

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

**Tuesday, April 4, 2023
5:30 p.m.
City Council Chambers
4580 South 2300 East
Holladay, Utah**

ATTENDANCE:

Planning Commission Members:

Howard Layton, Chair
Martin Banks
Chris Layton
Karianne Prince
Dennis Roach
Paul Cunningham
Ginger Vilchinsky

City Staff:

Carrie Marsh, City Planner
Brad Christopherson, City Attorney

WORK SESSION

Chair Howard Layton called the Work Session to order at approximately 5:30 p.m.

The agenda items were reviewed and discussed. City Planner, Carrie Marsh reported that there were two Public Hearing Items and two Action Items on the agenda. The first Public Hearing item was a Conditional Use Permit for a Home Occupation for Sole Balance Foot Zone Therapy. The applicant's narrative referenced street parking but a requirement for a Conditional Use Permit was that there be no street parking permitted. That was listed in the Conditions of Approval. Ms. Marsh explained that there was a noticing issue so the Planning Commission might want to continue the item before a decision is made to approve or deny the application. She clarified that some properties did not receive notice until later. The applicant would be present during the Regular Meeting, so the item could still be discussed.

The applicant was required to hold a neighborhood meeting, so a lot of the neighbors were already aware of the Conditional Use Permit for a Home Occupation application. However, the official noticing was incorrect. The correction was made and notices were sent out on March 31, 2023. Ms. Marsh noted that the Planning Commission could decide whether to continue the public hearing. City Attorney, Brad Christopherson recommended that the Planning Commission allow members of the public to speak during the public hearing and continue the item to the next meeting.

Commissioner Banks stated that it would make more sense for the applicant to speak at the next meeting rather than at the current meeting. Chair Howard Layton noted that members of the public may have made an effort to attend tonight's meeting. As a result, it made sense to hear from the applicant at both meetings. Mr. Christopherson suggested that the applicant not respond to public comments tonight but at the next meeting.

Commissioner Roach believed that for a Conditional Use Permit, the primary concerns would relate to hours of operation and parking. Ms. Marsh confirmed that the focus of the Commission would be hours of operation, the number of visitors, and the impact on the neighborhood. Commissioner Banks referenced the applicant's narrative that states that most of the applicant's clients are her neighbors. He wondered if there would be an issue if the use had been taking place without a Conditional Use Permit in place. Mr. Christopherson reported that the Conditional Use Permit allows the City to be aware of what is taking place in the City. Commissioner Chris Layton pointed out that it had not been concluded that the applicant has seen clients at the residence.

Ms. Marsh noted that the appointment times are proposed to vary. There will not be a set schedule in place. The applicant could talk more about that during the Regular Meeting. If the Planning Commission had concerns about that schedule, a Condition of Approval could be drafted. For instance, a limitation on the number of clients or the hours of operation. Commissioner Chris Layton noted that the applicant would see the clients one at a time, which would limit parking. Ms. Marsh explained that there is no Condition of Approval limiting the customers to one at a time but that could be added as a condition if the Planning Commission felt it was important.

The second Public Hearing item on the Regular Meeting agenda was a Conceptual Site Plan for Mixed-Use Commercial/Residential. It was for Emigration Brewing Company at 5025 South Highland Drive. There would be four townhouses on one side and a Brewpub Restaurant on the other portion. All of the regulations were outlined in the Staff Report. Ms. Marsh stated that the proposed parking was found to meet the requirements. It was noted that Commissioner Chris Layton had some involvement in the architectural design. He did not, however, have any ownership interests in the project.

Ms. Marsh reported that a Development Agreement was in place when the property was rezoned from Neighborhood Commercial ("NC") to Commercial ("C-2"). The Development Agreement would be presented to the City Council on April 6, 2023. The agreement was that the rezone was conditional on the Townhome and Brewpub Restaurant use. Commissioner Vilchinsky asked how the uses are compatible since there are stipulations that liquor service needs to be a certain distance from churches and schools. She wondered if there would be an issue with townhouses being located next to a Brewpub Restaurant. Commissioner Chris Layton explained that it is a restaurant like any other where it would be possible to order an alcoholic beverage with a meal. Ms. Marsh noted that there is a similar situation in Holladay Village. Commissioner Vilchinsky believed that having that kind of use nearby is happening more often in the City.

There was additional discussion about liquor licenses. Ms. Marsh explained that the liquor license comes from the State. There is a set amount that will be issued. As far as land use in the City, typically breweries and bars are Conditional Uses in the applicable zones. In the future, during the Business License process there will need to be a Conditional Use Permit issued for use as a brewery. Commissioner Chris Layton noted that breweries are often thought of as oversized warehouses, but microbreweries are often part of the restaurant experience. The Land Use tables have not been updated to reflect that shift. The rezone process took place because of the current

Land Use Tables. He felt the City was a little bit behind. Ms. Marsh explained that on the Land Use Table, breweries are listed as a Conditional Use.

Commissioner Banks referenced the Staff Report section entitled Required Planning Commission Actions. It stated that a public hearing is required as part of the Conceptual Site Plan Review. The Planning Commission shall make a motion to approve or continue the discussion on the application which is permitted by right. He asked for additional information about a permitted by-right application. Ms. Marsh explained that the application is a Conceptual Site Plan. All of the items that were considered at a conceptual level such as parking and building height, were considered to be permitted by right. The Conditional Use was not to be considered at tonight's meeting.

Ms. Marsh reported that the Technical Review Committee ("TRC") reviewed the application and several of the requirements were deferred to the preliminary level. She reminded the Commissioners that the current application is a Conceptual Site Plan. The Commission needs to determine whether the requirements of the zone are met. Additional details would be discussed in the future.

The Commission discussed public hearings and the necessary noticing requirements. Chair Howard Layton noted that notices were sent to all property owners within 500 feet of the subject property. Residents outside of that area were still able to attend the meeting and share comments. Ms. Marsh reported that the meeting packet was posted publicly. All of the information was available to the public to review. Commissioner Chris Layton pointed out that a neighborhood meeting is often held as well. Ms. Marsh explained that it is an extra requirement. As a result, residents typically receive two notices consisting of one for a neighborhood meeting and one prior to the public hearing.

There were two Action Items on tonight's Regular Meeting agenda. The first was a Landscaping Plan Amendment for the Oly Vista Subdivision located at 4877 South Holladay Boulevard. Ms. Marsh explained that three trees were not approved for removal during the subdivision process. However, after preparing the site for utility lines, the trees were in the way. An Arborist determined that the utility line digging would affect the root ball. As a result, removal was recommended. The Landscaping Plan Amendment would approve the removal of the three trees. The trees will be replaced at a 1:1 ratio. According to the City Code, trees can be removed when they interfere with utility lines. The last Action Item on the agenda was approval of the Planning Commission Meeting Minutes from March 7, 2023.

Commissioner Banks noted that the Staff Report states that the TRC recommended that the Planning Commission consider the application. He wondered if there was an actual recommendation from the TRC on the matter. Ms. Marsh believed that approval was recommended. She discussed possible options for the Planning Commission. If the application was denied the trees would remain in place. Alternatively, there could be a condition that if the trees are damaged they could be removed if hazardous. The Arborist's Letter stated that two of the trees would be considered hazardous if the root balls are damaged. The applicant would be present during the Regular Meeting to provide additional information about the trees on site.

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

Chair Howard Layton called the Regular Meeting to order at approximately 6:00 p.m. and welcomed those present. He read the Commission Statement for the benefit of those present.

PUBLIC HEARING

1. **“Melissa Davis: Sole Balance Foot Zone Therapy” – Conditional Land Use Permit: Home Occupation – 3975 South 3210 East (R-1-10 Zone). Review and Consideration of a Request by the Applicant, Melissa Davis as Owner, for a Conditional Use Permit for a Home Occupation. Item Reviewed as an Administrative Application as per Provisions Stated in Holladay Ordinance §13.08.040 File #23-2-02.**

Ms. Marsh presented the Staff Report and stated that all services will be provided in the home. The City of Holladay conditionally allows the use of a residence for business purposes when the business use is incidental and secondary to the use of the dwelling for dwelling purposes. The property is located in the R-1-10 Zone and Sole Balance Foot Zone Therapy is estimated to have three clients per day on weekdays between the hours of 10:00 a.m. and 8:00 p.m. Clients can make appointments during those times but one client will be seen at a time. Clients will be required to park in the driveway and the appointments would be between one hour and one-and-a-half hours long.

The applicant held a required neighborhood meeting on March 15, 2023, and no concerns were expressed by the neighbors. The TRC also review the application and determined that:

- Land Use and Home Occupation requirements, as proposed, comply with the existing City Ordinances; and
- The Conditional Use, as proposed, meets the approved standards outlined in Chapter 13.08.04.

Ms. Marsh reported that the following four Conditions of Approval were recommended by City Staff:

1. Off-street parking areas shall be maintained as available during business hours, with no street parking allowed.
2. Obtain a Holladay Business License.
3. Hours of operation be limited to Monday through Friday, 10:00 a.m. to 8:00 p.m.
4. Conditions or complaints found to be in violation of the set standards will require re-review by the Planning Commission or possible revocation of this permit as determined by the Community Development Director.

The applicant, Melissa Davis, introduced herself to the Commission. Chair Howard Layton noted that parking is only permitted in the driveway. The applicant's narrative mentioned that there

would be one client at a time but he pointed out that there might be additional people that came with the client. He wondered if it would be necessary to limit the number of visitors to the home. Ms. Davis stated that the majority of the time there will be only one client on the property.

Commissioner Chris Layton pointed out that the driveway can accommodate two vehicles in addition to the Davis family's vehicles. If there is a slight overlap in clientele, there would still be adequate parking for the use. Ms. Davis confirmed this but explained that she does not plan to have clients overlap because cleaning needs to be done in between services. She liked to have at least 30 minutes between each client for sanitizing.

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

There was discussion during the Work Session about noticing. Due to the noticing issues, it was recommended by the City Attorney that the matter be continued to the next meeting.

Commissioner Roach moved to CONTINUE the application for a Home Occupation for Sole Balance Foot Zone Therapy located at 3975 South 3210 East to the next Planning Commission Meeting so other neighbors who were not noticed in time can attend and provide comment. Commissioner Banks seconded the motion. Vote on motion: Commissioner Cunningham-Aye; Commissioner Vilchinsky-Aye; Commissioner Chris Layton-Aye; Commissioner Roach-Aye; Commissioner Banks-Aye; Commissioner Prince-Aye; Chair Howard Layton-Aye. The motion passed unanimously.

2. **“Emigration Brewing Co” Mixed-Use Commercial/Residential - Conceptual Site Plan – 5025 South Highland Drive (“C-2”). Conceptual Review and Consideration of a Mixed-Use Development Proposal by Applicant/Property Owner, Bret Laughlin. Item Reviewed as an Administrative Action of a Permitted Land Use, in Addition to a Conditional Land Use. Review to Include Conceptual Site Layout Details as per Procedures and Development Standards of the Zone §13.62, and §13.08.080 of the Holladay City Code.**

Ms. Marsh presented the Staff Report and stated that the request is for a Conceptual Site Plan for Emigration Brewing Company, which is a mixed-use commercial/residential subdivision. The application was being reviewed at a conceptual level. The conceptual review pertained to the Conceptual Site Plan and compliance with zone requirements. The property is located at 5025 South Highland Drive. A public hearing is required and the Planning Commission can make a motion to approve, deny, or continue the matter. All motions require findings to support the decision. As directed by Ordinance, applications shall be approved if the Land Use Authority finds substantial evidence of compliance with applicable requirements.

The creation of a subdivision plat requires review and approval by the Land Use Authority in a three-step process consisting of Concept, Preliminary, and Final Plat. Decisions and approvals need to be made during a public meeting. The notices for the required public hearing were mailed to all properties within 500 feet of the subject property. The application was submitted by the

applicant, Bret Laughlin. It is 1.08 acres (46,900 square feet) in size and located on the south side of the New Royal Holladay Hills development on the corner of Arbor Lane and Highland Drive. In March 2022, the property was rezoned from Neighborhood Commercial (“NC”) to Commercial (“C-2”) with the condition that a Development Agreement be recorded against the property, which restricts the use of the property to a Townhome and Brewpub Restaurant use. The Site Plan that was being reviewed at a conceptual level is a mixed-use development with four townhomes and a brewery. The Development Agreement will be reviewed and signed by the City Council on April 6, 2023.

Development compliance details were reviewed. Ms. Marsh reported that mixed-use development is a permitted use. In this instance, four dwelling units and a separate brewery/restaurant were proposed. The minimum lot size required for four dwelling units in two separate structures is 24,000 square feet. The minimum lot area for other buildings is 10,000 square feet. That means that there needs to be a minimum of 34,000 square feet. The property is 46,900 square feet in size. With regard to parking, there are 74 total parking stalls provided with 69 stalls required. The proposed parking was found to meet the parking requirements for the C-2 Zone. Ms. Marsh clarified that 61 stalls are required for the restaurant use and eight parking stalls for the residential use.

The maximum building height on the site is 35 feet. The proposed residential and commercial buildings comply with the height maximums. In terms of lot coverage, the buildings will account for 24% of the lot but 50% is allowed. Ms. Marsh explained that a brewery use is a Conditional Use in the C-2 Zone and the applicant will be required to apply for a Conditional Use Permit in the future. The restaurant and residential uses are permitted within the zone.

The TRC reviewed the application and found that it is in compliance. Driveways and parking were properly sized for fire access and emergency access. Automatic sprinklers will be required for the commercial building but not the residential units. Other Fire Code requirements will be deferred to the Preliminary level review. The City Engineer noted that the public rights-of-way are labeled on the Site Plan and the driveway entries were properly distanced from the intersections. There were no additional safety concerns. All required conceptual-level elements of a subdivision proposal were reviewed by the TRC and determined to be complete as per the City's submission requirements. The TRC recommended that the Planning Commission approve the Conceptual Subdivision Plan based on the findings set forth in the Staff Report.

The applicant, Bret Laughlin, introduced himself to the Commission. He explained that he is not a developer but was a resident of the City of Holladay who wants to improve the neighborhood. He asked if there was anything the Planning Commission believed would preclude the Conceptual Site Plan from being approved. A significant amount of time had been spent reviewing the various requirements and he believed it met all of the requirements for approval. He was, however, open to feedback and available to answer questions.

Chair Howard Layton asked for additional information about what would be built on the property. Mr. Laughlin reported that the intention was to build four townhomes. The objective was to break up the property from the commercial restaurant. He reported that two neighbors were concerned

about what is proposed and he wanted to work with them to make sure that their privacy will not be significantly impacted. His goal was to do what he is legally able to do on the property while making sure he has as much approval from the neighbors as possible. Mr. Laughlin explained that the townhomes will allow the cost of the restaurant to be subsidized. He is not a restaurant owner or developer but wanted to do something on the property. There was a partnership with one of his friends on the operational side of the restaurant.

Mr. Laughlin understood the sensitivity related to a brewery but the plan showed that this would not look like a brewery. It will look like an elegant restaurant. The concept was that there will be more of a brewery establishment on the upper floor and a family restaurant environment downstairs. There will be two different concepts within the same restaurant.

Commissioner Banks noted that concerns were expressed by residents about increases in traffic in the immediate area. He did not know that the development would trigger a traffic study but wondered if he had looked into the impact the proposal would have. Mr. Laughlin believed traffic outside the nearby residences will come from Highland Drive. It was unlikely that those outside the immediate area will come in from above. There was more than enough parking proposed and he believed the traffic impact would be fairly minimal.

Chair Howard Layton asked for additional information about the townhomes. He wanted to know if there would be individual lots with fee simple ownership. Mr. Laughlin noted that there were still some details to be finalized but he assumed there would be four individual lots and four individual townhome units with a shared right-of-way that allowed access. Ms. Marsh informed the Commission that those kinds of details would be discussed during the next step of the process. Mr. Laughlin noted that a lot of time had been spent collaborating with City Staff. Once the conceptual Site Plan is approved by the Commission, the process would move forward.

Chair Howard Layton opened the public hearing.

Bonnie Schroader gave her address as 2005 East Highland Rose Lane. She was present on behalf of herself, four other homes within the Homeowners Association (“HOA”) on that lane, and a resident who lives in the condominiums next door. There was support for improving Highland Drive. The nearby area is not densely populated but is often forgotten. For instance, it is not possible for her to pull out onto Highland Drive without pulling almost all the way into the street. She explained that there are visibility issues there caused by a telephone pole. Ms. Schroader informed the Commission that something needs to be done with the traffic lights. The three streets, Highland Rose Lane, Highland Down Lane, and Donelson Lane, are all exactly proportioned between the two lights. As a result, it is often difficult to exit. There was a desire to support the development but she hoped that the nearby areas would be considered.

Commissioner Banks wondered if assessments had been done to determine if an additional light would impact the ability for vehicles to sync into the Highland Drive traffic. Ms. Schroader reported that she spoke to Ellis Ivory earlier in the day. There were limits in terms of how close traffic lights can be to one another. She was not sure what traffic studies had been done. However,

adding 70 or more restaurant patrons to an area that already has nine streets emptying onto it would create a lot more traffic. It was important to remember that.

Commissioner Prince asked if Ms. Schroader was advocating for traffic lights or a different use of the property. Ms. Schroader noted that a survey was done for Highland Drive development approximately one year ago. She participated in that survey. Commissioner Prince believed that certain issues were raised that could be addressed with the City, such as the removal of construction signs and the streets appearing on maps. It was not necessarily something the Commission could address. Ms. Schroader believed that since the development is moving forward, it made sense to address the existing issues and plan for additional visitors in the area.

Commissioner Prince asked Ms. Marsh about the minimum distance between traffic lights. Ms. Marsh did not have an answer for that but explained that it could be examined further heading into the Preliminary process. Something that the neighbors could do in the meantime was contact City Engineer, Jared Bunch. Traffic would be addressed further during the Preliminary review.

Camille Pierce gave her address as 2052 East Arbor Lane. She supported the land use for the townhomes, restaurant, and brewery. However, she noticed that there are three entrances off of Arbor Lane. One is into the restaurant/brewery, one is for delivery, and one is for the residences. She asked for additional information about the traffic that will use the delivery area. She hoped there could be less parking and more open space. Chair Howard Layton explained that as the development moves forward, the applicant will be able to share a Landscaping Plan with additional details about open space and greenery.

Steve Glaser gave his address as 2052 East Arbor Lane. He supported the concept of the townhomes and the restaurant/brewery. He assumed that the entrance to the restaurant will come off of Highland Drive. It would make sense for the entrance to come off of the busiest street. Mr. Glaser noted that there had been other businesses in the area in the past but those had always been nurseries. With a nursery, the traffic is more spread out. On the other hand, with a restaurant, a lot of traffic will occur around the same time. He hoped the traffic impacts had been thought through, especially since it is close to the New Royal Holladay Hills development.

Patrick Hubley gave his address as 2004 East Arbor Lane. He shares a property line along the east side with the subject property. After living there for approximately 15 years, he was very excited about the project and thought it would benefit the neighborhood. It is difficult to look at the graffiti and the old greenhouses that are falling down. He encouraged the Planning Commission to approve the concept so that the detailed work can start to move forward. Mr. Hubley reported that Mr. Laughlin has reached out to the neighbors periodically over the last few years. He seemed very willing to work with neighbors, which was appreciated. As far as traffic, that was of concern but he was more concerned about the Royal Holladay Hills development than the restaurant/brewery. The traffic impact from the restaurant/brewpub would likely be minimal by comparison but he encouraged the City to adjust the Master Plan as needed to handle those issues.

Arleena Robertson gave her address as 2006 East Arbor Lane. She expressed support for the proposed development because the existing property is an eyesore. Something needs to be done

with the space and out of all the options, this was a good one. She appreciated that Mr. Laughlin had been willing to speak to neighbors and is working with the City. Her only concern related to the driveway that goes onto Arbor Lane. She was concerned that the right turn and exit for the restaurant/brewery could become an issue in the future. That was something to consider.

Chair Howard Layton asked Staff if the entrance to the property currently is off Arbor Lane. Ms. Marsh reported that the driveway currently curves onto Arbor Lane. She explained that it meets fire standards and is the proper distance from the intersection.

Marjie McDermott gave her address as 2534 East Murray Holladay Road. She supported the restaurant/brewery as it is something needed in the area. It would be nice to have a family-oriented restaurant that also offers alcohol. She was a bit concerned about traffic because there are traffic issues on Murray Holladay Road. It was important to consider neighbor concerns and do what is possible to mitigate the traffic issues around the subject property.

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

Commissioner Chris Layton, who was the Project Architect, shared information with the Commission. His connection to the project was disclosed during the Work Session and he has no ownership interest in the project. He reported that in the past, the site was accessed off of Arbor Lane. That was because it would be dangerous to access the property off of Highland Drive. The Utah Department of Transportation (“UDOT”) had been firm in its opinion of where and how access was appropriate. UDOT had been very involved in redesigning intersections to be safer to improve traffic flow. A lot of thought had been given to how Arbor Lane will intersect into a drive that can then dump onto a controlled intersection.

One safety concern the City Engineer had related to the drive access. The drive access needs to be 60 feet back from the connection to Royal Holladay Hills. This would ensure that the area is safe and there is more control in terms of stacking and queuing. Commissioner Chris Layton explained that a lot of thought had been put into traffic mitigation. He shared information about access for deliveries. There is a driveway between the two access points for vehicles, which is strictly for box-truck-size deliveries. This would ensure that the trucks are completely out of the right-of-way. It was not anticipated that any full-size trucks would be coming to the site.

Commissioner Roach believed that with breweries there is a certain amount of compressed air that is required. He asked about the size of the trucks associated with that need. Commissioner Chris Layton explained that none of the experts that were consulted with so far indicated that there would need to be any offloading off of Arbor Lane that could not be done backing into the drive. Additional information was shared about the future Landscaping Plan. Commissioner Chris Layton explained that there had been a lot of discussion already. The Conceptual Site Plan showed that there would be more than adequate landscaping, which would meet the zoning requirements.

Commissioner Banks moved to APPROVE the Conceptual Site Plan, removing the first finding listed in the Staff Report. The motion was seconded by Commissioner Roach.

There was discussion on the motion. Commissioner Banks pointed out that the Development Agreement has not yet been signed nor had the Planning Commission read it. Mr. Christopherson clarified that the City Council would handle that portion of the findings on April 6, 2023.

The motion was withdrawn.

Commissioner Banks moved to APPROVE the Conceptual Site Plan for “Emigration Brewing Co,” located at 5025 South Highland Drive in the C-2 Zone, finding that:

- 1. The proposed land use complies with the allowed uses in the C-2 Zone.*
- 2. Lot size requirements by use meet the minimum requirements in the C-2 Zone.*
- 3. Lot coverage complies with the requirements of the C-2 Zone.*
- 4. Parking requirements for both the restaurant and residential uses are met.*

Commissioner Roach seconded the motion. Vote on motion: Commissioner Cunningham-Aye; Commissioner Vilchinsky-Aye; Commissioner Banks-Aye; Commissioner Roach-Aye; Commissioner Prince-Aye; Chair Howard Layton-Aye. The motion passed unanimously. Commissioner Chris Layton did not participate in the vote.

ACTION ITEMS

- 3. “Oly Vista Subdivision - Landscaping Plan Amendment” – 4877 South Holladay Boulevard (R-1-10 Zone). The Applicant Proposes an Amendment to an Approved Landscaping Plans Approved by the Planning Commission in Accordance with Applicable Holladay Ordinance 13.08.010D(5) 13.08.170.H, 13.10.050B2c(7) and 13.77.D2(c).**

Ms. Marsh reported that the above request is for a Landscaping Plan Amendment for the Oly Vista Subdivision located at 4877 South Holladay Boulevard in the R-1-10 Zone. In April 2022, the property owner and applicant, Buck Swaney, received subdivision plan approval to split an existing 0.801-acre (34,891 square feet) lot according to R-1-10 Zone lot creation standard regulations. Three trees were proposed to remain on the site and were not included in the tree removals. The trees are located on the south side of the property. As site work began, it was determined that three trees were in line with where the utility lines would be installed. The applicant proposed to amend the Landscaping Plan to allow for that removal.

City Code allows trees to be removed when they are in the way of utility lines. Removal of the trees was conditioned upon approval by the Community Development Director or a Certified Arborist. The Community Economic Director found that all required elements of a tree removal proposal had been completed per the City’s submission requirements. As a result, the TRC recommended that the Commission consider the application based on the following points:

- The submitted letter focuses on three trees proposed to be removed, which were originally part of a Master Tree Preservation Plan;
- Tree canopy area of the three trees is roughly measured to be 1,300 square feet, much of which crosses over the south property line. There was a proposed 1:1 replacement (3) Honey Locust *Gleditsia tricanthos* are estimated to meet/exceed this coverage at maturity;
- Utility conflict is valid grounds for applying for removal as is hazardous tree health/conditions. On the other hand, the International Society for Arboriculture (“ISA”) does provide solutions for tree/utility conflict (see attached ISA excerpt);
- Staff does not agree, however, with the concluding statement made that the trees assessed are not, particularly “specimen trees... that contribute to Holladay’s tree canopy.” Staff urges the Commission to disregard this notion as a finding in support of removal as the code is silent on tree species, highlighting only tree canopy regardless of the species; and
- Overall, trees bear the brunt of any construction or re-landscaping activity. Liability, when hazardous conditions are observed, is an elemental cause for concern. The best practice is to limit all work away from the trunk to a distance equal to the canopy's drip zone. In most residential infill redevelopment cases this is not an option.

The applicant, Buck Swaney, reported that the Master Tree Preservation Plan intended to leave the trees on the site. As the process continued, it was determined that there could be hazards created by the three trees in question. He pointed out the 1:1 replacement information in the meeting packet and explained that there was also a larger canopy replacement plan. The canopy would essentially triple when fully grown. He reiterated that the project, at full growth, will triple the existing tree canopy.

Chair Howard Layton asked about the utilities that will cause the disruption. Mr. Swaney pointed to power, gas, and water lines on a diagram of the area. He also showed a Public Utility Easement that is on the property and made note of the trees proposed to be removed. Commissioner Roach referenced the ISA recommendations, mitigation efforts, and the one tree that the Arborist stated was in fairly good health. He wondered if there had been any exploration into other options. Mr. Swaney clarified that the foundation of the home is close to the tree that is in fairly good health. When excavation for the foundation was done that tree would likely become a hazard as the root system would become destabilized. Commissioner Roach asked if there might be more trees on the back to thicken the canopy of the overall project. Mr. Swaney confirmed that it was something that would be considered. However, he explained that it is difficult to commit to that until the plan is completed.

There was discussion regarding whether it was appropriate to request additional trees when the tree canopy would be tripled at full growth. Mr. Swaney asked that there be some flexibility in terms of the precise placement of trees and the species. Jeremiah Elder from Certified Arborist Solutions explained that Honey Locusts would be a better tree for the community and improve the canopy. A few of the trees are conifers and their canopy does not extend as far. Chair Howard Layton wondered if the recommendation was not to specify the exact tree at this point. Mr. Elder restated that the trees that were planned to be added will provide a broader canopy. Commissioner Banks was not inclined to require more canopy than what is proposed.

Commissioner Roach moved to APPROVE the Landscaping Plan Amendment application by Landblu, LLC, for the Oly Vista Subdivision, located at 4877 South Holladay Boulevard in the R-1-10 Zone, based on the findings included in the Meeting Materials Packet and the 1:1 replacement. Commissioner Prince seconded the motion. Vote on motion: Commissioner Cunningham-Aye; Commissioner Vilchinsky-Aye; Commissioner Banks-Aye; Commissioner Roach-Aye; Commissioner Chris Layton-Aye; Commissioner Prince-Aye; Chair Howard Layton-Aye. The motion passed unanimously.

4. Approval of Minutes – 3/7/23.

Chair Howard Layton reported that he was not present at the March 7, 2023, Planning Commission Meeting. Commissioner Vilchinsky asked that the spelling of her last name be corrected.

Commissioner Prince moved to approve the March 7, 2023, Planning Commission Meeting Minutes, with the amendment that Chair Howard Layton be removed from the attendance list and that the spelling of Commissioner Vilchinsky be corrected. The motion was not seconded. The motion passed with the unanimous consent of the Commission.

ADJOURN

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

The Planning Commission Meeting adjourned at approximately 7:13 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 4, 2022.

Teri Forbes

Teri Forbes, Minutes Secretary
T Forbes Group

Minutes Approved: **Mya 16, 2023**