting, the project area was reviewed, information was shared about the subdivision process, and there was a question-and-answer period. Most of the questions were straightforward. For instance, how many homes there would be and what the fencing would look like. Overall, the meeting was positive.

Commissioner Roach noticed that the narrative submitted by the applicant stated that the wall requested for privacy would be an enhancement to Holladay Boulevard. He was not certain how a slope with vegetation would be enhanced by adding a five or six-foot wall. It could create a visual barrier. Mr. Swaney believed that was a matter of perception. The intention was to beautifully landscape the area and not just install walls. There could be a planter wall two feet back from the sidewalk and a landscaped privacy wall further back. The Commission asked to see a rendering of what the wall would look like. Photographs of the area were shared as well as a rendering to provide additional context. There was further discussion regarding the walls and fencing proposed in the subdivision. The Commission also discussed landscaping.

Commissioner Roach asked about the frontage of the property. He referenced the trees listed on the Concept Plan and wondered if the large juniper tree would be removed. Mr. Swaney noted that the Landscaping Plan was still outstanding but there will be a lot of new trees. It was important to determine what the preferences of the City were and make decisions based on that. Vice-Chair Mackin asked if additional dirt would be brought in so the retaining walls could be graduated. Mr. Swaney explained that the front lot would be lifted slightly. Vice-Chair Mackin wondered if the height limitations of the structure would be based on the original grade. Mr. Teerlink reported that anything built in the City is measured from the grade prior to development. The currently existing grade was where the height would be measured from.

Vice-Chair Mackin opened the public hearing. There were no comments. The public hearing was closed.

Commissioner Lloyd believed that given the current lot size, the applicant could place two homes without any variances. Mr. Teerlink confirmed this and stated that he had run some numbers based on side yard setbacks. Some provisions in the ordinance allow for averaging of setbacks. The only proposed setback he was concerned about was the north one at 8.5 feet. Through the existing ordinance, this was required to be 11 feet. However, the proposed setback to the south on the west side was not of concern. An average needed to be maintained at nine feet, but a bump-out could come out up to 25% of that number. In that case, it would be seven feet. He explained that some of the wall points had setbacks of six feet, some eight feet, and some at 10 feet. Alternative scenarios were discussed by the Commission, such as removing the juniper tree.

Commissioner Lloyd explained that the Commission has worked for over one year on retaining wall heights and standards for the City. The standards were developed over a long period of time to ensure that there were minimal negative impacts on neighbors and views. There is an overall maximum allowed for fencing and retaining walls. She did not want to ignore the decision-making process the Commission had undergone in the past.

Vice-Chair Mackin referenced the following language in the Preliminary Level Analysis section:

- Maximum four-foot retaining wall required – proposed at five feet.

She felt that four feet was suitable. Commissioner Lloyd noted that certain safety issues were taken into consideration when the Planning Commission previously assessed retaining walls, fences, and setbacks. To ignore what was determined by the Commission in the past did not make sense. She felt there was a way to accomplish the goals of the applicant without ignoring the standards already in place. Commissioner Lloyd did not feel that a PUD in the area would be beneficial.

Vice-Chair Mackin wondered how to phrase language that would reflect the previous work of the Planning Commission. Commissioner Lloyd believed the Commission should use the existing regulations. There was no need for a PUD. Mr. Teerlink reminded the Commission that the PUD was not being considered tonight. It is a Conceptual Plan and Preliminary Plat but there would be an application for a PUD in the future. He noted that PUDs come with tradeoffs. For instance, the Planning Commission would allow for flexibility on certain standards and in return, the property owner or developer would grant the community some sort of amenity.

Vice-Chair Mackin believed there should be some clarification about the maximum four-foot retaining wall. There should also be clarification regarding the setbacks. Commissioner Lloyd asked what conditions could be placed on the Conceptual Plan and Preliminary Plat. Mr. Teerlink noted that the conditions could state that the setbacks must comply with the R-1-10 Zone. Additionally, the Final Grading Retention Plans must comply with Title 13.

***Commissioner Lloyd moved to approve the Conceptual Plan and Preliminary Plat application by Landblu, LLC for the Oly Vista Subdivision, a two-lot residential subdivision, located at 4877 South Holladay Boulevard, in the R-1-10 Zone, subject to the following:***

**Findings:**

- 1. The submittal documents for residential subdivision in the R-1-10 are substantially completed; and,***
- 2. Each proposed lot exceeds the minimum standards for single-family home development in the R-1-10 Zone.***
- 3. The development complies with the General Plan as providing single-family homes on lots similar to development within the vicinity; and,***
- 4. The development and construction requirements for preliminary subdivision have been substantially completed.***
- 5. Stormwater detention areas and public improvements have been reviewed by the City Engineer.***
- 6. Fire access has been approved by the Unified Fire Authority (“UFA”).***
- 7. Direct and unobstructed vehicular access and utility easements to the rear home are established.***

**Requirements and Conditions:**

- 1. Submit the required Landscaping Plan, supplementing the tree preservation proposals.***
- 2. Obtain final utility connection letters prior to the final plat submittal to the Technical Review Committee.***
- 3. Post-development bonding requirements, as determined by the City Engineer.***
- 4. To maintain setbacks in the R-1-10 Zone, as stated by City Code.***
- 5. Final grading and draining renderings must comply with the existing City Code.***



*Vice-Chair Mackin seconded the motion. Vote on motion: Commissioner Lloyd-Aye; Commissioner Banks-Aye; Commissioner Roach-Aye, Commissioner Mackin-Aye. The motion passed unanimously.*

**3. “North Holladay Gateway PUD” – Conditional Use/PUD Preliminary – Approximately 4500 South 2300 East (R-2-10 Zone). Review and Consideration of a Proposal by the Owner, Jake Christensen, to Apply PUD Standards to Distribute Lot Ownership Sizes of a Previously Approved 13-Lot Subdivision. Review and Consideration as Per Holladay Ordinance 13.78. File #22-1-03.**

Mr. Teerlink presented the staff report and stated that the application before the Planning Commission is the North Holladay Gateway PUD. The item was discussed thoroughly during the Work Session.

The applicant’s representative, Brian Wallace, reported that the project has been reviewed by the Commission before. Preliminary approval was received, and he met with the Technical Review Committee to determine the final plat layout and ownership distribution. The discussion revealed a desire to provide condominium-style single-family development and common ownership of yard space and streetscape areas among the 13 units. The intent was to provide unified and open landscaping themes rather than there being individually owned yards and uses. Mr. Wallace returned to the Planning Commission for the PUD that was recommended by the Committee.

No additional concessions were being sought with the PUD. The amenities would include a sitting area and there would be landscaping along the street in the right-of-way. Mr. Wallace remarked that it would be a beautiful area. Vice-Chair Mackin believed that based on the Work Session discussions, the original site plan would remain unchanged. Mr. Teerlink confirmed this and stated that none of the footprints had changed. Vice-Chair Mackin felt it was appropriate to note that in the conditions. The density, layout, and access points would remain the same and the only difference was that these were no longer private lots and there was now a common area.

Commissioner Roach asked for clarification. He believed that two existing structures would remain and everything else would be torn down for the 11 new units. Mr. Wallace explained that there are currently four homes. The homes on Lots 5 and 6 will be demolished and there is a Demolition Plan included in the application. He identified the lots on a map of the property. By granting the PUD, there would be assurances that those homes would be demolished.

Vice-Chair Mackin opened the public hearing. There were no comments. The public hearing was closed.

Commissioner Lloyd asked that there be a condition added to specify that the layout needs to remain as submitted. Mr. Teerlink noted that extensive Landscaping Plans should also be referred to in the motion. The Landscaping Plans are part of the open-space greenery concept of a PUD and should be part of the approval. There was discussion regarding possible conditions.

***Commissioner Roach moved to approve the Planned Unit Development permit for ownership distribution for North Holladay Gateway, a residential 13-lot subdivision in the R-2-10 Zone, located at the corner of 2300 East and 4500 South subject to the following:***

**Findings:**

1. *Complies with the Preliminary Plat approved in February 2022.*
2. *Preservation and maintenance of required open spaces within the development shall be the responsibility of the planned unit development ownership and are shown to be maintained in perpetuity as open space;*
3. *Provide elements to stabilization and preservation of the existing uses in abutting areas and surrounding residential neighborhoods;*
4. *Preservation and enhancement of desirable site characteristics such as natural topography, vegetation, and geologic features, and the prevention of soil erosion;*
5. *Buffer abutting properties to provide open active and passive recreation opportunities for residents of the planned community;*
6. *Provide an appropriate transition or buffering between uses of differing intensities both on-site and off-site; and*
7. *Provide safe and convenient vehicle and pedestrian connections between adjacent uses.*

**Conditions:**

1. *The Landscaping Plan must be congruent with the goals and purposes of the PUD and maintain the open spaces.*
2. *The Plat, as proposed and presented to the Planning Commission, remains intact.*

*Commissioner Lloyd seconded the motion. Vote on motion: Commissioner Lloyd-Aye; Commissioner Banks-Aye; Commissioner Roach-Aye, Commissioner Mackin-Aye. The motion passed unanimously.*

**ACTION ITEMS**

4. **“Hulton Court PUD” – Preliminary Subdivision Plan/Plat – 2394 - 2397 Murray Holladay Road. (R-1-10 & 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 as Holladay Ordinance §13.08.010 and 13.10.070. File#20-1-15-1.**

Mr. Teerlink reported that the applicant submitted a preliminary level set of construction drawings for a six-lot subdivision on Murray Holladay Road to the Technical Review Committee. The subject properties are located on the north and south sides of the street. The Planning Commission approved a six-lot concept configuration and requested that the applicant come back with a six-lot Preliminary Level Development Plan. The Technical Review Committee has reviewed the plan in compliance with the submittal requirements for preliminary development and found it sufficient to be presented to the Planning Commission.

City Attorney, Brad Christopherson did not believe the outstanding legal issues would be resolved at a Staff level. It would depend on what the applicant, Ron Hilton, wants to do. He believed Mr. Hilton would make an appeal to the City Council in the future. However, a decision was needed to determine whether the six-lot subdivision complies. Full plans had been prepared and submitted to the Commission. Mr. Hilton's legal counsel, Kevin Anderson, was present. Additionally, a narrative had been submitted by both Messrs. Anderson and Hilton. The narratives explained why it was a contiguous piece of property and seven units should be permitted instead of six units. The narratives were included in the packet.

Mr. Christopherson reported that there is no problem having a PUD cross a street, but it cannot be on the same plat. Contiguous property is needed. He explained that regardless of whether the property is contiguous was a point of contention with this application. Paragraph 13.10.050 D (5)k of the City Code was read into the record. The language was as follows:

- Parcels that are not contiguous shall not be included in one plat, nor shall more than one plat be made on the same street. Contiguous parcels owned by different parties may be included in one plat, provided all owners join in dedication and acknowledgment.

If there was a motion made for approval, the Commission would need to state that the final plats must be two separate plats. Mr. Hilton gave his address as 2394 Murray Holladay Road. He noted that his narrative contains many of his thoughts about the application and the property. The six-lot version of the plan had been submitted, though he was hesitant to do so because he thought that meant the seventh lot was abandoned. However, after discussions with Staff, there were other options he could pursue. His understanding was that both options were before the Commission, and the Commission could approve either. Vice-Chair Mackin believed it was only possible for the Commission to approve the six-lot layout because that was what had been presented. Mr. Christopherson explained that if the Commission changed its mind about whether six or seven lots were appropriate, it was possible to amend the conceptual approval, accept the seven lots, and approve the seven lots in the Preliminary Subdivision Plan.

Mr. Anderson overviewed the history of the property. He noted that in November 2021, an Amended and Extended Subdivision application was submitted. The zoning was discussed, and it was noted that there was both R-1-10 and R-2-10 present. The concept plan for seven units came before the Planning Commission in January 2022. The Planning Commission approved the concept plan on the condition that the seven lots be reduced to six. He did not believe there was an appropriate reason given for that reduction. The Planning Commission requested a six-lot preliminary plan, which had been provided. He noted that a seven-lot preliminary plan had also been prepared. Mr. Anderson explained why he felt the property was contiguous. He referenced Section 13.10.050 D (5)k, specifically "nor shall more than one plat be made on the same street." While he believed the parcels were contiguous, even if the parcels were not contiguous, based on the City Code, it would not be appropriate to make a motion for two separate plats.

Mr. Anderson shared past examples that were similar to the subject property. He reiterated that the properties are contiguous and legally connected. The Commission discussed whether it would be appropriate to amend the conceptual plan and accept the seven lots. Mr. Christopherson explained

the reason the Commission went from seven lots to six. The north parcel is in the R-2-10 Zone, which requires a minimum of 5,000 square-foot area on each side for a twin home. This means there needs to be a 10,000 square-foot lot for a twin home. In the R-2-10 Zone on the north parcel, there is enough space for five units. That could include two twin homes and a single-family home. A single-family home in the R-2-10 Zone has a minimum lot size of 6,250 square feet. When Mr. Hilton decided to develop single-family homes instead, the number of homes was reduced to four. For that reason, the Planning Commission shifted from seven lots to six.

Mr. Christopherson did not believe it mattered from a legal standpoint whether the Commission chose to have one plat or two plats. The Commission discussed what is permitted in the R-1-10 Zone. Mr. Christopherson reported that 10,000 square feet are needed per lot in that zone. There are at least 20,000 square feet on the south side, which would accommodate two units. At one time, there was a request to rezone the south parcel, but it had been denied by the Planning Commission and City Council. As a result, it remained in the R-1-10 Zone. There continued to be a disagreement between Messrs. Anderson and Christopherson about whether the property was contiguous, however, Mr. Christopherson understood the reasoning behind Mr. Anderson's arguments.

Vice-Chair Mackin explained that what was presented to the Commission was six lots and not seven. Without amending the previous approval, six lots could be approved tonight. Alternatively, the Commission could decide to amend the previous approval. Mr. Teerlink shared information about the PUD process. Mr. Hilton explained that he intended to create something that the neighborhood would appreciate. This included smaller homes that are not multi-story or multi-family.

Commissioner Banks believed a good faith legal dispute was the underlying issue. The Planning Commission is not a judicial body, and it would be appropriate to deliver this issue to the City Council for further consideration. He was inclined to approve the application as-is. Commissioner Lloyd wondered if the City Council can make those types of judicial decisions. Mr. Christopherson clarified that they can as an appeal. He reminded the Commission that it is also possible for the Commission to amend its previous approval. Commissioner Lloyd felt that Mr. Anderson had made a compelling argument about the contiguous nature of the lots. She also appreciated that the application proposed single-level units. That design would be beneficial to the neighborhood.

Vice-Chair Mackin disagreed with the comments shared by Commissioner Lloyd. She noted that the requirements of the R-2-10 Zone on the north side need to be considered. Mr. Christopherson explained that the question was whether the applicant could take the density from the north side and include it as part of the south side. This is a unique project because there is not often an existing road separating two projects. There was further discussion regarding whether the property is considered contiguous. Commissioner Banks noted that the Commission received the legal opinion of the City Attorney. He appreciated the comments shared by Commissioner Lloyd about the single units being of benefit to the neighborhood but felt it was appropriate for the Planning Commission to stay within its role and listen to legal counsel.

Mr. Anderson commented that a density transfer is not necessary. If the lots are contiguous, the property owner is entitled to change the value between the two lots. Vice-Chair Mackin explained that the Commission previously asked City Attorney, Todd Godfrey for his opinion. She felt that the Commission should defer to what was recommended by Mr. Godfrey and move forward with a six-

lot approval. She believed the arguments shared by Messrs. Hilton and Anderson would be welcome at a City Council level.

***Commissioner Banks moved to approve the Preliminary Plat application by Ron Hilton for Hulton Park PUD, a six-lot residential subdivision, located at 2394 East through 2397 East Murray Holladay Road in the R-1-10 and R-2-10 Zone, based on the following:***

**Findings:**

- 1. The submittal documents for residential subdivision in the R-1-10 are substantially completed.***
- 2. Each proposed lot exceeds the minimum standards for single-family home development in the R-1-10 zone.***
- 3. The development complies with the Concept Plan approved 01/25/2022 as providing single-family homes on lots similar to development within the vicinity; and,***
- 4. The development and construction requirements for preliminary subdivision have been substantially completed.***
- 5. Stormwater detention areas and public improvements have been reviewed by the City Engineer.***
- 6. Fire access has been approved by UFA.***
- 7. Direct and unobstructed vehicular access and utility easements are established.***

**Conditions and Requirements:**

- 1. Submit the required Landscaping Plan – supplementing the tree preservation proposals.***
- 2. Obtain final utility connection letters prior to final plat submittal to the Technical Review Committee.***
- 3. Post-development bonding requirements, as determined by the City Engineer.***
- 4. The involved parcels must be on two separate and distinct plats.***
- 5. Within one year, defer the administrative review and approval of the final plat to the director following a positive recommendation from the Technical Review Committee.***

***Commissioner Roach seconded the motion. Vote on motion: Commissioner Lloyd-Aye; Commissioner Banks-Aye; Commissioner Roach-Aye, Commissioner Mackin-Aye. The motion passed unanimously.***

**5. Approval of Minutes – 2/15/22 and 3/1/22.**

*The February 15, 2022, Minutes stood approved with the unanimous consent of the Commission.*

The minutes of March 1, 2022, were reviewed and discussed. Vice-Chair Mackin noted that the Planning Commission went into a Closed Session during the March 1, 2022, Planning Commission Meeting. However, the adjournment time was not listed in the minutes. The adjournment time was added as approximately 8:05 p.m.

*The March 1, 2022, Minutes stood approved, as amended with the unanimous consent of the Commission.*

**ADJOURN**

*Commissioner Lloyd moved to adjourn. The motion passed with the unanimous consent of the Commission.*

The Planning Commission Meeting adjourned at approximately 8:10 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, April 5, 2022.*

Teri Forbes

Teri Forbes  
T Forbes Group  
Minutes Secretary

**Minutes Approved: May 17<sup>th</sup> 2022**