

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

**Tuesday, June 6, 2023
5:30 p.m.
City Council Chambers
4580 South 2300 East
Holladay, Utah**

ATTENDANCE:

Planning Commission Members:

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

City Staff:

Carrie Marsh, City Planner
Jonathan Teerlink, Community Development Director
Brad Christopherson, City Attorney

WORK SESSION

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

The agenda items were reviewed and discussed. The Sweeten Court Subdivision Concept Plan was presented. The property is located at 2761 East 4510 South in the R-1-8 Zone and a Public Hearing was to be held on the item. The second agenda item pertained to Emigration Brewing Company located at 5025 South Highland Drive in the C-2 Zone. The Preliminary Site Plan was to be reviewed during the Regular Meeting. The Commissioners asked questions about the application. The Staff Report specified that the tree canopy protection plan was in process. Vice Chair Banks wondered if that needed to be completed for there to be approval. City Planner, Carrie Marsh, explained that it would be a Condition of Approval. She reported that a Landscape Plan had been submitted but the applicant needed to identify which trees are on the site and which will be protected. That condition would need to be met.

Ms. Marsh shared information about the Covenants, Conditions, and Restrictions (“CC&Rs”). She noted that there will be either CC&Rs or a Maintenance Agreement for the Emigration Brewing Company site. She noted that there may not be any CC&Rs associated with the townhomes. She suggested that a Condition of Approval be added to address that. The Maintenance Agreement for common areas was included already but not necessarily CC&Rs. Vice Chair Banks referenced the Staff recommendation, which stated that the Preliminary requirements have been reviewed by the Technical Review Committee (“TRC”) and have been determined to be substantially complete; or in the process of completion as per the City’s submission requirements. He believed that addressed some of the items that were still in progress, which was confirmed. Ms. Marsh explained that sometimes the back and forth with civil comments takes time to complete. The requirements need to be met, as listed in the conditions before approval is granted.

Vice Chair Banks asked who issued the Notice of Approval. Ms. Marsh reported that it was issued by the Community and Economic Development Director. There is one in place that was issued

after the Conceptual Plan. The Notice of Approval is done for every level of review. Commissioner Roach asked about the Landscape Plan. It appeared that landscaping material was submitted for the property immediately south. He wondered if that was part of the project if it was just being relandscaped, or if the plan showed what already existed elsewhere. Ms. Marsh clarified that it was part of the subject property. The property line went down and tapered off. She identified the property line on an image of the area. Commissioner Roach asked about the landscaping that is already there. Ms. Marsh explained that there is some further down. Some landscaping exists and will be improved.

Community Development Director, Jonathan Teerlink, reported that in July, there is a requirement to hold a new election for the Chair and Vice Chair positions. There would also be two new Commissioners to replace those who will be leaving. The two positions were advertised on the City website and some applications had been received. He reported that Commissioner Chris Layton and Chair Howard Layton will be leaving the Commission. Mr. Teerlink stated that there would be an update to the Bylaws and Procedures at that time. When the election takes place it will be possible to review that language and determine whether any amendments need to be made. It was noted that the Planning Commission positions will be district specific. He believed the districts that need to be filled are Districts 5 and 2.

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

In the absence of Chair Layton, Vice Chair Banks assumed the Chair called the Regular Meeting to order at approximately 6:00 p.m. He read the Commission Statement for the benefit of those present.

Vice Chair Banks explained how the Public Hearing will be conducted. He asked that anyone interested in sharing comments during the hearing be clear, concise, and adhere to the Planning Commission regulations. Vice Chair Banks reminded those present that the Sweeten Court application was the first of three phases in the approval process. The Subdivision Concept Plan will be considered during the Public Hearing portion of the meeting. The next phase will be the Preliminary Plan and there will then be a Final Plan submitted for consideration. For the Subdivision Concept Plan, the scope of issues that will be considered is limited in nature. For example, parcel size, contemplated fire access, availability of utilities, parking, and the type of use. He asked that comments related to other issues be reserved for later phases of the process.

PUBLIC HEARING

1. “Sweeten Court” - Subdivision Concept Plan - 2761 East 4510 South (R-1-8) Conceptual Review and Consideration of a Subdivision Proposal by Applicant Grant Harrison, to Redevelop 0.89 Acres of Land within the R-1-8 Zone. This Redevelopment Plan will be Reviewed as a Permitted Use and in accordance with Zone and Development Standards as Required by Holladay Ord §13.08.080. File #23-1-03.

Ms. Marsh reported that the application is for a Subdivision Concept Plan for Sweeten Court, which is located at 2761 East 4510 South. It is a four-lot subdivision located in the R-1-8 Zone. This was an administrative process, where the Planning Commission would make a motion to approve, deny, or continue discussion on the permitted-by-right application. All motions require findings to support the decision. As directed by the ordinance, applications shall be approved if the Land Use Authority finds substantial evidence of compliance with the applicable

requirements. The creation of a Subdivision Plat requires review and approval by the Land Use Authority (Planning Commission) in a three-step process consisting of Concept, Preliminary, and Final Plat. Decisions and approval for each step need to be made during a public meeting.

Ms. Marsh reported that notice of the public hearing was mailed to all properties within 500 feet of the subject property. In addition, the applicant held the required neighborhood meeting on May 4, 2023. She shared additional information about the Sweeten Court application. The subject property is 0.89 acres (38,768 square feet) in size within an R-1-8 Single-Family Residential zone. The application is for a four-lot subdivision and the R-1-8 Zone has an 8,000 square-foot lot minimum size. The applicant would be considering a Planned Unit Development in the future. The Concept Plan review requirements were shared with the Commission. Ms. Marsh explained that R-1-8 Zone compliance is as follows:

- Density Compliance: The subdivision being proposed had a gross land area of 0.89 acres (38,768 square feet). The private lane accessing the property had been subtracted. The net area, excluding access roads and the public street dedication, was 32,448 square feet. The number of lots allowed using the Maximum Density Calculation was four.
- Parking Compliance: Two parking spaces (garages) for each residence were met.
- Storm Water Retention Compliance: Deferred to the Preliminary Plan review.
- Fire Access Compliance: The proposed access road met the standard width of 20 feet for suitable fire access with appropriate turnarounds.

The applicant's representative, Sage Harrison, identified herself as the granddaughter of Grant Harrison. Both her grandfather and uncle were involved in building subdivisions. Mark Harrison was also featured in Builder Magazine. It was important to the entire family that the subdivision be beautiful but also that the neighbors be heard. There was a desire to work with the neighbors on the project. Her grandfather lived in the City of Holladay his entire life and loves the neighborhood. She reiterated the desire to make sure everyone is happy.

Vice Chair Banks opened the public hearing.

Lisa Darling gave her address as 2754 East 4510 South and stated that her home is directly across from the subject property. Ms. Darling submitted a list of questions she hoped would be addressed during this meeting. She wanted to understand what potential changes could look like if variances or waivers are requested. Vice Chair Banks reported that the Planning Commission was able to look at the questions submitted and could address some of them. However, he believed the questions would be best posed to the applicant's representative.

Ms. Darling asked what potential changes could look like. She wanted to understand whether neighbors will be notified of a variance or waiver request. Vice Chair Banks explained that if the application changes the applicant will need to come before the Planning Commission with an amended application. If the changes are material, there will likely need to be another neighborhood meeting held. The process would essentially start over again. Ms. Marsh explained that a rezone will need to be discussed by both the Planning Commission and City Council. It was unlikely that a rezone would be needed with this application. As for a variance, those are typically granted due to issues with the land, such as topography and easements. That normally only impacts setbacks

and where a home can be built. She reassured those present that notices are sent out when an applicant seeks a variance.

Ms. Darling reviewed some of the questions posed in her previously submitted comment. She acknowledged that 4510 South is the only east-west running street in the area with a continuous sidewalk. Nearly all of the students in the neighborhood have to use that sidewalk to reach the school, which is designated as a safe path. One of her concerns was whether there is sufficient on-street parking and whether traffic in the area will impact the safety of students. As for the lot sizes, she was concerned that there was not enough property for all of the proposed lots. Vice Chair Banks explained that the Planning Commission could look at what is required by the ordinance. The square footage of the individual parcels would be considered. Ms. Marsh explained that when the total number of allowed units is calculated, the private road square footage is subtracted. Ultimately, four lots meet the 8,000-square-foot lot minimum size. Ms. Darling asked if the home size will depend on that number. Ms. Marsh clarified that there could be a Planned Unit Development (“PUD”) where there is flexibility with regard to lot coverage and total home size. If it is a subdivision with the current lot dimensions, there would be standard setbacks.

Chris Ingalls gave his address as 2787 East 4510 South and stated that his home consists of two houses east of the subject property. He was speaking on behalf of the neighbors who have a home immediately to the east. Those neighbors will be the most heavily impacted because of the road right next to the house. Mr. Ingalls understood that only certain matters can be discussed at this point in the approval process but he hoped there would be a discussion about the fire access and the parking requirements. A number of photographs were submitted to the Planning Commission showing the conditions on the road during holidays. Every holiday, the area is very busy and the road becomes jammed. Mr. Ingalls created a mock plan to determine what might fit in the area that was submitted to the Commission. He discussed the fire access, which he believed would remove a number of trees. Mr. Ingalls hoped a survey would be done to identify the impacted trees. To address his concerns, he suggested deviating the fire access so that it sweeps away from the property line. He believed this would be a win for the developer and the neighboring residents.

Mr. Ingalls asked about parking and questioned whether there will be guest parking. Vice Chair Banks explained that the requirement in the ordinance is that there be enough parking for two vehicles per unit. Mr. Ingalls noted that the draft plan he created showed two vehicles per unit in the garage as well as additional parking in the driveway. He stressed the importance of having additional parking available to avoid adding to the existing parking issues in the neighborhood. He asked that the Commission take the need for guest parking or visitor parking into consideration.

Andrew Bouwhuis gave his address as 2747 East 4510 South next to the subject property. He expressed concerns about there being enough parking. The side of the street he lives on does not have a sidewalk and there is a lot of speeding in the area. The addition of more vehicles would add to the issues in the neighborhood. Mr. Bouwhuis did not like the idea of tearing down trees that have been there for many years. He stressed the importance of maintaining the existing trees in the community. He was also concerned that some of his trees would be impacted by the construction. Additionally, he felt four homes were too many.

Commissioner Roach reported that the City has a Tree Ordinance that helps with tree preservation and holds developers accountable so that there is appropriate replacement of any trees that are removed. While it is never ideal to see canopy trees taken out, there are ordinances in place to

make sure that those trees are replaced. In addition, there is a Tree Committee in the City. Those interested were invited to attend and participate.

Commissioner Vilchinsky informed those present that she read through all of the emails submitted by residents. She understood the concerns expressed about the students walking to school; however, the role of the Planning Commission is to look at the ordinances that are in place and vote accordingly. If an application meets the specifications of the ordinances, the Planning Commission will consider that in the decision. She understood there were concerns about parking but the ordinances specifically state that two parking spaces are required. She did not want anyone to feel that their comments had been dismissed. The Planning Commission was listening and taking all comments into account. That being said, certain guidelines need to be followed in terms of the Concept Plan vote.

Janet Henriksen gave her address as 2728 East 4510 South and stated that she has lived in her home for approximately 35 years. She has remained all this time because of the neighborhood. However, it is a narrow street and there are times when two vehicles cannot pass if there are vehicles parked on the side of the street. She understood the ordinances and what can be built but was concerned about adding additional parking and the four lots proposed.

Ms. Darling shared an additional comment. She believed that because the school walking path is designated as a safe route, it should impact how the development can move forward. The safety of children walking through the neighborhood needs to be considered. Vice Chair Banks informed her that the Planning Commission needs to follow the ordinances. The task of the Planning Commission is to ensure that the applicant complies with the ordinances. Ms. Marsh added that the safe route to school is addressed with the sidewalk. There is a sidewalk on one side of the street that meets the requirement. An additional sidewalk would not be added. Commissioner Layton noted that the proposal does not impact the existing sidewalk.

Edward Flegal gave his address as 2784 East 4510 South and reported that he has lived on the street for 53 years and witnessed the growth in Holladay. He was appalled that the Planning Commission has allowed so much growth to take place in the community. As for the two parking spaces that are required per home, he believed the ordinance needed to be reconsidered. Vice Chair Banks explained that the Planning Commission does not make the ordinances but applies them. He suggested that Mr. Flegal share his comments with the City Council.

Mr. Ingalls shared an additional comment and asked what the Preliminary Plan discussions would be related to. Vice Chair Banks explained that there would be more detailed discussions at that time. For example, there would be discussions about the trees, heights, restrictions, and setbacks. There would be more site-specific conversations during that part of the process as well. Mr. Ingalls asked what would happen after the Preliminary Plan is approved. Vice Chair Banks explained that the Final Plan review would ensure that all of the final details are in place before final approval was issued for the project. As for when the Preliminary Plan would be reviewed by the Planning Commission, that would depend on what the applicant does with the feedback received and how fast the applicant decides to move forward with the application process. The applicant noted in some of the submitted materials that there would be a potential Planned Unit Development application as well. The public could also share comments at that time.

Ms. Harrison responded to some of the comments shared during the public hearing. She reiterated that there was a willingness to work with the neighbors. No variances had been requested and none were planned. As for the trees, she was told that there would be an Arborist on site. Her grandfather was also supportive of limiting the disturbance to trees.

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

Commissioner Cunningham asked if the Fire Department has signed off on the proposal. Ms. Marsh explained that the Fire Department reviewed the application to ensure that it meets the standards, which is a 20-foot width, and that it has a fire access turnaround. The layout could potentially change as the process moves forward but it currently meets the basic safety requirements for fire. Any changes made would still need to meet those safety standards. Commissioner Prince asked if the narrowness of the street was a concern. Ms. Marsh explained that the Fire Department typically looks at the access streets. She was not sure of the width of 4510 South but stated that it is likely at least 20 feet, which still meets the fire access requirements. Mr. Teerlink shared additional comments about the street.

Commissioner Layton asked about the side, front, and rear yard setback requirements. Ms. Marsh reported that it depends on the lot size. For example, the side setback would depend on how wide the lot is. When the Building Permit is applied for, all of the setbacks will be reviewed to ensure that the requirements are met. If there is a Planned Unit Development, some of those setbacks may be more flexible, which would be reviewed during that process. She explained that if there is a PUD, there will be a public hearing for that. Commissioner Roach wondered if the application meets the minimums necessary for the four lots even without a Planned Unit Development with respect to setbacks. This was confirmed.

Vice Chair Banks asked about the utility availability. Ms. Marsh reported that the requisite Will Serve Letters were received for gas, electric, sewer, and water. All of the providers issued the Will Serve Letters for a four-unit development. Commissioner Roach acknowledged that there is a narrow and odd-shaped road. He wondered if No Parking zones will need to be installed to facilitate access for emergency vehicles on the public street. Ms. Marsh did not necessarily believe that would need to be done but the City Engineer would review that further. There are a lot of narrow roads with limited fire access in the City and it is not an uncommon issue in the City of Holladay. Typically, areas are not marked off as No Parking beyond the clear view standards. Commissioner Layton pointed out that the setbacks are not currently under consideration. He reminded those present that it is a Concept Plan. The application meets the criteria before the Planning Commission. He was curious to see how the application will evolve as it continues to move through the application process.

Commissioner Prince moved to APPROVE the Concept Plat application submitted by Grant Harrison for “Sweeten Court,” a 4-lot residential subdivision in the R-1-8 Zone based on the following:

Findings:

- 1. The submission for a Conceptual Plat is substantially complete.***
- 2. The overall parcel size allows for the development of four single-family units with a minimum lot size of 8,000 square feet each.***
- 3. Private roads meet fire access standards.***

4. *Utility availability for four residences has been established.*
5. *The required parking minimums are met.*

Commissioner Layton seconded the motion. Vote on Motion: Commissioner Cunningham-Aye; Commissioner Vilchinsky-Aye; Commissioner Layton-Aye; Commissioner Roach-Aye; Commissioner Prince-Aye; Commissioner Banks-Aye. The motion passed unanimously.

ACTION ITEM

1. **“Emigration Brewing Co.” Mixed-Use Commercial/Residential - Preliminary Site Plan - 5025 South Highland Drive (C-2) Preliminary Review of a Mixed-Use Development Proposal by Application/Property Owner, Bret Laughlin. Item Reviewed as an Administrative Action of a Permitted Land Use in the C-2 Zone. Review to Include Preliminary Details as Per Procedures and Development Standards of the Zone §13.62, and §13.08.080 of the Holladay Code. File #23-2-03.**

City Attorney, Brad Christopherson, reported that Commissioners served on the Planning Commission as volunteer citizen members. Each has its own professional and private obligations. From time to time, that means that there is a changing of seats during meetings. Commissioner Layton is an architect and the Planning Commission benefits from his expertise. However, he has a client with a matter before the Planning Commission, which is the Emigration Brewing Company. For this item, he disclosed that he is doing work on behalf of the applicant. Commissioner Layton elected to recuse himself from the vote. That needed to be noted on the record but a disclosure form would also be filed with the Mayor.

Ms. Marsh reported that the application is a Preliminary Site Plan for Mixed-Use Commercial/Residential. The subject property is located at 5025 South Highland Drive and is in the C-2 Zone. She noted that this is an administrative action by the Planning Commission. The Planning Commission can approve, deny, or continue the discussion on the permitted by-right application. All motions require findings that support the decision. As directed by ordinance, applications shall be approved if the Land Use Authority finds substantial evidence of compliance with the applicable requirements. This was the second stage in a three-step process. Ms. Marsh explained that the Concept Plan review has already taken place and it is now the Preliminary Plan review. All decisions and approvals need to be made during a public meeting. The public hearing was held on April 4, 2023. No hearing would be held at this meeting.

Background information about the property was shared. Ms. Marsh reported that the subject property is located on the south side of the new Royal Holladay Hills development. It is currently zoned C-2 as the property was rezoned from Neighborhood Commercial (“NC”) in March 2022. There was a condition that a Development Agreement be recorded against the property, which restricted the use of the property to a Townhome and Brewpub Restaurant. She believed the Development Agreement was signed by the applicant. However, if that was not done, it would need to be added as a Condition of Approval. The Development Compliance Details were established during the Concept Plan approval process. Mixed-use development is a permitted use on the property in the C-2 Zone. There will be four dwelling units and a separate brewery/restaurant. The minimum lot, parking, height, and lot coverage requirements were met. Breweries are conditional uses in the zone and the applicant will need to make application.

Ms. Marsh reported that the preliminary approval requirements were included in the packet. The City Engineer reviewed the civil plans extensively and provided comments to the applicant who was in the process of addressing them.

The applicant's representative, Bret Laughlin, introduced himself to the Commission. He noted that this particular project is more involved than most because there are licensing agreements in place while neighboring development is underway. It is a complicated process but City Staff has been able to assist as things move forward. He believed that everything that needed to be submitted had been done and that the application was in compliance. Work was continuing to take place but he believed everything was ready for the Preliminary Plan approval. Mr. Laughlin noted that a lot had been presented at the Concept Plan level. However, since that presentation, there had been more development with the townhomes.

Commissioner Cunningham asked about significant changes that have occurred since the Concept Plan. Mr. Laughlin reported that the building footprints remained the same. Some evolution had taken place in terms of landscape and hardscape. There were a few minor tweaks with parking, but the same amount of parking was proposed for the development. The building design continued to evolve but was part of the natural process as more details were determined. Vice Chair Banks referenced a comment in the packet about how the townhomes will lag somewhat in terms of progress. Mr. Laughlin explained that there was more urgency in getting the restaurant and brewing company development underway. He believed the two uses would be fairly concurrent. While the townhome development might lag slightly, it may also catch up so that completion is around the same time. There were still some variables to consider, such as market conditions.

Commissioner Cunningham asked about the Liquor License that the restaurant/brewpub will obtain. Mr. Laughlin believed there will be a full restaurant Liquor License as well as a Bar License. The upper level of the restaurant will be for 21 years old and older. The downstairs area will be available for family dining. He wanted it to be an enjoyable experience for people who drink alcohol and those who do not. There was discussion regarding the licenses that are needed and the timeline. The Liquor License is checked as part of the Business License.

Commissioner Roach asked about the upper floor of the restaurant/brewpub. Mr. Laughlin reported that access to the upper floor will be glassed in. Visitors will need authorization to be in that area. As for the downstairs area, the seating needs to be a specific distance from where alcohol is shown. Mr. Laughlin was confident that the necessary licenses will be obtained for the use. Commissioner Roach referenced the townhome units and asked if they will have separate trash receptacles or if the dumpster access will be shared with the restaurant. Mr. Laughlin reported that the townhomes will have their own receptacles. As for the dumpster, he clarified that it is not within the electrical easement. Commissioner Roach noted that there is adequate shade canopy but suggested that one larger tree where some of the pines are near the dumpster would be beneficial to reduce the impacts.

Commissioner Roach moved to APPROVE the Preliminary Site Plan for "Emigration Brewing Co." located at 5025 South Highland Drive in the C-2 Zone subject to the following:

Findings:

- 1. The Preliminary Plat has been reviewed and considered substantially complete.***

2. *The proposed land use complies with allowed uses in the C-2 Zone.*
3. *Lot size, coverage, and parking requirements meet the minimum requirements of the zone.*

Conditions:

1. *The remaining items as noted, are to be completed before a notice of approval is issued:*
 - a. *Address Civil Plan comments by City Engineer;*
 - b. *Submit Grading and Drainage Plan*
 - c. *Being process of Encroachment License and Maintenance Agreement with the City of Holladay;*
 - d. *Submit Landscape Maintenance Agreement with Royal Holladay Hills;*
 - e. *Provide Utility Service letters with approved plans; and*
 - f. *Submit Tree Canopy Protection Plan.*

Commissioner Prince seconded the motion. Vote on Motion: Commissioner Cunningham-Aye; Commissioner Vilchinsky-Aye; Commissioner Layton-Abstain; Commissioner Roach-Aye; Commissioner Prince-Aye; Commissioner Banks-Aye. The motion passed unanimously with one abstention.

ADJOURN

The Planning Commission Meeting adjourned at approximately 7:16 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, June 6, 2023.

Teri Forbes

Teri Forbes
T Forbes Group
Minutes Secretary

Minutes Approved: **September 5, 2023**