

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

Tuesday, July 25, 2023

5:30 p.m.

City Council Chambers

4580 South 2300 East

Holladay, Utah

ATTENDANCE:

Planning Commission Members:

Howard Layton, Chair

Dennis Roach

Chris Layton

Karianne Prince

City Staff:

Carrie Marsh, City Planner

Jonathan Teerlink, Community Development Director

Brad Christopherson, City Attorney

WORK SESSION

Chair Howard Layton called the Work Session to order at approximately 5:50 p.m.

The agenda items were reviewed and discussed. City Planner, Carrie Marsh, reported that there are three Public Hearing items on the Regular Meeting agenda. The first item was for “Outside Music Group/Posey Cello Studio”, which is a request for a Conditional Use Permit for a Home Occupation at property located at 1986 East Cecelia Circle. The property is in the R-2-10 Zone. The standards for a Home Occupation were listed in the Staff Report. City Attorney, Brad Christopherson, noted that the public hearing would be opened during the Regular Meeting but there was a request to continue the item. The applicant wanted the full Commission to be present before a vote is taken on the Home Occupation application. The public hearing would still occur. Mr. Christopherson clarified that the hearing would be opened but would not be closed.

Ms. Marsh reported that the next two items on the Regular Meeting agenda were for Text Amendments. One pertained to landscaping and another related to signs in the Holladay Village. The Landscaping Definitions Text Amendment would address requirements by the Central Utah Water Conservancy District (“CUWCD”) and allow residents to meet qualifications for a rebate program. She explained that a lawn maximum would be added as well as details in each zone for the landscaping requirements. Chair Howard Layton noted that other nearby cities were adopting similar standards. The City of Holladay has been provided with suggested text to review and incorporate. Ms. Marsh pointed out that several residents were interested in the CUWCD rebate programs. Commissioner Roach asked if there were additional amendments. Community and Economic Development Director, Jonathan Teerlink clarified that the State Statute provided language.

As for the item related to Signs and Holladay Village Sign Regulations, it was clarified that the Holladay Village Zone has specific regulations regarding signs. Ms. Marsh reported that a landowner has a pole sign that did not meet the sign regulations in the zone. A text amendment was requested so that it would be possible to use digital numbering to list gas prices. Language was drafted relative to that request. Commissioner Chris Layton asked if the pole sign would be removed if the amendment was made. Mr. Teerlink explained that it would depend.

Ms. Marsh reported that there are two Action Items on the Regular Meeting agenda as well. The first was the “6121 South Highland Mixed-Use Redevelopment” application. At the previous Planning Commission Meeting, there were questions raised about fire access. The building would be fire sprinkled, so fire access was addressed. There were comments from Unified Fire Authority (“UFA”) included in the Staff Report. It was noted that previous questions related to fire access on the north, south, and east sides of the building. Those fire accesses are only required during construction. Once the sprinkler system is active, access concerns would be resolved.

The final Action Item was a Site Plan for the “Millwood Estates” Subdivision. Ms. Marsh reported that the Preliminary Plan was approved at the last Planning Commission Meeting. There were updated plans included in the Meeting Materials Packet for review. It removed the utility easement on the side and resolved some outstanding questions.

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

Chair Howard Layton called the meeting to order at approximately 6:00 p.m. He introduced New Planning Commissioners Jill Fonte and Angela Gong. The new Commissioners would take over two existing Commissioner spots. Commissioner Chris Layton has served on the Commission for six years, which is the maximum. Chair Howard Layton would also be leaving the Planning Commission. He clarified that the two new Commissioners would not vote at this meeting but will vote in the future when Commissioner Chris Layton and Chair Howard Layton are officially released from their positions on the Planning Commission.

Chair Howard Layton noted that three Commissioners were absent from the current Planning Commission Meeting. There are seven Commissioners in total and there needs to be at least four participate in the voting process for there to be a quorum. At the current meeting, the voting members were Commissioners Prince, Roach, Chris Layton, and Chair Howard Layton. Chair Howard Layton read the Commission Statement for the benefit of those present and shared information about the public hearing and action item processes.

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. File #23-2-08.**

Mr. Teerlink presented the Staff Report and explained that the application was for “Outside Music Group/Posey Cello Studio.” It is a Conditional Land Use Permit for a Home Occupation. The subject property is located at 1986 East Cecelia Circle in the R-2-10 Zone. It was noted that Home Occupations are home-based businesses. If there are customers, clients, or employees coming to the home, a Conditional Use Permit is required. This application is for music lessons to be taught in the home. The applicant provided a narrative to outline the nature of the service.

A public hearing was scheduled for the item but the applicant requested that it be continued to a future Planning Commission Meeting where all Commissioners would be present. As a result, it was recommended that the item be continued to the August 1, 2023, meeting. Mr. Teerlink noted

that the hearing was noticed and recommended opening the public hearing so those present could share comments. The hearing would remain open.

The applicant, Lauren Posey, introduced herself and explained that she is a cello teacher. She would like to be able to teach students in her home with one student at a time being taught. The home has a shared driveway that is narrow and long and runs behind the houses. She expressed concerns about requiring parking to be on the shared driveway when there is a lot of street parking available. She stated that the process has been frustrating and creates barriers to home uses. Commissioner Chris Layton asked about the shared driveway. Ms. Posey clarified that the driveway went back and the garages were situated behind. There were no further questions for the applicant.

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

Commissioner Chris Layton moved to CONTINUE the application for a Home Occupation for “Posey Cello School,” located at 1986 East Cecelia Circle, to August 1, 2023. Commissioner Roach seconded the motion. Vote on Motion: Commissioner Prince-Aye; Commissioner Roach-Aye; Commissioner Chris Layton-Aye; Chair Howard Layton-Aye. The motion passed unanimously.

2. **Text Amendment – Chapter 13.77; LANDSCAPING DEFINITIONS Review and Recommendation to City Council on Proposed Updates, Consolidations and/or Clarifying Amendments to Title 13, of the Holladay City Code, Land Use and Development Regulations as they Relate to Statute Obligations, Set Forth by State of Utah Legislation, Modifying Provisions Related to Landscaping Requirements for New Developments Intended to Address State of Utah Water Conversation Efforts. Item Reviewed as a Legislative Action, According to Procedures set forth in Holladay Ordinance §13.07. File #23-4-02.**

Mr. Teerlink presented the Staff Report and explained that the item was a Text Amendment for Chapter 13.77 – Landscaping Definitions. The City Council directed Staff to prepare amendments to the Landscaping Ordinances in Holladay City Code to address a rebate program that the State of Utah had put together for residents serviced by the CUWCD. The amendments before the Planning Commission would ensure that the language is in line with the State. The language would create a new concept called localscapes. Localscapes are a design concept that creates specific areas on the property that were geared toward how the land was used. State Law focuses on the main activity centers, such as the front yard. It limited new development of a property to a certain maximum lawn area for the front yard space. Along with the civil and architectural drawings, there would also need to be a Landscape Plan.

Chair Howard Layton asked about the eight-foot restriction. Mr. Teerlink explained that it is related to the sprinkler system coverage. The 10-foot maximum was the area that a sprinkler system can efficiently irrigate. The standards the City was asked to adopt included specific regulations related to design. Commissioner Prince believed the proposed language came directly from the State Legislature. This was confirmed. Commissioner Roach wondered if the language would be mandated for all new construction. Mr. Teerlink confirmed this but noted that there was one exception for single-family and duplex homes. If the homeowners are not interested in applying for the rebate, the Landscape Plan does not need to be designed by a Landscape Architect.

However, it still needs to be submitted and reviewed for zone compliance. There would be a new checklist when a submission is made for a Building Permit. Commissioner Roach asked if this would apply to all zones in the City, which it would.

There was discussion about the rebate program. Chair Howard Layton noted that the rebate is for existing properties that have modified their current landscaping. There would not be a rebate for new construction because no modifications would be made. Mr. Teerlink explained that specific steps need to be taken to qualify for the rebate. That being said, it would not be possible for a resident to receive the rebate unless the City had adopted the standards.

Commissioner Roach had concerns about the language and stated that if a Landscape Architect makes a determination, it might be possible for that Landscape Architect to circumvent the existing tree canopy requirements. Mr. Teerlink clarified that this was not the intent of the language. He wanted to make sure that the language was drafted so as to not impact the tree canopy preservation sections. He reviewed the exemption language, specifically line 38 C, which stated:

“The provisions of this chapter do not apply to the following:

- 1) The interior undercover portions of parking structures.
- 2) The interior undercover portions of carports.”

He clarified that the Tree Sustainability Plan is still required and referenced in the document. Commissioner Roach wanted to make sure the language did not have an impact on the Tree Sustainability Plan. He had concerns because he did not want there to be any loopholes. Mr. Teerlink explained that the Tree Sustainability Plan is more robust and restrictive and does a lot for water conservation.

Mr. Christopherson noted that the Planning Commission could determine whether the Text Amendment should be positively recommended to the City Council. The motion could include a recommendation that there be a provision to specify that nothing in the ordinance was intended to nullify or diminish any requirements related to tree preservation. Mr. Teerlink understood the concerns expressed by Commissioner Roach and agreed that a recommendation could be made to clarify the language to ensure that there was no ambiguity. That could be added to the motion.

Ms. Gong referenced language about public entities not being able to prohibit water-wise landscaping. She assumed that referred to Homeowners Associations (“HOA”). Mr. Teerlink explained that if an HOA wants to be more restrictive than the City, it would need to try to enforce that. Mr. Christopherson clarified that a HOA is not a public entity. It is a private entity. If an HOA exists and has certain requirements for the front lawn, that would apply to the ordinance because there was an agreement made when the property was purchased in that HOA. As long as the HOA requirements were legal at the time of adoption, they would still be considered legal, even if there was conflict. Additional discussions were had about HOAs.

Chair Howard Layton opened the public hearing.

Joan Wolfe gave her address as 1875 East Baywood Drive. She was supportive of the new standards because she had done xeriscaping in her yard and was interested in the rebate. Most of the surrounding communities have accepted the standards for new construction. Ms. Wolfe asked

about the timeline and stated that she stood to receive a much larger rebate if the new standards are adopted than if they are not. There were several other families in the same situation.

Mr. Teerlink explained that if the Planning Commission chose to forward a recommendation to the City Council, it would be considered by the City Council at a future meeting. It could be added to the next City Council Meeting agenda on August 17, 2023. It might be considered at the meeting after that, depending on how full the next City Council Meeting agenda is. As a result, it would be considered by the City Council in either August or September 2023.

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

Commissioner Roach moved that the Planning Commission forward a recommendation to the City Council to APPROVE a City Council-initiated request to amend provided sections of Title 13 of the City of Holladay Land Use Code as they relate to the statutory water efficiency standard, based on the following findings:

- 1. Compliance with the purpose of the Land Development Code by promoting and facilitating orderly growth and development within the City of Holladay.***
- 2. Compliance with the goals and policies of the General Plan by establishing appropriate development standards for all uses and zoning characters within the City of Holladay.***

The Planning Commission recommended the following:

- 1. That the language be clarified so no ambiguity or misinterpretation would allow any alteration to the existing Tree Preservation Ordinance.***

Commissioner Prince seconded the motion. Vote on Motion: Commissioner Chris Layton-Aye; Commissioner Prince-Aye; Commissioner Roach-Aye; Chair Howard Layton-Aye. The motion passed unanimously.

- 3. Text Amendment – Chapter 13.82; SIGNS AND HOLLADAY VILLAGE SIGN REGULATIONS Review and Recommendation to City Council on Proposed Amendments to Title 13, of the Holladay City Code, Land Use and Development Regulations as They Relate to Allowing Electronic-Type Pricing Signage for Gas Stations within the Holladay Village Zone. Item Reviewed as a Legislative Action, According to Procedures Set Forth in Holladay Ordinance §13.07. File #23-4-01**

Mr. Teerlink presented the Staff Report and explained that the application is for a Text Amendment to Chapter 13.82 – Signs and Holladay Village Sign Regulations. The Holladay Village has design-specific parameters related to design, architecture, aesthetics, pedestrian scale, and lighting. All of those regulations had filtered through into the Sign Ordinance. Signage was completely different in that zone than in any other commercial zone in the City. For instance, the sign sizes were smaller and the lighting was very different. The idea was that the signs should not be overly intrusive to pedestrian uses. The types of lighting had been regulated to be external in nature rather than internally illuminated. Some signs were grandfathered in, but new signs needed to adhere to the new standard. There was an applicant with the gas station at the corner of Murray Holladay Road and Arbor Lane that wanted to convert the existing marquee sign to digital.

Mr. Teerlink explained that digital displays, like electronic message boards, were prohibited in the City, specifically in the Holladay Village Zone. That being said, the applicant proposed to amend 13.82.200 of the Holladay Municipal Code to create an allowance for an LED illuminated gas price sign. The owners wanted to update the sign to a more common LED pricing sign. Mr. Teerlink explained that there was no recommendation the Planning Commission could make during the current meeting. However, it was possible to do so if there was comfort with what had been prepared. There could be a continuance if more information was desired. City Staff had prepared information about a monument-only sign. Monument signs in the Holladay Village Zone were limited to 64 square feet. As part of what had been drafted, 50% of the monument sign could be used for fuel price portrayals in an LED format. The type of color being used, the size, and the dimmable features would need to be specific to the Holladay Village Zone.

The applicant's representative, Brian Bates, introduced himself and explained that he works for a full-service electric sign company. He was hired by a national company to rebrand corporate 7-Eleven locations with digital price changers. There are older stores that still have manual price changers. He reported that there was a desire to change the prices electronically. Mr. Bates was not sure whether a monument sign needed to be put in place of the existing double pole pylon sign. Mr. Teerlink explained that the language was for a monument sign only.

Chair Howard Layton believed there was a desire to modify the existing sign so it was electronic. It seemed that City Staff was anticipating a lower monument sign that was closer to the ground. There might need to be additional communication and discussion with the City to ensure that the sign would comply with the requirements in the Holladay Village Zone. He thought it made sense to continue the item so there could be some clarification between the applicant and City Staff about what was desired. At that time, it would be possible to determine whether the Text Amendment was appropriate. Mr. Bates discussed some of the situations that he had run into in other cities. He referenced internal illumination. The only way to have a digital price changer was with internal illumination, even if there was a monument sign instead. Chair Howard Layton noted that the proposal from City Staff was to allow for an LED display. It would not be backlit in that instance.

Mr. Teerlink reported that the draft amendment had been sent to the applicant and no comments were received. He explained that when the City of Holladay incorporated, one of the primary efforts was to eliminate pole signs. Those had slowly been removed as properties changed hands and land was redeveloped. Whenever something was modified, it needed to come into compliance with the new standards. There was no standard in place for a price-changing sign, as the idea was that the language would create that new standard. However, the focus was still on removing pole signs.

There was discussion regarding appropriate motion language. Ms. Fonte understood the discussions about the monument versus pole signs but wanted to understand more about lighting. The Text Amendment was worded in a way that it only encompassed gas stations. She wondered whether there was a reason that the language was restrictive in nature. Mr. Teerlink explained that the ordinance had been written narrowly so it would only apply to gas price signs. Mr. Christopherson added that City Staff wants to draft something that would still accomplish the purposes of the Holladay Village Zone while allowing a sign that made more sense for the use.

Commissioner Prince wondered if there was Commissioner support for a gas price monument sign. If there was, she wanted to know if the applicant needed to modify their application to comply with that or if the language could move forward as it had been drafted. Mr. Teerlink explained that the applicant had applied for an electronically changeable gas price sign. Commissioner Roach wondered whether the signs would be dark sky compliant. Mr. Bates did not believe so. Mr. Teerlink explained that this was the reason the monument-style sign had been proposed. There was a desire to minimize the light that illuminates upward. Commissioner Roach asked about the language related to dimming the light at night. Mr. Teerlink explained that there were no standard lumens in the zone, but there was a preferred color. That being said, the dimmable aspect was a feature that was fairly common and would create additional flexibility.

Chair Howard Layton opened the public hearing. There were no public comments. The public hearing was closed.

There was additional discussion about the application. Mr. Bates wondered if he needed to wait for the Text Amendment for the digital price changer to be approved first. This was confirmed. From there, the applicant would be able to determine whether the current sign should remain or if there was a desire to convert it to a monument sign with a digital price changer.

Council Member Prince liked the ideas presented by City Staff and thought a reasonable approach had been taken. Chair Howard Layton thought the language was written concisely. He wondered whether Commissioners felt anything needed to be added. Commissioner Roach liked that it was specific to gas station pricing, so it would not be possible for other uses to occur.

Chair Chris Layton moved to forward a recommendation to the City Council to APPROVE an application by Michael Lam to amend 13.82.200 of the City of Holladay Land Use Code to allow gas price signs with specific design standards, as written and prepared. Commissioner Prince seconded the motion. Vote on Motion: Commissioner Chris Layton-Aye; Commissioner Roach-Aye; Commissioner Prince-Aye; Chair Howard Layton-Aye. The motion passed unanimously.

ACTION ITEMS

- 4. “6121 South Highland Mixed-Use Redevelopment” – Continuation of Preliminary and Final Site Plan - 6121 South Highland Drive (Holladay Crossroads Zone) Preliminary and Final Level Review and Consideration of Development Details by Chris Ensign, Applicant. Review of this 0.96 Acre Mixed-Use Development is Conducted According to Concept Approval Granted According to Zone Compliance on October 5, 2021. Review of Compliance with Site Development Master Plan Standards According to Holladay Ordinance §13.66 for the Holladay Crossroads Zone and Holladay Ordinance §13.08 for Commercial Site Plans. File #21-9-01**

Mr. Teerlink presented the Staff Report and explained that the application pertains to the “6121 South Highland Mixed-Use Redevelopment.” Mr. Christopherson reported that at the last Planning Commission Meeting, there was a question raised regarding fire access. There had since been clarification with UFA. Since this would be a sprinkled building, UFA had no concerns about being able to stage from a public street. There was no need to have a permanent easement. It was just during the construction period that UFA needed to make sure that there was appropriate access. Chair Layton wondered whether there was written confirmation. Mr. Teerlink explained the

comments were appropriately documented. Commissioner Chris Layton referenced the challenges that could occur during construction. There needed to be a clear path and fire apparatus access.

There was discussion regarding the building height. Mr. Christopherson explained that the supplementary regulations in the Code have differing standards than what the Holladay Crossroads Zone but the Holladay Crossroads Zone standards control. All measurements will be double-checked during the Building Permit process, which was standard. Mr. Teerlink noted that most of the Commissioners were on the Planning Commission when the Holladay Crossroads Zone was created. There had been a lot of discussions about height at that time. Commissioner Chris Layton asked what the building height limit was in the zone. Mr. Teerlink reported that it was 58 feet in that location. The Commission further discussed heights.

Commissioner Prince moved to APPROVE the Preliminary and Final Plan application by Chris Ensign, representing Solstice Development for an 83-unit residential, mixed-use redevelopment project, located at 6121 South Highland Drive in the HCR Zone, based on the following:

Findings:

1. ***Development details comply with the Concept Plan approved on 10/05/2021.***
2. ***Development details required for a Preliminary and Final Site Plan have been submitted and reviewed by the Technical Review Committee (“TRC”).***
3. ***Lane use and site features comply with the HCR Zone standards.***
4. ***The development fulfills goals of the Holladay Crossroads Small Area Master Plan.***
5. ***Preliminary level drawings were not subject to conditional approvals (Concept Plan was approved, unconditionally).***
6. ***Stormwater detention areas and public improvements have been reviewed by the City Engineer.***
7. ***Fire access has been approved by the UFA.***

Requirements:

1. ***Approval is not to be construed as a waiver to any and all applicable building standards required of the HCR Zone.***
2. ***Post-development bonding requirements for public improvements, as determined by the City Engineer.***
3. ***Provide CC&Rs detailing architectural control, maintenance of private/public garage elements, and stormwater retention areas.***

Commissioner Roach seconded the motion. Vote on Motion: Commissioner Chris Layton-Aye; Commissioner Roach-Aye; Commissioner Prince-Aye; Chair Howard Layton-Aye. The motion passed unanimously.

5. **“Millwood Estates” Subdivision – Final Site Plan - 4600 South Holladay Boulevard (Holladay Village Zone) Final Level Review and Consideration of Development Details by Marlyn Miller and Shawn Lockwood, Property Owners. Review of this 0.73-Acre Development is Conducted According to Concept Approval Granted on January 10, 2023, and Preliminary Approval Granted on July 11, 2023, According to Zone Compliance and Residential Subdivision Development Standards According to Holladay Ordinance §13.10. File #22-1-16.**

Mr. Teerlink presented the Staff Report and explained that the application is for the “Millwood Estates” Subdivision Final Site Plan. The property is located at 4600 South Holladay Boulevard in the Holladay Village Zone. The Commission requested final approval, so the Final Site Plan had been returned to the Planning Commission. Normally, that section of the application is deferred to City Staff. The plat was reviewed by the Commissioners.

A Subdivision Plat was created and met the standards of the State and the City of Holladay. Mr. Teerlink explained that there was a lot of line work on the plat that was responsible for creating what would potentially be sold as real property. It was the last step in the subdivision phase. Accuracy in the property descriptions was very important. He identified the driveways and parking stalls that were assigned to the individual units. The plat itself was compared to what was approved in the Preliminary and Concept level drawings. All of the documents were included in the Meeting Materials Packet for review. At this level, the TRC reviewed descriptions, addressing, and the title blocks for ownership of the property itself. At the bottom, it was possible to see where the City of Holladay would sign as well as the Health Department, City Attorney, City Manager, and the County Recorder. The document was signed by all departments and was then taken to the County to record. It would then be possible to sell real property. The TRC worked with the applicant to create the finalized document.

Commissioner Roach reported that the last time the application came before the Planning Commission there was a plan showing utility access. There were questions at that time about the access and what had been approved. That was the reason it had come back to the Planning Commission for final review and additional consideration. What the Commission had in front of them at that time did not match what was in the text language. He appreciated that the applicant had made clarifications. Commissioner Chris Layton noted that Staff worked closely with the applicant. It was a solid application and all seemed to be in order.

Commissioner Chris Layton moved to APPROVE the Final Plan application by Marlyn Miller for Millwood Family Estates, a residential subdivision, located at 4600 South Holladay Boulevard in the HV Zone, based on the following:

Findings:

1. ***Construction details for the development comply with the Preliminary Plan approved on 07/11/2023.***
2. ***Final development plan details, as required, are determined by the TRC as complete.***

Requirements:

1. ***Prior to recording the Final Plat:***

- a. *Post-development bonding requirements as determined by the City Engineer; and*
- b. *Provide CC&Rs detailing maintenance of private lane.*

Commissioner Prince seconded the motion. Vote on Motion: Commissioner Chris Layton-Aye; Commissioner Roach-Aye; Commissioner Prince-Aye; Chair Howard Layton-Aye. The motion passed unanimously.

ADJOURN

Commissioner Roach and Commissioner Prince reported that they would be unable to attend the next Planning Commission Meeting on August 1, 2023. Ms. Marsh explained that as long as the other Commissioners were present, it would be possible to hold the meeting as planned. Commissioner Prince referenced the first applicant who wanted the full Commission to be present. It was noted that the next Planning Commission Meeting is scheduled for August 15, 2023.

Commissioner Prince thanked Chair Howard Layton and Commissioner Chris Layton for their service.

Commissioner Prince moved to ADJOURN. The motion passed with the unanimous consent of the Commission.

The Planning Commission Meeting adjourned at approximately 7:20 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, July 25, 2023.

Teri Forbes

Teri Forbes
T Forbes Group
Minutes Secretary

Minutes Approved: September 5, 2023