

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

**Tuesday, September 19, 2023**

**5:30 p.m.**

**City Council Chambers**

**4580 South 2300 East**

**Holladay, Utah**

**ATTENDANCE:**

**Planning Commission Members:**

Dennis Roach, Chair

Ginger Vilchinsky

Paul Cunningham

Karianne Prince

Martin Banks

Angela Gong

**City Staff:**

City Planner, Carrie Marsh

Jonathan Teerlink, Community Development Dir.

Brad Christopherson, City Attorney

**WORK SESSION**

Chair Dennis Roach called the Work Session to order at approximately 5:37 p.m. The agenda items were reviewed and discussed. City Planner, Carrie Marsh, reported that there were four Public Hearing items on the Regular Meeting Agenda. The first item was the “Highland 4141 Office Condominiums” Subdivision. It is an existing office building under one ownership, but the proposal was to divide each office suite into separate ownership. That required a conversion to a Condominium Plat. There would be a Concept, Preliminary, and Final Plat review. Final approval could be deferred to City Staff. Chair Roach asked whether renovations would occur. Ms. Marsh clarified that there would be tenant improvements for individual units, which would be handled under the Building Permit process. The separation into individual parcels was before the Commission for consideration. All appropriate paperwork had been completed.

Commissioner Banks referenced Page 2 of the Staff Report, which included the Technical Review Committee (“TRC”) analysis. It stated that “All improvements to meet current Building Code.” He wondered if that was a suggested condition. Ms. Marsh explained that it would be handled as part of the Building Permit process. The Building Official reviewed the application and determined that any improvements made would need to meet the current Building Code. Commissioner Banks referenced the Public Works/City Engineer section, which mentioned the replacement of the curb, gutter, and sidewalks. Ms. Marsh stated that this would not need to be done as part of the Condominium Plat. The City Engineer concluded that those were acceptable.

Chair Roach asked if the Staff Findings or TRC Analysis needed to be listed during the motion. Ms. Marsh clarified that the Staff Findings would be read aloud during the motion. City Attorney Brad Christopherson, noted that there was a Concept, Preliminary, and Final Plat before the Commission. The Commission could approve all of them at one time, however, if the Commission found that not everything was complete, it was possible to separate out the steps.

The second item on the Regular Meeting agenda was a Zone Map Amendment. Ms. Marsh reported that it was a rezone on Westmoor Road from the Public (P) Zone to the R-1-10

(Residential Single-Family) Zone. She explained that this is property that the church is selling. As a result, the property requires a rezone. There was discussion about the cover letter in the Meeting Materials Packet. It was administrative in nature and did not impact the overall application.

Chair Roach asked if the R-1-10 Zone was found in the surrounding area. Ms. Marsh confirmed this and explained that the rezone would default to the surrounding zones. Commissioner Prince asked about Delaware Lane and Westmoor Road. She wondered if those had ever connected. Ms. Marsh was not certain how long the church had existed on the site, but there may have been some connection prior to the existence of the church.

The third item on the Regular Meeting agenda was another Zone Map Amendment. This was a request for a rezone from the R-1-43 Zone to the R-1-10 Zone. The two neighboring parcels were located at 4980 and 4900 South Holladay Boulevard. The two parcels do not conform to the R-1-43 size and are currently 0.55 and 0.70 acres in size. With the smaller minimum lot size under the R-1-10 Zone, the intention was to shift some of the property from each of those parcels onto the property in the back that fronts Cottonwood Drive. To do that, there needs to be a rezone. Ms. Marsh shared a map with the Commission for reference. The south property, which was not part of the application, is 0.40 acres in size. The proposed rezone and lot line adjustment would make the parcels approximately the same size. The map was further reviewed. The property on the north has access through the Holladay Pines PUD, which is zoned R-1-10.

Commissioner Banks referenced the second page of the Staff Report, which stated, “Considering the size of the two subject properties, 4980 South’s driveway being within the neighboring PUD that is zoned as R-1-10, and the adjacent property on the south being 0.40 acres, Staff believes that the parcels in question could reasonably be considered to fall within the Residential Single-Family – Stable area.” Ms. Marsh identified the circled area in Figure 2. The protected area curved down and there were no property boundaries there to make a firm determination. The decision to be within the Stable Zone was based on the fact that the size of the properties did not conform to the R-1-43 Zone. If there was a desire to go by what the zone was, it would be more likely to fall within the Protected Zone. However, there would be non-compliance with the size of the homes currently in that zone and that existed. Commissioner Prince referenced the aerial map. When looking at that map, she understood why it could reasonably fall within the Stable Zone.

Chair Roach discussed the Bywater Basketball Barn and explained that this was adjacent to it. He believed this would ensure that there was more of a buffer around the structure. Community Development Director, Jonathan Teerlink, explained that accessory buildings have a maximum building height of 20 feet regardless of the size of the lot. Commissioner Prince recalled the discussion about the Bywater Basketball Barn but did not recall the specific outcomes. Mr. Teerlink reported that there was a Conditional Use Permit. There was now a desire to change some property lines to conform with the zones that were there. Ms. Marsh stated that there was an approved Building Permit for the Bywater Basketball Barn based off of the current lot size.

Commissioner Gong reported that she is related to the Bywater family. As a result, she believed she should recuse herself from the vote. She asked if there was a formal process to do that. Mr. Christopherson clarified that when there is a financial interest, the conflict of interest needs to be submitted in writing. If there is not a financial relationship, it was possible to make note of the

conflict during the meeting. He recommended that she recuse herself from the vote for that particular item but he did not believe she was technically required to do so.

The fourth item on the Regular Meeting agenda was a Zone Map Amendment. Ms. Marsh reported that there was a rezone request for three different properties located at 4437 Butternut Road, 2475 East 4500 South, and 2485 East 4500 South. She clarified that there were three separate property owners with a joint application. The request was to rezone the property on Butternut Road from R-1-8 to R-2-8 and the other two properties from R-1-10 to R-2-8. The R-2-8 Zone allows for a single-family home on 5,000 square feet or an attached unit on 8,000 square feet.

Commissioner Prince noted that the summary stated the properties were historically zoned R-1-8, but that had changed over the years. She wondered if that happened when the City of Holladay was incorporated. Ms. Marsh confirmed this. It was likely that most of the surrounding properties met the R-1-10 lot size. On the County historical maps, there was a lot of variation in the zones shown. During incorporation, she believed the intention was to create more consistent zones across larger areas of land. Mr. Teerlink explained that the majority of the City was rezoned during incorporation. There was a desire to more closely describe what the actual land uses were. In this case, because the lots are slightly larger, R-1-10 was selected as the zone for the area.

Ms. Marsh shared information about Accessory Dwelling Units (“ADU”). She explained that an Internal Accessory Dwelling Unit (“I-ADU”) is rentable if the property owner lives on site. For an External Accessory Dwelling Unit (“E-ADU”) to be rentable under the current Code, it needs to be located on a lot that is twice the size as the minimum lot size in the zone. If there was a 10,000-square-foot property in an R-1-10 Zone and someone wanted to build a Detached ADU, it would not be possible to rent it because it is not on a parcel that is twice the size required for the zone. It is much more difficult for a property owner to rent an E-ADU than an I-ADU. That was where an R-2 Zone would be more favorable in this instance because it would be possible to rent an E-ADU if the lot size requirements were met. Ms. Marsh informed the Commission that the requirement would be 10,000 square feet in the R-2-8 Zone.

Commissioner Paul Cunningham noted that the Meeting Materials Packet included a Future Land Use Map. Ms. Marsh reported that it was from the General Plan. Mr. Teerlink explained that there had been several iterations of that General Plan map but that area had not changed in long-range land use since 2009. Commissioner Cunningham did not believe the map was done with precision. Mr. Teerlink clarified that General Plan maps are not usually overly precise.

Mr. Christopherson reminded the Commissioners that for rezone applications, the Planning Commission would make a recommendation to the City Council. The fourth item on the Regular Meeting Agenda involved different parcels and different property owners but it was one application. As a result, the Commission would decide between all three of the properties.

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

Chair Roach called the Regular Meeting to order at approximately 6:09 p.m. Commissioner Vilchinsky read the Commission Statement aloud for the benefit of those present.

**PUBLIC HEARING**

1. **“Highland 4141 Office Condominiums” Subdivision - Concept/Preliminary/Final Plat - 4141 South Highland Drive (“PO Zone”) Preliminary Level Review and Consideration of Development Details by Applicant, Stout Building Contractors. Review of this 1.9-acre Development is Conducted According to Concurrent Concept and Preliminary Review Procedures According to PO Zone Compliance and Conversion to Condominium Development Requirements of Holladay Ordinance §13.85. File #23-1-09.**

Ms. Marsh presented the Staff Report and explained that the application was for the "Highland 4141 Office Condominiums" Subdivision. Before the Planning Commission was a Concept, Preliminary, and Final Plat for property located at 4141 South Highland Drive in the PO Zone. The subdivision would convert the existing office use from single ownership to multiple. This required a vertical plat to be recorded with Salt Lake County to create 12 individual units that could be individually owned. The application was reviewed by the TRC and the comments from each department were noted in the Staff Report. The TRC recommendation was that the Planning Commission hold a public hearing and consider comments. Staff found that all of the required elements had been submitted and the application was complete. As a result, the TRC recommended that the Planning Commission approve the Concept and Preliminary Subdivision Plat that had been presented and defer the Final Plat to Staff approval.

The applicant, Mike MacFarlane, introduced himself and explained that he is with Stout Building Contractors and is the Project Manager. Mr. MacFarlane explained that the property is an existing single-owner office space that would be converted into condominium spaces with some common areas that include restrooms and the entrance. Each plat will be sold and a Building Permit be required for the new buyers to remodel the space to suit their needs. The common space upgrades would include hallways, entrances, and emergency stair exits. There would also be upgrades to the railings and floors in the common areas as well as new windows and a new façade to the building to modernize the overall look.

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

***Commissioner Banks moved to APPROVE the Concept, Preliminary Plan, and Final Plat application by Stout Building Construction for Highland 4141 Office Condominiums, a 12-unit vertical subdivision, located at 4141 South Highland Drive in the Professional Office (PO) Zone subject to the following:***

**Findings:**

1. ***The development details required for a Preliminary and Final Site Plan have been submitted and reviewed by the TRC.***
2. ***The development complies with regulations within the Professional Office Zone.***
3. ***The development complies with the General Plan.***
4. ***The required submittals for Conceptual and Preliminary Subdivision development have been provided where applicable and are complete and acceptable.***

5. *Fire access has been approved by the Unified Fire Authority.*
6. *Separate utility meters and shutoffs for each unit are not required.*

*Also, within one year, and in accordance with 13.08.010D5, administrative review and approval of the Final Plat should be deferred to the Community and Economic Development Director following a positive, written recommendation from the TRC. Commissioner Vilchinsky seconded the motion. Vote on Motion: Commissioner Gong-Aye; Commissioner Cunningham-Aye; Commissioner Vilchinsky-Aye; Commissioner Prince-Aye; Commissioner Banks-Aye; Commissioner Roach-Aye. The motion passed unanimously.*

2. **Zone Map Amendment - Rezone from P to R-1-10 - 4930 South Westmoor Road Review and Recommendation to City Council on a Proposal by Applicant Benjamin Wheat to Amend the Holladay Zone Map at this Location from the Current P Zone ("Public") to the R-1-10 Zone (Residential Single-Family) for approximately 2.88 Acres of Property. Item Reviewed as a Legislative Action, According to Procedures Set Forth in Holladay Ordinance §13.07. File #23-4-03.**

Ms. Marsh presented the Staff Report and stated that the application is for property located at 4930 South Westmoor Road. It is currently zoned Public due to its use as a church. The applicant is requesting a rezone to R-1-10, which matches the surrounding neighborhood since the use of the church would be discontinued. The rezone was necessary to facilitate development. The property is 2.88 acres in size and the R-1-10 Zone requires a minimum lot size of 10,000 square feet. The TRC reviewed the rezone proposal and found that it meets the goals of the General Plan. As a result, Staff was in favor of the application and recommended approval.

The applicant, Benjamin Wheat, introduced himself to the Commission and reiterated that the request is for the property to be rezoned from the current Public Zone to the R-1-10 Zone.

Chair Roach opened the public hearing.

*Harold Bateman* gave his address as 1694 Bunkerhill Road and stated that he was told that there would be nine separate lots. He wanted to confirm that was still the case. Ms. Marsh reported that the density of the property will be determined by the property size. The analysis, based on the size of the property, indicated that it could accommodate up to 12 units. Mr. Bateman had spoken to Mr. Wheat previously and indicated that there would only be nine units on the property.

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

Commissioner Gong believed the question about the number of lots was important to consider in the future; however, since the property was to be rezoned to R-1-10, the same zone as the surrounding neighborhood, there would likely be the same character and feel of the surrounding neighborhood.

***Commissioner Prince moved that the Planning Commission forward a recommendation to the City Council to APPROVE an application by Benjamin Wheat to amend the Holladay Zoning Map for 2.88 acres of land, located at 4930 South Westmoor Road, from P to R-1-10, based on the following findings:***

1. *The proposed amendment is consistent with the goals, objectives, and policies of the General Plan.*
2. *The proposed amendment is harmonious with the overall character of existing development in the vicinity.*
3. *The proposed amendment is not foreseen to adversely affect abutting properties.*
4. *Adequate facilities and services exist and will be part of any future subdivision proposed after the amendment.*

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

3. **Zone Map Amendment - Rezone from R-1-43 to R-1-10 - 4980 South and 4990 South Holladay Boulevard Review and Recommendation to City Council on a Proposal by Applicants, Stephanie and David Bywater, to Amend the Holladay Zone Map at this location from the Current, R-1-43 Zone (Residential Single-Family, 43,560 square foot minimum lot size) to the R-1-10 zone (Residential Single-Family, 10,000 square foot minimum lot size) for 2 Parcels Sized at 0.55 acres (23,958 square feet) and 0.70 Acres (30,492 square feet), which do not Conform to the Current Zone's Lot Minimums. Item Reviewed as a Legislative Action, According to Procedures Set Forth in Holladay Ordinance §13.07. File #23-4-06.**

Ms. Marsh presented the Staff Report and explained that the application is for a rezone from R-1-43 to R-1-10. The adjacent parcels are located at 4980 South and 4990 South Holladay Boulevard. 4980 South Holladay Boulevard has a property size of 0.70 acres and 4990 South Holladay Boulevard is 0.55-acre in size. The applicants were seeking to rezone the two properties from R-1-43, which has a minimum lot size of one acre, to R-1-10, which has a minimum lot size of 10,000 square feet. Currently, both properties are non-conforming in the existing zone. The intention was to rezone to adjust a property line boundary on a neighboring property on Cottonwood Lane. The General Plan referred to the area as Residential Single-Family – Stable, which is on the boundary of a protected area. The properties directly to the north of the 4980 parcel were zoned R-1-10 so the properties abut the zone.

The Low-Density Residential—Stable Zone supports rezoning for unclaimed density. It was not foreseen that any additional density would be added with the zone change. The TRC recommended that the rezone request be forwarded positively to the City Council based on the findings set forth in the Staff Report.

The applicant, Brian Hebdon, introduced himself and stated that he is the Project Architect. His office is located in Millcreek. The rezone was requested so it would be possible to add a detached structure to the back of another property in the future. The two lots are non-conforming in the R-1-43 Zone as the properties were grandfathered in. The rezone would ensure that the lots conform to the requirements of the R-1-10 Zone.

Commissioner Prince asked if the intention was to take land from the two applicant parcels in the future to add to the property on Cottonwood Lane. This was confirmed. Mr. Hebdon explained that studies were underway to determine how that would be done. Even with the lot line adjustment, the two lots would conform to the R-1-10 requirements. Commissioner Cunningham asked if the potential future detached structure would impact the protected area shown. Mr. Hebdon did not believe it would impact that area at all.

Chair Roach reported that the property owner came before the Planning Commission approximately one year earlier to discuss the Bywater Basketball Barn. He wondered if the additional structure mentioned would be in addition to that. Mr. Hebdon clarified that it would involve a relocation. The intention was to move the basketball barn off of that particular property by taking land from the two subject properties and adding the building to that location. Commissioner Prince asked if a new proposal would be presented to the Planning Commission. Mr. Hebdon did not believe it would need to come back before the Planning Commission because portions of the other properties would be added to the property where the use was permitted. It would still be possible to maintain the required setbacks and height restrictions on the property.

Chair Roach believed that during the previous discussions about the Bywater Basketball Barn, there were concerns expressed about trees. There is also a fairly wooded area at the back of the two properties being discussed. He wondered if the lot line adjustment would impact what was previously approved as far as the Tree Ordinance. Mr. Hebdon stated that the majority of the trees there are of small caliper. As part of the landscaping efforts, more foliage would be added to the backyard, and foliage shown in the originally proposed locations would be preserved.

Commissioner Cunningham reported that he was not on the Planning Commission when the Bywater Basketball Barn was previously reviewed. He asked for additional information about that project. Mr. Hebdon clarified that it would not be for commercial use. The basketball barn is a place where families can play basketball, pickleball, and other kinds of sports. Additionally, it would be possible to hold a wedding reception for family members in the barn area. It was only for personal use. There would be no commercial use on the site. Commissioner Cunningham asked about the relocation of the building with the lot line adjustment. He wanted to know if there would be an additional impact on the neighbors in terms of the noise. Mr. Hebdon reported that the basketball barn would be further away from the neighbors in that scenario. By adding more land to the current parcel, there would be more privacy and flexibility. There will not be a lot of noise associated with the basketball barn because there will be an interior sports court. Commissioner Prince noted that the Planning Commission was being asked to consider the zone amendment for the two properties. Any lot line considerations will be discussed at a later date.

Chair Roach opened the public hearing.

*John Crandall* gave his address as 4956 Holladay Pines Court and stated that he lives in the PUD adjacent to 4980 South Holladay Boulevard. He noted that 4980 South Holladay Boulevard shares a road with the Holladay Pines PUD. Mr. Crandall expressed concerns about the rezone. If it occurs and there is not a property line readjustment, there could be additional homes built on the parcels. Ms. Marsh reported that with a 10,000-square-foot minimum lot size, rezoning means the 0.77-acre parcel on the south side could potentially be subdivided into three. The parcel on the north could be subdivided into two. Mr. Crandall reiterated his concerns about that. He also

pointed out that sewer is an issue in the area already. If there are two parcels on the 4980 South property, there could be additional sewer issues created for the existing PUD.

Chair Roach noted that a subdivision application would need to be submitted to the City if the desire is to subdivide. What is currently being considered by the Commission is a rezone. Ms. Marsh confirmed this and explained that a subdivision would require a separate process. Mr. Hebdon reported that there is a legal non-conforming situation currently taking place. For there to be a lot line adjustment, the applicants need to bring the lots into conformity.

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

Commissioner Gong disclosed a familial connection to the property and reported that Stephanie Bywater is her cousin. As a result, she would recuse herself from the discussion and vote.

Commissioner Cunningham pointed out that none of the representations about the lot lines are legally binding. It would be possible for something different to be proposed in the future. Mr. Christopherson explained that this was the first step of the rezone process. The Planning Commission was being asked to make a recommendation to the City Council. Ultimately, there would need to be Council approval before there was a zone change approved. Commissioner Cunningham noted that even if lot line adjustments do not occur, the rezone would still bring non-conforming lots into compliance. That was enough of a reason to move the application forward.

***Commissioner Vilchinsky moved that the Planning Commission forward a recommendation to the City Council to APPROVE an application by Stephanie and David Bywater to amend the Holladay Zoning Map for 0.55 and 0.70 acres of land, located at 4980 and 4990 South Holladay Boulevard from R-1-43 to R-1-10, based on the following findings:***

- 1. The proposed zone amendment is consistent with the goals, objectives, and policies of the General Plan.***
- 2. The proposed zone amendment is harmonious with the overall character of existing development in the vicinity.***
- 3. The proposed zone amendment does not substantially affect abutting properties.***
- 4. The proposed facilities and services are adequate for the zone amendment.***

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

- 4. Zone Map Amendment - Rezone from R-1-8 to R-2-8 - 4437 Butternut, 2475 East 4500 South, and 2485 East 4500 South Review and Recommendation to City Council on a Proposal by Applicants, Daniel Kemp, Choompone Watchalotone, and Kevin Holman to Amend the Holladay Zone Map at this Location from the Current, R-1-8 and R-1-10 Zones (Residential Single-Family, 8,000 square feet and 10,000 square foot minimum lot size) to the R-2-8 Zone (Residential Two-family) for Three Separate**



**Parcels Sized at 7,840 square feet (0.18 acres), 17,859 square feet (0.41 acres), and 11,325 square feet (0.26 acres). Item Reviewed as a Legislative Action, According to Procedures set forth in Holladay Ordinance §13.07. File #23-4-07.**

Ms. Marsh presented the Staff Report and explained that the application was for a Zone Map Amendment. The application involves properties at 4437 South Butternut Road, 2475 East 4500 South, and 2485 East 4500 South. The application was brought forward by three individual property owners in one application. The proposal was to change the zone from R-1-8, which was the zone for the property on 4437 South Butternut Road, and R-1-10, which was the zone for the two properties on 4500 South. The request was to change the zone for all three of those properties to the R-2-8 Zone. The property owners wanted to either utilize existing structures or be able to create additional dwelling units on the individual properties. Ms. Marsh reported that the maximum number of additional dwelling units that could be gained by the rezone was five. However, restrictions would apply for each property based on attached units or detached units.

Commissioner Prince reported that there are currently three properties with three structures, one of which has a unit in the basement of the garage. She wondered if this meant there could be a maximum of two additional properties added. Ms. Marsh reported that it is based on the size of each property. For example, the property on Butternut Road could not add an additional unit based on the lot size unless the property size is increased or the dwelling unit beneath the garage is attached in some way. Adjustments would need to be made for the unit underneath the garage to be legally rentable. As for the middle property, there were more options there based on lot size. There could be a maximum of four units. The final property, located at 2485 East 4500 South would be eligible for one more single-family unit.

Ms. Marsh reported that the General Plan referred to the area as Medium Density Residential – Transitional/Two-Family (MDR-T). She noted that rezoning would meet the goals stated in Chapter 5 of the General Plan related to Moderate-Income Housing. A bus stop is located on the corner of 4500 South and Butternut Road, so the properties were located along a transit corridor. Enabling a rezone on a transit corridor would meet a moderate-income housing strategy.

The TRC reviewed the application and had concerns with the narrow, 20-foot-wide substandard road between the park and the subject properties. It was noted that additional units would not cause a significant increase in traffic. If additional units were added, the increase in traffic would be negligible and the roadway could still be used by the neighbors. If any additional units were added to the subject properties, parking would be managed on-site. There is no parking on the park side of the road. Most parking for the park should occur on 4500 South where there is a large area on the shoulder. The TRC and City Staff suggested that a positive recommendation be forwarded to the City Council. Chair Roach noted that there are three applicants. Ms. Marsh clarified that one applicant would speak as a representative. Public comments were submitted to the City before the meeting and included in the Meeting Materials Packet for review. Those comments did not need to be read aloud but would be included as part of the public record.

The representative, Daniel Kemp, introduced himself and stated that he lives at 4437 Butternut Road. The reason this situation came about was that he purchased the property recently and it was already configured with a Detached ADU beneath the garage. There was initial excitement about the possibility of renting that out but it was later determined that it was not possible to rent due to City Code. There was a desire to find out how to make the space rentable in a legal manner. It

was brought to his attention that the neighbors to the east were also interested in the same rezone. Ultimately, the decision was made to apply together.

Mr. Kemp reported that his lot was 8,000 square feet in size initially, but a small portion of the property was given back to the City at some point, which made it approximately 160 square feet short of that. He was informed that the Detached ADU requirements did not make renting possible on the site, because it is less than 10,000 square feet in size and it did not appear that lot line changes would occur. However, there was still a desire to move forward with the rezone because the other applicants were interested in their lots being rezoned. At the current time, he was unable to utilize the ADU and rent the unit but noted that there were ADU discussions scheduled to take place in the City. Mr. Kemp reported that the owner of the property at 2475 East 4500 South wants to add one more single-family home on the property and the owner of 2485 East 4500 South intends to build a detached garage with an ADU. Neighbors were concerned about traffic and he wanted to be mindful of that.

Commissioner Banks reported that Mr. Kemp indicated that he was interested in seeing the traffic decrease on the street. He asked for suggestions to decrease the traffic levels. Mr. Kemp explained that access to buses would be useful for potential ADU rentals. Commissioner Banks believed that might mitigate the expansion of traffic but he indicated that there was a desire to reduce the current traffic levels. Mr. Kemp explained that there had been discussions about possible scenarios. He acknowledged that people like to utilize it as a thru street but there could be speed issues.

Chair Roach wondered what it would take to turn the detached ADU into an attached ADU on the Butternut Road property. Ms. Marsh explained that it would require a significant amount of work to make it attached. That kind of work could also be costly. Mr. Kemp stated that adding something like an awning would not make it attached. It needs to be enclosed. There was discussion about parking and the garage on the subject property. Commissioner Banks asked what was desired on the other properties. Mr. Kemp stated that the owner of the middle property wants to build an additional structure so a family member can live nearby while the other property owner wants to build something similar to what is on his property, which is an ADU.

Chair Roach opened the public hearing.

*Jeff Beck* gave his address as 4416 South Butternut Road. He was not opposed to density increases when they make sense but he was opposed to this particular rezone application. The home Mr. Kemp bought has an ADU that was not legal to rent out. He was not sure that a rezone was an appropriate way to try to address that problem. Mr. Beck shared information about 4470 South, which is the narrow substandard street referenced earlier. Density increases made sense on 4500 South because there is a large road and a lot of traffic could be accommodated. He commented that 4470 South does not make sense because of the current road conditions. He felt it was important to remember that this is not 4500 South being discussed but 4470 South. The intent of the General Plan would not be met by increasing the density in the area.

Commissioner Banks asked what portion of the General Plan he felt the proposal was inconsistent with. Mr. Beck stated that the General Plan identifies 4500 South as a corridor that should have

increased density but the subject properties would impact 4470 South. Where there is a large arterial, it makes sense to have increased density but not elsewhere.

*Alicia Derr* gave her address as 2413 East Butternut Circle and pointed out that there are No Parking signs along the park side, however, it is possible to see where two feet of the grass have been destroyed because vehicles park there anyway. She was concerned that the City of Holladay does not have the resources to continue to enforce the No Parking regulation on that side. Ms. Derr expressed concerns about increased parking in the area and the existing issues. She noted that the majority of homes on the north side of 4500 South are zoned R-1-10 or R-1-8. There is nothing on the north side of 4500 South that is zoned R-2. On the south side, the homes that are within the R-2-10 Zone have small private streets that allow for parking in the rear. She was concerned that it would not be possible to accommodate additional parking if there was a rezone. As for the General Plan goal related to affordable housing, she did not believe that additional units on the subject properties would result in affordable housing, so that goal would not be met.

*Andrew Webb* gave his address as 4348 South Butternut Road and stated that there are many families in the area with children. That was the reason that traffic was such a significant concern to neighbors. He was sensitive to Mr. Kemp's situation and understood his frustrations about the ADU. He did not, however, believe that the rezone would be appropriate in this instance.

*Cheryl Farr* gave her address as 4400 Butternut Road and agreed with some of the comments made. As for 4470 South, there is no sidewalk on either side of the street. There is a lot of foot traffic coming from the school down through 4470 South and the park. The sidewalk on the north side of the park is the only pedestrian access in the area. When children walk from Howard R. Driggs Elementary School, there are safety concerns due to the lack of sidewalks. She has also witnessed pedestrian accidents in the area. Ms. Farr shared information about the configuration of the streets. She was concerned about an increase in traffic because she believed it would make the existing issues worse.

Ms. Farr had concerns about a potential increase in density. As for the moderate housing goal, she did not believe the properties would provide anything affordable as it was a more expensive area. She was also concerned about the character of the neighborhood. If new homes are built on the subject properties, it would not fit with the existing character since most homes in the area are single-level homes with basements.

*Elaine Erekson* gave her address as 4388 South Wander Lane and stated that she lives to the north of the subject properties. She was concerned about the potential increase in density if the rezone was approved. Ms. Erekson agreed with the other comments shared.

*Caitlin Beck* gave her address as 4416 South Butternut Road and stated that there is a lot of connectivity in the area. If one vehicle is parked on the narrow street it is difficult to move through. That road is already a problem and concerning to potentially add more density and traffic. She reiterated concerns about traffic and accidents.

*Robert Bradley* gave his address as 4375 South 2490 East. He clarified that one of the properties was zoned R-1-10 a few years ago and then converted to R-1-8. Historically, it had been R-1-10. Chair Roach asked for confirmation from a member of City Staff. Mr. Teerlink reported that the

1999 County Zoning Maps showed the property as R-1-8. During incorporation, it was changed to R-1-10. The resident was correct in the fact that a few years ago, it was rezoned to R-1-8.

*Kevin Holman* identified himself as one of the property owners associated with the application and the owner of the property at 2485 East 4500 South. The closing documents when he purchased the property referenced 4500 South. He had never seen 4470 South referenced in relation to his property. For the last three years he has worked from home and his living room window looks out at the street all day. He can see the speeds people drive and did not feel it was appropriate for children to walk there unsupervised. He had witnessed a lot of near misses. Mr. Holman believed the concerns related to traffic were valid but could be addressed by adding a sidewalk on the park side of the road. He reiterated that it is unsafe to allow children to walk in the area unsupervised or to cross 4500 South to Wander Lane unsupervised.

There was discussion about what Mr. Holman wants to do on his property in the future. He explained that there was a desire to build an ADU on the site. Mr. Holman wanted to build one unit for one of his older children to live in. It would allow them to live on-site but have privacy. The idea was to have the ADU attached to the garage. All parking would be captured on-site.

Commissioner Banks asked about the parking taking place on the street. Mr. Holman explained that people frequently park on the street, which creates congestion. People often park in front of his home. There is plenty of parking along 4500 South but vehicles often park partially on his property. There is a No Parking sign there because people hit his fence.

*Ms. Erekson* shared another comment about the difference between 4500 South and 4470 South.

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

Mr. Kemp addressed some of the comments shared during the public hearing. He reiterated that Mr. Holman wants to have an ADU similar to what was seen on his property. There would not be four units in that location but the addition of one ADU. As for the middle property, he believed the intention was to add one additional home. He reminded those present that anything desired for the sites would need to come before the City for consideration and approval in the future. As for his unit, the rezone to the R-2-8 Zone would not change much, unless the lot line is shifted. Pedestrian access was a concern for everyone and he liked the idea of a sidewalk on the side of the park. He noted that a sidewalk goes through a portion of the park.

Chair Roach reminded the Commissioners that when reviewing a Zone Map Amendment, certain factors need to be considered. Those factors included the following:

- Whether the proposed amendment was consistent with the goals, objectives, and policies of the General Plan;
- Whether the proposed amendment was harmonious with the overall character of existing development in the vicinity of the subject property;
- The extent to which the proposed amendment may adversely affect abutting properties; and

- The adequacy of facilities and services intended to serve the subject property, such as roadways, parks and recreation facilities, police and fire, schools, stormwater drainage systems, environmental hazard mitigation, water supply, and wastewater/refuse collection.

Commissioner Banks reported that the third criterion referenced impacts on the abutting properties. He believed the application might adversely and materially impact the surrounding neighborhood in terms of pedestrian use and safety. He would be open to Conditions of Approval that would mitigate the issues but he had not heard a lot of suggestions so far. It was important to encourage ADUs given the housing shortages in the community, but he did not want to disregard the factors that needed to be considered for a Zone Map Amendment to be made. Chair Roach understood the concerns raised about impacts on the abutting properties and the overall neighborhood.

Commissioner Gong commented that a lot of residents appear to have concerns but it seemed that the intersections are already dangerous outside of the context of a rezone. She asked City Staff if there had been traffic studies conducted in the area or if there had been broader discussions about mitigation. Whether ADUs are added to the properties or not, there are clearly issues already. Ms. Marsh believed that Mr. Teerlink could share additional insight about the creation of the narrow road when the alignment of 4500 South is adjusted. As for traffic, after speaking to the City Engineer, it was determined that the impact of adding the additional dwelling units would have a negligible impact on the roadway. In terms of the safety concerns related to pedestrians and other vehicles utilizing the road, the majority of the use sounded like it came from the neighborhood. It would be possible to look into how the traffic issues could be addressed but that would need to be done in consultation with the City Engineer. Mr. Teerlink added that 4500 South is a Utah Department of Transportation (“UDOT”) road. UDOT conducts street analyses each year and those details were shared with the City. It was a collector road with high speeds.

Commissioner Cunningham shared some of the concerns expressed by Commissioner Banks. It was previously noted that enabling a rezone on a transit corridor would meet a moderate-income housing strategy but this seemed to be an exception to the rule. From 2300 to I-15, he did not believe there would be concerns but this particular area has a lot of issues due to the park and narrow road. He did not believe this was the appropriate location to add ADUs. He had not been persuaded that it was the best decision to make based on the limitations in the area.

Commissioner Prince was sympathetic to the concerns about the traffic but was not convinced that traffic from a few new units would materially alter the situation. The utilization of the road and the traffic on the road were unlikely to change in a notable way due to the addition of a few more units. She believed there was value in considering options that would allow a property owner to utilize their property in the way they desire. It did not make sense to dismiss all possible options simply because neighbors want a sidewalk to be added to the area. There needs to be a balance between the desires of the individual property owners and those of the surrounding neighborhood. It was not necessarily clear at this point what would be best for all involved.

Commissioner Vilchinsky agreed with the comments shared by Commissioner Prince but also agreed with some of the other comments shared by the Commission. Something she was concerned about was the fact that a rezone occurred a few years back. It was already determined that the R-1-8 Zone was adequate for the area and it seemed too soon to consider another rezone.

She understood the arguments made about property owners being able to utilize their properties but believed there were still options available to the property owners within the current zone.

Chair Roach referenced Future Land Use Map Figure 2.3. It showed the Medium-Density Residential – Transitional/Two-Family (MDR-T) that runs along 4500 South. Something that stood out to him on that map was that there was a line drawn along the road. There was a spot there for open space but that was not represented within the line that had been drawn along 4500 South. He recognized that the park in the area is very small and there is not a lot of park space in the City of Holladay. There is a park there, which changed the dynamic when looking at the Medium-Density Residential – Transitional/Two-Family (MDR-T) as it was drawn out in the General Plan. He did not think that the park there had been taken into account. Chair Roach was sympathetic to the desires of the applicants but there were complications.

Commissioner Gong thought it was interesting that the three property owners had chosen to apply together. She had a different opinion about something that was already there, such as the ADU that exists on one of the properties versus the addition of something new. She wondered if the Commissioners would feel differently about the properties if the applications were separate.

Commissioner Prince wondered how a Building Permit had been obtained to build the ADU that already exists. Ms. Marsh explained that a builder can build a space that is not attached to a home and in the accessory building but the use is determined by what is permitted in the City Code. It was described by the builder as a bonus space that is separated from the house. However, it was not possible to rent out that space in this instance. There was discussion about the difference between mother-in-law apartments, ADUs, and short-term rentals.

Commissioner Gong pointed out that if the rezone is approved, it does not necessarily mean that the application to build an ADU would be approved as well. Ms. Marsh confirmed this. She explained that each property would need to meet regulations to have an ADU. Looking at the corner property on Butternut Road, with the R-2, it still would not be possible to rent that unit unless it was somehow attached to the house. There would be an option for the property owner to convert space within the house and rent out an I-ADU in the basement or upstairs unit. Commissioner Cunningham noted that the Commission would make a recommendation to the Council. There was discussion about redevelopment funds for moderate-income housing.

***Commissioner Banks moved that the Planning Commission forward a recommendation to the City Council to DENY an application by Daniel Kemp, Choompone Watchalotone, and Kevin Holman, to amend the Holladay Zoning Map for three individual parcels of land, located at 4437 South Butternut Road, 2475 East 4500 South, and 2485 East 4500 South, from R-1-8 and R-1-10 to R-2-8, based on the fact that the rezone will impact the abutting properties and surrounding neighborhood in a material and adverse manner. Commissioner Cunningham seconded the motion. Vote on Motion: Commissioner Gong-Aye; Commissioner Cunningham-Aye; Commissioner Vilchinsky-Aye; Commissioner Prince-Aye; Commissioner Banks-Aye; Commissioner Roach-Aye. The motion passed unanimously.***

Mr. Christopherson explained that the Zone Map Amendment would move forward to the City Council. The City Council would ultimately decide whether to approve or deny the rezone.

**ACTION ITEMS**

**5. Approval of Minutes –August 15, 2023.**

*Commissioner Roach moved to APPROVE the Meeting Minutes from August 15, 2023. The motion was not seconded. The motion passed with the unanimous consent of the Commission.*

**ADJOURN**

*Commissioner Prince moved to ADJOURN. The motion was not seconded. The motion passed with the unanimous consent of the Commission.*

The Planning Commission Meeting adjourned at approximately 7:52 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, September 19, 2023.*

Teri Forbes

Teri Forbes, Minutes Secretary  
T Forbes Group

**Minutes Approved: October 24, 2023**