

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

**Tuesday, August 1, 2023**

**5:30 p.m.**

**City Council Chambers**

**4580 South 2300 East**

**Holladay, Utah**

**ATTENDANCE:**

**Planning Commission Members:**

Martin Banks, Chair

Paul Cunningham

Ginger Vilchinsky

Jill Fonte

Angela Gong

**City Staff:**

Carrie Marsh, City Planner

Jonathan Teerlink, Community Development Director

Brad Christopherson, City Attorney

**WORK SESSION**

Chair Martin Banks 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 three Public Hearings were scheduled. The first was a Conditional Use Permit for a Home Occupation for “Outside Music Group/Posey Cello Studio.” The application was presented at the last Planning Commission Meeting and a public hearing was opened. The public hearing remained open because the item was continued so applicant representation could be present.

The main issue with the application related to off-street parking. The Staff Report highlighted sections of Code that specifies that off-street parking is required. This is a standard that was applied to Home Occupation permits in the past. The other issue with the application had to do with circulation. For instance, how traffic will flow to and from the site. Ms. Marsh reported that the application was the result of a Code Enforcement issue. Parking issues were brought to the attention of Code Enforcement from the neighbors. In addition, there is a stop sign in front of the home. Clear view standards state that no parking may take place within 30 feet of a stop sign. That eliminated parking spaces directly in front of the applicant’s home. Chair Banks asked about the reason for continuance. It was clarified that the applicant has an attorney who was unable to attend the previous Planning Commission Meeting. The attorney asked that the item to be continued to a date that he would be present.

There was discussion regarding issues with the application and the clear view standards. Ms. Marsh reported that vehicles are not permitted to park within five feet of a driveway or 30 feet of a stop sign. That left 10 feet in front of the subject property, which is inadequate. Chair Banks asked what the requirement is for a parking space. Ms. Marsh explained that most sedans are 16 feet in length. One of the issues brought to the attention of Code Enforcement was that people are parking for lessons across the street. Students then cross the street to reach the applicant’s property, which presents a safety concern. A possible Condition of Approval could be that pedestrian traffic be at the intersection and not mid-way.

The second Public Hearing item on the Planning Commission Meeting agenda was a Conditional Use Permit for an Accessory Building. Ms. Marsh reported that it was for the expansion of an existing accessory building. According to City Code, there is a maximum footprint permitted in residential zones. That footprint depends on the lot size. She explained that it is possible to request a larger footprint but it is a Conditional Use, which is the reason the application was brought to the Planning Commission for review and consideration. The proposed addition would be 143 square feet on the rear side of the existing accessory building.

Two public comments were received regarding the application. They would be read into the record during the Public Hearing portion of the meeting. Chair Banks noted that the Commission would consider whether the proposal is considered excessive for the area or present an objectionable view. He pointed out that they are subjective determinations. He asked for additional information about what is considered objectionable or excessive. Ms. Marsh explained that in this case, there is an existing building. The Planning Commission would need to determine whether adding six feet to the rear side would make the structure more objectionable. It was also possible to place conditions related to screening as a way to address an objectionable view. She reiterated that the Commission could create Conditions of Approval.

Commissioner Cunningham reported that he walked past the property and it looked like a new building was already underway. Ms. Marsh clarified that an addition was being made to the main home. There is already an existing accessory building on the property. The proposal was to add onto the existing accessory building. Commissioner Cunningham stated that from the street view, it appears that the work had already been done. He believed the applicant or neighbors might be able to clarify that. Ms. Marsh explained that if work had been done already to the accessory building there could be a condition related to a violation. A question was raised about the current size of the accessory building. Ms. Marsh confirmed that the building is already oversized by three square feet. The permitted size is 950 square feet but on the Site Plan it is listed as being 953 square feet. The request was to add 143 square feet to that number.

Community Development Director, Jonathan Teerlink, reported that the area the property is in was incorporated into the City in 2004. The maximum footprint size for accessory buildings was enacted in Code in 2008. There were a lot of properties that already maxed out the scale as a result. A lot of the older accessory buildings could be considered oversized. He explained that oversized simply means that the structure is larger than is currently permitted. In the case of the applicant's accessory building, it was considered legal non-conforming.

The final Public Hearing item was a Planned Unit Development ("PUD") Concept Plan for "Sweeten Court." Ms. Marsh reported that the application was reviewed previously during the subdivision process. The subdivision was approved for four units, which would now be applied to a PUD. The PUD would allow the applicant to shift buildings around so more open space would be preserved. She noted that the Staff Report included details about the objectives of a PUD. It would also be possible to speak to the applicant about some of the details, such as lot coverage. Staff recommended having the applicant comply with the lot coverage maximums of the underlying zone, which includes 8,000 square-foot lots and 35% lot coverage. Something else to ask the applicant about was fencing, as fencing is not proposed in the current plans.

Commissioner Cunningham asked about the role of the Planning Commission with a PUD. He wondered if a PUD is a by-right application. City Attorney, Brad Christopherson, explained that

PUDs provide more flexibility and can increase density due to the ability to shift buildings around on the same parcel. There are several benefits associated with PUDs. Ms. Marsh added that it is a Conditional Use. A Conditional Use shall be approved only if it meets specific objectives. There was discussion about the PUD application and lot layout. Mr. Christopherson stated that there will still be distinct lots but there is more flexibility with setbacks.

With a PUD it is possible to vary the setbacks to preserve more open space. It allows there to be flexibility in the location of the buildings so there is a larger undeveloped area that can be shared. Mr. Teerlink explained that it is not a by-right situation. The applicant would need to explain what will be done with the extra space created with the PUD. A PUD may be approved by the Planning Commission as a Conditional Use if in their judgement, the proposed PUD fully meets the intention and purpose of the section of the ordinances. Ms. Marsh reported that structures could only cover 35% of 8,000 square feet. That equates to approximately 2,800 square feet. Right now, this application was still conceptual in nature, so conditions would be useful.

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

Chair Banks called the Planning Commission Regular Meeting to order at approximately 6:00 p.m. He read the Commission Statement for the benefit of those present. It was noted that there were three Public Hearing items scheduled. He shared information about the hearing process.

### **PUBLIC HEARINGS**

1. **“Outside Music Group/Posey Cello Studio” – Conditional Land Use Permit: Home Occupation – 1986 East Cecelia Circle (R-2-10 Zone). Review and Consideration of a Request by Applicant Lauren Posey as the Business Owner, with Authorization from the Property Owners, for a Conditional Use Permit for Home Occupation. Item Reviewed as an Administrative Application as Per Provisions Stated in Holladay Ordinance §13.08.040. Continued from July 25, 2023, Planning Commission Meeting. Public Hearing Left Open. File #23-2-08.**

Ms. Marsh presented the Staff Report and stated that the request is for a Conditional Use Permit for a Home Occupation. The application involves a cello studio with music lessons in the R-2-10 Zone at 1986 East Cecelia Circle. The City of Holladay conditionally allowed the use of an individual dwelling unit for business purposes when the business use was incidental and secondary to the use of the dwelling for dwelling purposes. Professional services can be provided in the main structure but not in an accessory structure or yard space. Home Occupations are also required to meet off-street parking requirements as interpreted as a new land use being established within a structure. Conditional Use Permits are tied to the land.

The home being used for business purposes was brought to the attention of Code Enforcement due to ongoing concerns with traffic, parking, and pedestrian safety on the street from adjacent property owners. Ms. Marsh reported that the applicant applied for a Conditional Use Permit to conduct the Home Occupation business as a result. One of the issues was that the property is located on a corner with a stop sign. There is no parking permitted within 30 feet of a stop sign. It is also not permissible to park within five feet of a driveway, which results in there being a limited area of space remaining. The area is inadequate for parking directly in front of the home. Due to this, the applicant proposed on-street parking in other areas on Cecelia Circle. That being said, the Code requires there be off-street parking. She asked the applicant’s representative to speak.

The applicant's representative, Kirk Cullimore, introduced himself to the Commission and was not sure a Conditional Use Permit should be required for this type of Home Occupation. The law states that "a municipality may not charge any fee for a resident of a municipality to operate a home-based business unless the combined off-site impact of the home-based business and the primary residential use materially exceeds the off-site impact of the primary residential use alone." Mr. Cullimore did not believe that teaching music substantially impacts the use of the home beyond the normal use. The applicant has one student at a time in her home. That one additional vehicle in front of the home at any given time does not substantially impact the use of the home. While it is true that directly in front of the home there is no room to park, there is room directly across the street. There are also additional spaces in other locations on the street.

Mr. Cullimore explained that a Code Enforcement Officer knocked on the door of the property during a lesson. That officer suggested that someone on the street was complaining about parking issues. This led the applicant, Lauren Posey, to implement parking regulations for students. The issues have already been addressed adequately. The requirement of two off-street parking spaces is not an appropriate requirement for this type of home-based business. He read from the Home Occupation portion of the Holladay City Code. Mr. Cullimore pointed out that the applicant shares a driveway with the immediate next-door neighbor. To park at the end of that driveway would preclude either of the homeowners from getting in and out of their parking spots. There is on-site parking but it is in the garage and will not accommodate any of the music students. It is within the purview of the Planning Commission to determine whether additional parking is required. Mr. Cullimore did not believe it was necessary to impose that on a music teacher.

Mr. Cullimore disputed the Technical Review Committee ("TRC") recommendations included in the Staff Report. He considered them to be egregious and overreaching for a music teacher holding individual lessons in her home. Chair Banks asked about parking opportunities. He wondered if there was anywhere along the reach of the driveway where two parking spaces could be located. Mr. Cullimore denied this. He visited the property before the meeting. If he had parked his vehicle anywhere along the driveway, the neighbor would not have been able to leave. Chair Banks pointed out that the resident's vehicle was able to be backed out of the garage. He was not sure what would prevent another vehicle from doing the same. Mr. Cullimore clarified that the two garages face one another and the driveway comes down the middle. Parking outside of the garage would block the neighboring garage. There is no way to parallel park a vehicle there.

Chair Banks asked if it would be suitable to allow for parking beyond the fence. Ms. Posey explained that she already has to make a five-point turn to get out of the garage because the actual garage space needs to be used to turn around. It is a very narrow space. The piece of cement behind the gate is an area where she tried to park a vehicle in the past but it took 20 minutes to get the car there because it was so difficult to position. She explained that the driveway area is extremely narrow. Chair Banks asked about the property beyond the fence. He wondered if it might be suitable for additional parking. Ms. Posey confirmed that there is property beyond the fence but when the fence opens it is not possible to move a vehicle back there without someone to navigate the position of the car carefully. There is not enough space to properly move a vehicle there. She reiterated that the area is very narrow.

Ms. Marsh shared information from the County Assessor's website. The space from the edge of the garage to where the property line is approximately 10 feet. The total distance between the two garages was 28.8 feet. Mr. Cullimore reported that he could park and back out of the driveway

without any problem. However, that would block others from utilizing the driveways and garages. The neighbor would be stuck there for the length of a music lesson in that instance. It was suggested that the vehicles of the homeowner be moved onto the street in the morning to allow clients to park in the garage. Mr. Cullimore was not sure how that would change the impact to the neighborhood. Doing so would result in the exact same number of vehicles on the road. It was noted that there would not be worries about students crossing the street in that instance. Mr. Cullimore was not sure that would be feasible and disagreed with the requirement in general.

Any time there is a Home Occupation and people come in and out of the home for that business use, a Conditional Use Permit is required. Ms. Marsh explained that City Code language was included in the Staff Report. It referenced new land use, which was the City's interpretation of the language. There is a difference between people living in the home and business-related visits. Mr. Cullimore reiterated that the law states that "a municipality may not charge any fee for a resident of a municipality to operate a home-based business unless the combined off-site impact of the home-based business and the primary residential use materially exceeds the off-site impact of the primary residential use alone." Anyone with guests or a lot of family members would still be utilizing the home with additional vehicles. There was no evidence that the applicant's property would materially exceed that use. That needed to be proven before a Conditional Use Permit, off-site parking, or anything else was considered or required.

Commissioner Cunningham explained that the City Council had determined that impacts on the residential neighborhood would be off-set by requiring off-street parking. He understood the arguments that had been presented by Mr. Cullimore, but he did not think it was within the purview of the Planning Commission to change the ordinance. The Commission needed to enforce the ordinance. The argument about whether or not there should be requirements for off-street parking would be better made to the City Council as opposed to the Planning Commission. It was inevitable that there would be some homes in the City where Home Occupations would not be compatible. A lot depended on the location, the home, and other factors. Mr. Cullimore asked what the standard was for "materially exceeding" the residential use. He asked for clarity there.

Chair Banks was not certain that the Planning Commission was able to ignore the requirements. Mr. Cullimore was not sure it is required by ordinance. Chair Banks referenced the plain language of the ordinance. He was not sure how that could be ignored. Mr. Cullimore re-read the language and stated that it is within the purview of the Planning Commission to make a determination. Chair Banks referenced the language that referenced providing off-street parking. He did not see a way around that. Mr. Cullimore reported that he submitted a letter to the Planning Commission last week that further outlined the arguments. Off-street parking is not necessarily required with R-2 Zoning. This is a Home Occupation and the ordinance directly states that the Commission can determine whether off-street parking is necessary.

Chair Banks opened the public hearing.

*Derek Brown* gave his address as 8161 Farm Brook Way in Cottonwood Heights. He explained that his son takes cello lessons. Mr. Brown did not believe anyone was asking the Planning Commission to ignore the law but wondered what the implication would be for other music teachers in the community. The impact on the street was no different than anywhere else. He was not sure why Ms. Posey was being focused on rather than other music teachers in the City.

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

Commissioner Cunningham asked that the City Attorney weigh in on the legal arguments that had been made. The ordinance requires that there be two off-site parking spots for any Home Occupation. Mr. Christopherson explained that this is a standard the City applies consistently to all Home Occupations where visitors come to the home. He stated that Mr. Cullimore was asking the Planning Commission to apply the standard differently today than it had been applied in the past. The reason this particular application was a challenge was because of the size of the driveway and the location of the home. There is a shared driveway and no safe on-street parking available because of the location on the corner. As for the public comment, the City of Holladay does not proactively go out and look for Code Enforcement issues. The City of Holladay has reactionary Code Enforcement. When a complaint is received, the issue is examined. What generated the stop at the applicant's home was a complaint received from Code Enforcement.

Mr. Christopherson explained that one standard to consider with regard to residential home-based businesses is the impact. The average residential home in Utah generates six residential trips. If the impact exceeds that, the argument can be made that the home-based business use is substantially impacting the neighborhood. He reminded those present that the Planning Commission is not the legislative body. The Planning Commission reviewed City Code. Based on the Staff Reports and the code language, consistent determinations were made. Mr. Christopherson added that Ms. Posey is not being singled out specifically but numerous complaints were submitted about vehicles parked on the street. The Code Enforcement Officer had followed up on those complaints and Ms. Posey was contacted as a result.

As far as the current Planning Commission Meeting, it is possible for the applicant to withdraw the application. The Commission could also approve the application subject to specific Conditions of Approval. Mr. Christopherson believed a few signatures were missing on the application as well as the designation of agency. That is important because this was a Conditional Use Permit. Once approved, it runs with the land and not the owner. The Planning Commission can approve the application with conditions such as having the applicant designate off-street parking spots and obtaining the necessary signatures. There was discussion about what would happen if the home changes ownership since the Conditional Use Permit runs with the property. Mr. Christopherson stated that a change in use would be significant enough of a change that it would not fall under this particular permit.

Chair Banks did not see that the Planning Commission had the prerogative to ignore the ordinance. He was sympathetic to the applicant as it seemed like the service being provided is beneficial. Chair Banks encouraged the applicant to explore whether there might be some space beyond the fence that would allow for parking. It might be appropriate to approve the application with the condition that the required parking spaces be provided. It would be possible for the applicant to find some creative parking solutions. Mr. Teerlink shared additional information about Conditional Uses. The main purpose of a Conditional Use was to discover what the impact of the proposed use would be on the neighborhood. It could be beneficial to understand what the frequency of the visitation was. Chair Banks asked the applicant and representative to speak.

Mr. Cullimore reported that Ms. Posey owns the home and is on the title. As far as the impact, the expectation was that a parent would sit through the lesson most of the time. There would be one

vehicle for each lesson with eight to nine lessons per day. Ms. Posey discussed the initial source of the citation. She is a professional cellist and has chamber music reading parties. The citation presented to her by the Code Enforcement Officer states that neighbors took photographs of people with various instruments coming to the home. She does not teach anything other than private cello lessons, so that citation led her to believe that the issues were with her hosted gatherings rather than the actual cello lessons taking place in the home.

Chair Banks asked about the schedule for lessons. Ms. Posey reported that she normally has lessons from 6:00 a.m. until school starts between 8:00 and 9:00 a.m. In the afternoon, there are lessons from 2:00 p.m. to 6:00 p.m., which are after school hours. Mr. Cullimore referenced the earlier comments from Mr. Christopherson about withdrawing the application. He believed it would make sense to withdraw the voluntary application at this time. Mr. Cullimore felt the conditions were impractical for the site and he did not want to voluntarily subject the applicant to the requirements indefinitely. There are a few requirements that may or may not impact Ms. Posey currently, but have the potential to impact her in the future.

Mr. Christopherson wondered if there was an opportunity for City Staff to prepare amendments to the Parking Ordinance. Those could be shared with the Planning Commission and City Council. It was a possibility but it would ultimately be for the City Council to decide. That was one potential way to resolve the issue currently before the Planning Commission. A resident could propose a Code Text Amendment. No one on the Commission was trying to prevent music from being taught to students but the Planning Commission needs to apply the laws. Mr. Cullimore wondered if it would be possible to table the item to work with City Staff. If there is a resolution, the item could be readdressed at a future Planning Commission Meeting. If not, there could be determinations made at that time about how to move forward.

Mr. Christopherson explained that a stay could be permitted since it was requested by the applicant. The applicant could inform the City when they are ready to bring the item back to the Planning Commission. Commissioner Cunningham wondered what would happen if a motion was made to continue the item. He wanted to understand how that would impact the citation and the lessons being taught without a license. Chair Banks noted that the citation has already been issued. If the application is continued, that would not impact the citation. Mr. Christopherson reported that the citation is civil and is not a criminal issue. It is an administrative process. Mr. Teerlink spoke to the Code Enforcement Office prior to the meeting and he did not have records of any other complaints other than those that started the conversation about the property.

Chair Banks thought that a continuance made sense. Mr. Christopherson stated that the City is willing to work with residents who want to come into compliance. Commissioner Gong liked the idea of a continuance. It is important to encourage small businesses in the community. Commissioner Fonte was also supportive of the continuance. She believed there was a way to work through the issues and find an appropriate resolution. Other Commissioners agreed.

***Commissioner Cunningham moved to CONTINUE the application for a Home Occupation for "Posey Cello School," located at 1986 East Cecelia Circle, pending an application to the City Council for consideration of a change to the parking requirements for Home Occupations. The continuation would last no longer than six months. Commissioner Vilchinsky seconded the motion. Vote on Motion: Commissioner Cunningham-Aye; Commissioner Vilchinsky-Aye;***

*Commissioner Fonte-Aye; Commissioner Gong-Aye; Commissioner Banks-Aye. The motion passed unanimously.*

2. **“Expansion of Existing Accessory Building” -- Conditional Use Permit: Accessory Building Footprint Size – 1532 East Spring Lane (R-1-10 Zone) Review and Consideration of a Request by Applicant, Watts Enterprises Representing the Property Owner, for a Conditional Permit Allowing Construction of an Addition to an Existing Detached Accessory Building, Creating a Footprint Size Larger than Permitted. Item Reviewed as an Administrative Application as Per Provisions Stated in Holladay Ordinance §13.14.030 & 13.08.040 13.14.030 & 13.08.040. File #23-2-09.**

Ms. Marsh presented the Staff Report and stated that the request involves a Conditional Use Permit application related to accessory building footprint size. She explained that the application is for an accessory detached garage structure that is larger than the permitted size. The applicant wanted to be able to add 143 square feet onto the rear side of the existing accessory building. The addition was desired so the owners could accommodate their RV within the garage as the current structure is not long enough to do so. The proposed addition would increase the footprint to 146 square feet larger than the permitted size. That being said, the addition would be compliant with all setbacks and lot coverage standards.

The applicant’s representative, Scott Mills, reported that he works with Watts Enterprises. He is the builder and contractor associated with the accessory structure. He was available to answer questions about the application. Commissioner Cunningham stated that an existing garage is being expanded six feet toward the back of the lot. The intention was to fit the RV inside rather than have it parked in front of the garage. Commissioner Cunningham asked if the work had already occurred. This was denied. There is some work being done on the existing home but not on the accessory structure. Commissioner Cunningham asked about the setbacks. Ms. Marsh explained that the plat shows a setback of 11 feet at the closest point. Accessory buildings are allowed to have a smaller setback than primary structures. The application was compliant with setback requirements.

Chair Banks asked if there were landscaping plans associated with the expansion. Mr. Mills reported that some plans were submitted with the application, which were shared with the Commission. It was clarified that a Landscaping Plan is not required with the current application because it is not new construction. This is considered a renovation. The only thing being considered by the Planning Commission was whether it was appropriate to grant the exception.

It was noted that the accessory structure is already three square feet larger than currently allowed. It was grandfathered in, so it is a legal non-confirming accessory structure. The Code allows for a certain percentage to be expanded beyond that if the Planning Commission does not believe it would create an issue to do so. Chair Banks asked about the existing height of the accessory structure. Ms. Marsh reported that the maximum height for accessory buildings is 20 feet and it is approximately 14 feet. The height is under the maximum.

Chair Banks opened the public hearing.

*Robert Lambert* reported that he lives directly across from the subject property. His main concern was whether this would be expanded for commercial use. It sounded like the intention was to expand the accessory structure for personal use, not commercial, but asked for clarification.



*Anthony Frates* identified himself as the Treasurer of the Spring Lane Homeowners Association (“HOA”). Seven unit owners live immediately adjacent to the applicant property, one of whom filed comments but was unable to attend the Planning Commission Meeting. The owner who filed the comment felt that the addition would create an objectionable view from his property. The property has a higher elevation and the owner is immediately downhill from the subject property. Chair Banks asked about the aesthetic concerns expressed. He wondered if they were based on color or size. Mr. Frates believed that the HOA member felt that the structure looked industrial, which is out of character with the neighborhood. Concerns were also expressed about the lack of landscaping.

Chair Banks reported that some comments were received from residents prior to the Planning Commission Meeting. Those comments were read into the official record.

*Anthony Frates* submitted an email to Ms. Marsh on July 31, 2023. It informed the City that he serves on the Spring Lane HOA and would be attending the Planning Commission Meeting.

*Marshall Seal* submitted a comment to the City on July 31, 2023. Mr. Seal was opposed to the application and has owned the property next door for 20 years. The subject property is a small home on a one-half-acre lot and there is already a large garage near his home. He did not like the idea that the garage would be expanded further as it is not suitable in the zone. Mr. Seal explained that the expansion would make the garage almost as large as the home. He was unable to attend the Planning Commission Meeting in person and asked that the application be denied.

Mr. Mills responded to some of the comments shared. He explained that the applicant wants to make sure the neighbors are satisfied. The addition would not look like an industrial building. It was clarified that the use would only be personal and not commercial in nature.

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

Commissioner Vilchinsky believed all questions had been answered as there was no plan to have a commercial use. The application was also in compliance with the requirements. She was comfortable moving forward with the application based on what had been presented. Commissioner Gong noted that the applicant seemed willing to mitigate concerns. She wondered if it would be appropriate to add some Conditions of Approval related to that. Commissioner Cunningham did not think it was appropriate to add conditions since a Landscaping Plan is outside the scope of the application. However, the applicant could still make aesthetic changes.

***Commissioner Vilchinsky moved to APPROVE the application for a detached accessory garage, sized at 4,500 square feet, located at 1532 East Spring Lane, based upon the following:***

**Findings:**

- 1. The desired structure will provide the property owners safe enclosed storage of their recreational vehicle and is not considered to be excessive for the area.***
- 2. The detached building is proposed to follow the existing roof height, which is compliant with existing zoning code standards of 20 feet.***

3. *The addition to the existing building does not violate setback or lot coverage standards for the property.*

**Conditions:**

1. *The project is subject to height, setback, and lot coverage regulations for their property size.*
2. *The Owner/Applicant shall obtain a Building Permit for the proposed detached garage addition.*
3. *The Owner/Applicant shall not establish or use the structure as a commercial amenity.*

*Commissioner Cunningham seconded the motion. Vote on Motion: Commissioner Cunningham-Aye; Commissioner Vilchinsky-Aye; Commissioner Fonte-Aye; Commissioner Gong-Aye; Commissioner Banks-Aye. The motion passed unanimously.*

3. **“Sweeten Court – PUD Concept Plan – 2761 East 4510 South (R-1-8) Conceptual Site Plan Review and Consideration of a Planned Unit Development (“PUD”) Proposal by Applicant Grant Harrison, to Redevelop 0.89 Acres of Land within the R-1-8 Zone. This Conceptual Site Plan will be Reviewed as a Conditional Use and in accordance with Zone and Development Standards as Required by Holladay Ord §13.78. File #23-1-03.**

Ms. Marsh presented the Staff Report and explained that the application is for a PUD. PUDs are reviewed in a three-step process consisting of Conceptual, Preliminary, and Final. This is a Conceptual Review of the Site Plan for the proposed PUD. A public hearing was required for this step in the process. The Planning Commission can approve, approve with conditions, or deny a PUD based on written Findings of Fact according to the standard set forth in the Holladay Ordinance. It is the responsibility of the applicant to provide written and graphic evidence demonstrating compliance with the requirements of a PUD. As directed by ordinance, Conditional Use Permit applications shall be approved if the Land Use Authority can apply conditions that mitigate possible adverse effects of the proposed use. PUDs were a Conditional Use in the R-1-8 Zone.

The property was approved for a four-unit subdivision. In tandem with that subdivision, it was proposed that there be a PUD. Ms. Marsh reported that a PUD could provide some flexibility to preserve more open space on the site and allow for more creative development. The TRC reviewed the PUD application and those details were outlined in the Staff Report. There were a few questions for the applicant about lot coverage and how much square footage a structure would be limited to within the development. Fencing may be another question to ask the applicant.

The applicant’s representative, Grant Harrison, introduced himself and reported that he is the developer of the property and his son is the contractor who will handle the work. There are four standard lots approved already that abide by all of the requirements necessary for a four-lot subdivision in an R-1-8 Zone. They are smaller lots that will make development tight because of the required setbacks. The purpose of a PUD is to create a unique neighborhood. In this instance, the buildings could be placed in a layout that allows for a green space common area.

Two Neighborhood Meetings were held. The main concerns expressed during those meetings related to the trees and shrubbery that might be lost. Mr. Harrison explained that there was a desire to maintain as much as possible. If the home footprints can be adjusted, it would be possible to maintain a lot of the trees on the site. Not all would be able to be saved but many of them would be under a PUD concept. It would allow for a more livable situation. Mr. Harrison reported that there will be an HOA in place to make sure the green space is maintained. As for fencing, there was a plan to place a fence around the property. Nothing was being requested outside of what is in the ordinance for a PUD. He believed the development would be beneficial to the neighborhood and there was a level of neighborhood support.

Chair Banks noted that the fencing and landscaping will be addressed during the next phase of the process. This was the Conceptual phase. He asked what was anticipated in terms of the fencing and landscaping. Mr. Harrison pointed out that the City has requirements regarding fence heights and materials. There will be compliance in that regard. The intention was to have a six-foot solid barrier fence all the way around the project area. There had been discussions with abutting neighbors and there seemed to be support for that approach but some wanted a higher fence. The homes would be single-family and single-level. Landscaping would be done before the homes are sold. In order to sell the homes, he noted that the landscaping needs to look nice.

Commissioner Vilchinsky referenced the last public hearing that was held on the development. There was some concern from the adjoining neighbors about the large trees on their property. She wanted to make sure that approving the PUD will not negatively impact those neighbors. Mr. Harrison reported that there had been discussions with them. An Arborist came to look at the pine tree in question. Anything within 11 feet of the large pine tree would have an impact but everything possible would be done to mitigate the impacts. The Arborist believed everything would be okay but there were no guarantees. Mr. Harrison noted that a lot of neighbors had questions about parking. The 20-foot road that was to be put in with the PUD would ensure that all of the traffic stays on the private road rather than 4510 South, which is the main residential street.

Chair Banks opened the public hearing.

*Taylor Jackson* gave his address as 4455 South 2700 East. He wondered if this was the proposed plan or something that would be modified during the second phase. Ms. Marsh clarified that this was a conceptual proposal. It was possible to provide comments on the Conceptual Site Plan. Mr. Jackson reviewed the application and one of the statements was that there would be enhanced green space. It was unclear where the green spaces would be within the development. As for the trees, all of the trees shown seemed to be the existing ones in the neighborhood. Based on the layout of the units, all of the trees, except for the six along the rear lot, would need to be removed if the plan was built as outlined given that the driveway and homes will impact the others. Trees are important in the City of Holladay and he wanted additional details about what trees would remain. Mr. Jackson also shared comments about parking. He wondered if vehicles will be required to park inside the garages or if they would be allowed to park on the streets. Additionally, he asked about the elevation of the homes and the height of the single-story residences.

*Steve Zaraneckus* reported that his mother lives north of the property. Their concerns related to the fencing and the height of the houses. If a PUD was approved, he hoped there would still be

appropriate setbacks between the development and the existing homes. There was discussion regarding the setbacks. There is already a 20 or 30-foot setback in place for the existing home.

The Commission discussed the PUD setbacks. Commissioner Vilchinsky wanted to understand how close a building could be to the property line with an approved PUD. Ms. Marsh reported that the setbacks can be closer than the standard but the Commission could consider the impacts on the adjacent neighbors. Chair Banks reminded those present that those discussions would be appropriate during the Preliminary stage. Ms. Marsh confirmed this and explained that there could be a Condition of Approval that setbacks need to be finalized at the Preliminary level. It was noted that the Conceptual phase focuses on the lot layout and the basic overview of what the subdivision would look like. This was not in final form and some things could be changed in future phases. It was noted that the building envelopes shown were too large for the lots. However, the building envelopes would not be approved during this phase of the application process.

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

Mr. Harrison responded to some of the comments shared. He explained that every effort had been made to meet with the neighbors. There was no zone change being requested. The reason for the PUD request was so that the location of the homes could be moved around a bit. No density increases were being requested and there was a desire to maintain as many trees as possible. During the Preliminary phase of the process, more would be known about the landscaping specifics. He confirmed that the development would abide by the Tree Ordinance.

Commissioner Gong noted that some concerns about density were expressed during the public hearing portion of the meeting. That was not something that was being addressed currently as the development was already approved for four lots. The Conceptual Site Plan for the PUD was now being considered. This was high level and there would be more details shared in the next phase. Commissioner Vilchinsky felt comfortable moving forward based on what had been presented. That being said, she acknowledged that there was more work to be done at the next level.

***Commissioner Banks moved to APPROVE the Planned Unit Development Conceptual Site Plan application submitted by Mr. Grant Harrison for “Sweeten Court,” a Planned Unit Development in the R-1-8 Zone subject to the following:***

**Findings:**

- 1. The proposal meets the objectives of a Planned Unit Development.***
- 2. The proposal complies with the Master Plan and Zoning regulations.***
- 3. The proposal shows compatibility with the character of the site, adjacent properties, and existing development within the vicinity of the site.***

**Conditions:**

- 1. Compliance with the use, density, height, and graduated height limitations of the R-1-8 Zone.***
- 2. Compliance with Subdivision requirements and regulations.***

3. *Compliance with lot coverage standards of 35% would be applicable to a minimum lot size of 8,000 square feet.*
4. *Screening, signs, and lighting plans shall be addressed during the Preliminary review.*

*Commissioner Fonte seconded the motion. Vote on Motion: Commissioner Cunningham-Aye; Commissioner Vilchinsky-Aye; Commissioner Fonte-Aye; Commissioner Gong-Aye; Commissioner Banks-Aye. The motion passed unanimously.*

#### **ACTION ITEMS**

**4. Approval of Minutes – April 18, 2023; May 2, 2023.**

The Meeting Minutes from April 18, 2023, and May 2, 2023, were not presented. As a result, voting on the Meeting Minutes from those dates would be deferred to the next meeting.

#### **ADJOURN**

The Planning Commission Meeting adjourned at approximately 7:44 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, August 1, 2023.*

Teri Forbes

Teri Forbes  
T Forbes Group  
Minutes Secretary

**Minutes Approved: September 5, 2023**