

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

Tuesday, October 24, 2023

5:30 p.m.

City Council Chambers

4580 South 2300 East

Holladay, Utah

ATTENDANCE:

Planning Commission Members:

Dennis Roach, Chair

Paul Cunningham

Ginger Vilchinsky

Angela Gong

Jill Fonte

City Staff:

Carrie Marsh, City Planner

Jonathan Teerlink, Community Dev. Director

Brad Christopherson, City Attorney

WORK SESSION

Chair Dennis Roach called the Work Session to order at approximately 5:30 p.m. The agenda items were reviewed and discussed. Chair Roach reported that Item 3 on the Regular Meeting Agenda, the “Holladay Heights” Residential Subdivision - Concept Plan was tabled to the next Planning Commission Meeting. He asked City Planner, Carrie Marsh, to review the remaining items on the Regular Meeting agenda. Ms. Marsh explained that the first item was a public hearing for a Conditional Use Permit. It was a Home Occupation for “Ottley Massage and Counseling” at 2765 East Melony Drive in the R-1-8 Zone. The home-based business would include massage, counseling, and voice lesson services. The hours of operation were listed in the applicant's narrative. There was not a firm number of clients or appointments listed per day.

Commissioner Cunningham pointed out that there were three unrelated businesses proposed for the “Ottley Massage and Counseling” application. He believed there would need to be three different Business Licenses. Ms. Marsh clarified that those details would be addressed through the Business License Official. Chair Roach intended to ask the applicant whether there was a desire to amend the hours of operation, so they did not have to come back to the Planning Commission in the future if the decision was made to see clients earlier in the day on Wednesdays or later in the day on Mondays. It might be better to make the hours of operation 9:00 a.m. to 7:00 p.m. As for the number of clients at the home per day, if there were complaints from neighbors, the home-based business could come back to the Planning Commission for further discussion.

Commissioner Cunningham noted that the Home Occupation was different in the sense that the business appeared to be full-time rather than part-time. That concerned him because it was currently operating in a business location and was now shifting to a home. It did not appear that the number of clients would be reduced. He felt it was important to consider whether the hours of operation from 9:00 a.m. to 7:00 p.m. were reasonable for a residential neighborhood. Commissioner Jill Fonte pointed out that the home was purchased to accommodate the clientele. Based on the applicant's narrative, there would be one client seen at a time, the parking was appropriate, and the ingress and egress into the home were appropriate. Commissioner

Cunningham explained that a Home Occupation was typically incidental to a residential use. This was a full-time business in the home. He understood the rationale, but there were impacts to consider. It was necessary to think about how the level of use would impact the neighborhood.

Ms. Marsh reported that Conditions of Approval could be imposed to offset the potential impacts. Commissioner Cunningham pointed out that this was the highest number of hours he had seen proposed for a Home Occupation. The hours of operation were also spread out during the day and night. There were hours of operation proposed for one day on the weekend as well. Commissioner Ginger Vilchinsky acknowledged that even though one client would come to the home at a time, it was possible that a lot of clients would be coming and going from the property. The neighborhood was not necessarily designed for that. Commissioner Cunningham was interested in seeing what neighbors would have to say during the public hearing portion of the meeting. He wondered whether a neighborhood meeting had been held for this application. Ms. Marsh clarified that a neighborhood meeting was not required for a Home Occupation Conditional Use. Neighbors were provided notice that the application was before the Planning Commission and could share comments. The phone calls received about the application so far have been inquiries about the proposed use.

The second item on the Regular Meeting agenda was a public hearing for a Conditional Use Permit. The application was for the "Calder Guesthouse Footprint Size" for the property located at 6532 South 2710 East. The request related to a guesthouse that exceeded the maximum allowed footprint size, which was 2,000 square feet on properties larger than 1 acre. The property was 1.62 acres, and the proposed guesthouse footprint size was 4,450 square feet. Ms. Marsh reported that the guesthouse was in the building area that was approved on the Planned Unit Development ("PUD") plat at the last Planning Commission Meeting. The applicant had submitted a new architectural elevation, and the guesthouse was at the 20-foot height limit for accessory buildings. Chair Roach asked what the originally proposed height was. Ms. Marsh reported that the guesthouse was originally proposed to be 22 feet, but that had been brought down slightly to stay within the 20-foot limit.

Commissioner Gong wondered how often there were exceptions. If the rule was 2,000 square feet, this was more than twice the size of that allotment. Ms. Marsh suggested that the Commission think about this as a Conditional Use. A Conditional Use was a permitted or allowed use with conditions. The code allowed for buildings that were larger than 2,000 square feet, with conditions. The Commission was being asked to determine what conditions were needed to offset the impact of that larger building. Guesthouses were permitted on properties a half-acre or larger.

Commissioner Fonte explained that she had done some research on Conditional Uses. Based on her reading, a Conditional Use shall "be compatible with the character of the site, adjacent properties and uses, and existing development within the vicinity of the site where the use will be located." She saw that there had been some pushback from the neighbors and the Homeowners Association ("HOA"). Commissioner Fonte wanted to better understand how much weight that carried in the Planning Commission considerations. Ms. Marsh clarified that the Commission could consider compatibility with the neighborhood. For instance, how close the other buildings were and whether the other properties had accessory buildings or guesthouses. The Commission could look at potential impacts and then determine how to mitigate those impacts with conditions.

City Attorney, Brad Christopherson, reminded the Commissioners that when someone owned a property, there were certain property rights, based on the zone and code. In this case, where someone wanted to build a guesthouse on a 1.62-acre property, there would not be a lot of impacts on neighboring properties. However, the size of the guesthouse could have an impact, so a Condition of Approval could be related to the distance to the road or methods of screening. Discussions were had about Covenants, Conditions, and Restrictions (“CC&R”). Mr. Christopherson explained that CC&Rs were not considered by the City, because those were specific to the restrictions in a particular subdivision. That was a private matter among the HOA members. If someone in the HOA felt the CC&Rs had been violated, it was a private civil matter. Ms. Marsh added that CC&Rs were not taken into account on Building Permits or architectural styles. It was not the responsibility of the City to make sure a property owner was compliant there.

Commissioner Gong asked about the technical difference between a guesthouse, accessory building, and accessory dwelling unit ("ADU"). Ms. Marsh explained that there were slight differences in the code. A guesthouse generally had a larger footprint and could only exist on larger lots.

The fourth item on the Regular Meeting agenda was an Action Item for the "Country Pine Views" Subdivision and PUD. Ms. Marsh reported that subdivisions had to be reviewed through Concept, Preliminary, and Final. PUDs were a Conditional Use that was commonly tied in with a subdivision and allowed there to be some flexibility with setbacks and building location. She explained that this item would have two motions: the PUD and the Subdivision. Commissioner Cunningham believed there were setbacks as small as eight feet from a neighboring property. He wondered whether the Technical Review Committee (“TRC”) felt comfortable with that. Ms. Marsh reminded him that the Commission could place conditions to mitigate impacts on adjacent properties. She noted that there had already been a public hearing for the Subdivision and PUD.

The fifth item on the Regular Meeting agenda was an action item for “The Fox Market” Holladay Village – Architectural Design. The property was located at 4708 South Holladay Boulevard. Ms. Marsh explained that the Planning Commission would review architectural details to ensure that everything complied with the standards for the Holladay Village Zone. It was noted that Community and Economic Development Director, Jonathan Teerlink, had looked over this application. He was the same member of City Staff who assisted with the Holladay Village Zone and would be present at the Regular Meeting to answer any outstanding Commissioner questions.

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

Chair Roach called the Regular Meeting to order at approximately 6:00 p.m. He informed those present that Item 3 on the agenda had been rescheduled to the next Planning Commission Meeting. Commissioner Fonte read the Commission Statement for the benefit of those present.

PUBLIC HEARINGS

- 1. Conditional Use Permit – “Ottley Massage and Counseling” Home Occupation – 2765 East Melony Drive (R-1-8) Review and Consideration of a Request by Applicant, Allison Ottley, for a Conditional Use Permit for a Home Occupation, Providing Massage and Counseling Services. Item Reviewed as an Administrative Application as per Provisions stated in Holladay Ordinance §13.08.040. File #23-2-11.**

Ms. Marsh reported that the application was for a Conditional Use Permit for a Home Occupation, “Ottley Massage and Counseling” at 2765 East Melony Drive. The applicant was requesting to provide services for massage, counseling, and voice lessons in the home. Some hours of operation were listed in the applicant's narrative. Services would be provided in the basement ADU to clients one at a time. Clients would park on the west side of the driveway closest to the separate entrance on the west side of the home. She asked the applicant to share information with the Commission.

The applicant, Allison Ottley, introduced herself to the Planning Commission. Chair Roach noted that the hours of operation listed seemed to be variable depending on the day of the week. To prevent her from having to come back before the Planning Commission or make an amendment to an approval, she could suggest different hours of operation. Ms. Ottley explained that the proposed hours of operation would match the hours that her husband worked. There should not be any reason for the proposed hours of operation for the business to change in the future.

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

Commissioner Vilchinsky moved to APPROVE the application for a Home Occupation for “Allison Ottley Massage and Counseling Services,” located at 2765 East Melony Way subject to the following:

Findings:

- 1. Land Use and Home Occupation requirements, as proposed, are in compliance with existing City Ordinances.***
- 2. The Conditional Use, as proposed, meets approval standards as outlined in Chapter 13.08.040.***

Conditions:

- 1. Off-street parking areas shall be maintained as available during business hours – no street parking allowed.***
- 2. Obtain a Holladay Business License.***
- 3. Hours of operation are limited to those detailed by the applicant.***
- 4. Conditions or complaints found to violate set standards will require re-review by the Planning Commission or possible revocation of this permit, as determined by the Community Development Director.***

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

- 2. Conditional Use Permit – “Calder Guesthouse Footprint Size” – 6532 South 2710 East (R-1-43) Review and Consideration of a Request by Applicant, Allison and Curtis Calder, for a Conditional Permit Allowing Construction of a Detached Guesthouse with 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 #23-2-12.**

Ms. Marsh reported that the application was for a Conditional Use Permit for “Calder Guesthouse Footprint Size.” The property was located at 6532 South 2710 East and was located in the R-1-43 Zone. She explained that the application was a Conditional Use based on the size of the proposed guesthouse. The property was 1.62 acres, and the proposed guesthouse footprint size was 4,450 square feet. The proposed size exceeded the maximum allowed footprint size of 2,000 square feet on properties larger than 1 acre. The proposed building was within the buildable area that was amended in the PUD plat and approved by the Planning Commission on October 10, 2023. Any building that occurred on the property needed to occur within that building envelope. The Conditions of Approval imposed by the Planning Commission were designed to mitigate any impacts foreseen by the property owner, neighboring property owners, or the Planning Commission. There was an HOA and the HOA had specific regulations outside of the City overview.

The applicant, Allison Calder, introduced herself to the Planning Commission. She had attended the previous Planning Commission Meeting and was able to hear what the concerns were. One of the concerns expressed at that time related to the large footprint size. While she recognized that the proposed footprint was large, the majority of the footprint would be used for garage space. She had a large family and wanted to be able to park all of the vehicles inside the garage instead of parked in the side yard. There would also be living quarters that would be utilized while the existing home was demolished and rebuilt. After that, it would be used as a guesthouse for out-of-state family that comes to visit. The second concern expressed related to the trees. The architect had done a good job indicating which trees would be removed and replaced. There would be more trees replaced than removed and the trees selected would contribute to the tree canopy.

Chair Roach asked about the small trees that were located around the periphery of the driveway. He wanted to know what type those would be. Ms. Calder was not certain about the type and explained that the landscape architect would determine which trees would be best suited.

Chair Roach opened the public hearing.

J. Daniel Schwartz explained that he lived next door to the Calder property at 6275 South 2710 East. He had been out of the country during the last meeting, so he had not shared comments. As a result, he wanted to share comments at the current Planning Commission Meeting on behalf of himself and the HOA. The President of the HOA was unavailable to attend the current meeting but had submitted a letter to the Commission. Mr. Schwartz reported that when he purchased his home in 2018, there were certain HOA requirements in place. He expected those to be followed. There were now changes proposed that he did not support, specifically the size of the guesthouse.

The HOA only allows one dwelling unit per lot and what was being requested was an ADU. Mr. Schwartz referred to Section 8.16 in the CC&Rs. If there were any variances, applications for rezoning, or use permits, those needed to be approved by the HOA Board. Nothing had been presented to the HOA Board at this time. He did not believe the applicants had addressed the situation appropriately with the HOA Board or with the neighbors. Mr. Schwartz understood that the architectural designs were not part of this hearing but noted that the style of the home was inconsistent with the architectural standards and guidelines. He shared information about the current home on the property. The real estate listings indicated that the home was supposed to be torn down within a year of closing on the property, but that had not happened. It was necessary to

have a home there that was in compliance with what the HOA called for. There was no opposition to the home being rebuilt, but there were concerns with what had been proposed.

Chair Roach asked what the architectural style requirements were. Mr. Schwartz reported that it was under Item C, which stated that the architectural style was to be cottage in design. The proposed style was described as modern cottage, but he was not certain that was appropriate. Steve Luczak was the developer and the three homes built there had a very specific style. The images that had been shared so far were very modern in nature and did not fit into the development.

Steve Luczak gave his address as 2185 East 3085 South in Millcreek. He explained that he was with Kodiak America Homes and was the original developer on the property as well as the General Contractor on most of the homes there. A Conditional Use had been requested for a larger separate dwelling, which was permitted. The CC&Rs allowed for accessory dwellings and all of the lots were acceptable for guesthouses because of the acreage. The applicant had the right to apply for the Conditional Use Permit. The design was compliant with the cottage style. As far as the canopy and the trees, he specialized in that and was looking at trees that provided year-round coverage. The canopy plan would be developed and submitted to the Building Department for review. Mr. Luczak believed it was possible to mitigate concerns related to views and size, so all were satisfied.

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

Commissioner Gong believed one of the issues was how the proposal interacted with the HOA regulations. She asked for clarification from the City Attorney about that. Mr. Christopherson explained that CC&Rs were private covenants that ran with the land for the owners in that subdivision. The City did not impose or verify compliance with those. That was a completely separate process. He reported that the City looked at City Ordinances. If a developer wanted to propose CC&Rs when they came to create the subdivision, that was allowed, but the City did not enforce those or review them for compliance when an application came before the City.

Ms. Calder appreciated the professional expertise that Mr. Luczak had to offer. As for the HOAs, she clarified that the CC&Rs had been followed as there had been an application for approval from the Architectural Review Committee, which was Kodiak America Homes. The HOA was only passed onto the residents once 95% of the properties were developed, which had not occurred. Kodiak America Homes was still the manager of the HOA. Once it was passed on to the residents, there would be four members of the HOA. Two had voiced opposition and two were in support. Ms. Calder was trying to be a good neighbor but also advocate for her private property rights.

Commissioner Cunningham referenced the 40-foot right-of-way that had been given. If the road was widened, there would not be any trees between the driveway and the garage. It was clarified that there was a buffer on both sides. Commissioner Cunningham asked if it was possible to place the driveway on the interior of the garage as opposed to the exterior to facilitate screening. Mr. Luczak explained that there was a desire to have park-like greenery between the two buildings. That driveway would be parked on the backside of the wall, which was a solid masonry wall. That would block the view. Moving the driveway to the other side would remove a lot of greenery on the south side of the building. He was not sure whether the road widening would actually happen.

Commissioner Gong moved to APPROVE the application for a detached guesthouse sized at 4,450 square feet, located at 6235 South 2710 East, subject to the following:

Findings:

1. *The desired structure meets the conditions included in 13.08.040.*
2. *The proposed guesthouse location is within the buildable area identified by the amended PUD plat.*
3. *The proposed building will meet standards and regulations for use as an external dwelling unit.*

Conditions:

1. *The property owner is to provide a tree removal and replacement plan as required.*
2. *The owner/applicant shall obtain a Building Permit for the proposed guesthouse.*
3. *The owner/applicant will comply with all engineering, landscaping, and utility availability letter submission requirements before the issuance of a Building Permit.*

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

3. **“Holladay Heights (Final Name Pending)” Residential Subdivision – Concept Plan – 4390 Westmoor (R-1-10) Conceptual Review and Consideration of a Residential Site Plan Proposed by Applicant, Benjamin Wheat to Subdivide 2.88 Acres of Land to Accommodate 10 Units/Lots within the R-1-10 Zone. Item Reviewed as an Administrative Action for Permitted Uses in Accordance to Zone and Subdivision Standards Required by Holladay Ord §13.10. File #23-1-11.**

Chair Roach reported that the above item was tabled to the next Planning Commission Meeting.

ACTION ITEMS

4. **“Country Pine View” Subdivision and PUD – Preliminary & Final Plan/Plat and CUP - 2761 East 4510 South (R-1-8) Preliminary and Final Level Review and Consideration of Development Details by Applicant, Grant Harrison of a 0.89-Acre Subdivision and Planned Unit Development is Conducted According to 1) Conceptual Approval Granted According to Zone Compliance on 08/1/2023, 2) Residential Subdivision Development Standards According to Holladay Ord. §13.10, and 3) Conditional Use: Planned Unit Development According to Holladay Ord. §13.78 File #23-1-03.**

Ms. Marsh reported that the above application is for the “Country Pine Views” Subdivision and PUD. She explained that this was a Preliminary and Final Plan review for both the Subdivision and PUD. There would be two separate motions made by the Planning Commission. The property was 0.89 acres that was split into four dwelling units, as approved by the amount of area on the

property. There were 8,000 square foot lot minimums required in the R-1-8 Zone. One of the goals of the PUD was to preserve open space, typically by preserving trees or creating larger shared areas. The PUD allowed for more flexible setbacks so that privacy between other properties could be maintained. The TRC reviewed the plan on a Preliminary level. All of the civil drawings were complete for the subdivision. For a Preliminary review of a PUD, the review included the Landscaping Plan and the location of the building envelopes. She explained that building envelopes were normally slightly larger on the plat to allow for additional variation and flexibility.

Lot coverage was restricted. The overall lot coverage was analyzed to determine what the maximum coverage for a structure was within the R-1-8 Zone on an 8,000-square-foot lot. In this case, it was dispersed over the four dwelling units. The building envelopes showed the maximum coverage being utilized for each of the structures. The total coverage allowed was approximately 11,000 square feet. That 11,000 square feet of coverage had been split between the four dwelling units. Ms. Marsh reported that the access on the east side was standard 20-foot fire access with a turnaround and a driveway that went back further to the rear unit. She noted that the applicant was present at the Planning Commission Meeting and could share some additional details.

The applicant, Grant Harrison, introduced himself to the Commission. He explained that he lived at 2768 East Kentucky Avenue, which was a few blocks from the project. It was noted that there had been two public hearings related to the property and the first one was somewhat contentious. Since then, a lot of strides have been made with the assistance of the Planning Department. The Planning Department had suggested considering a Subdivision and PUD due to the size of the lots. There was support for that from the neighbors. After the two public hearings, many of the comments were considered and some changes were made. There were an additional two meetings held with neighbors to ensure that there was clarity about what was desired. It seemed that the neighbors were pleased with what had been done and what was now proposed for the property.

Mr. Harrison reported that some agreements had been made to satisfy neighbors. For example, things that were not required in the PUD, such as complete fencing. He explained that fencing was not required, but a 6-foot solid barrier fence would be added around the entire property. An HOA had been created to keep track of everything happening within the project, which neighbors were also happy about. The HOA and CC&Rs would control what happened in the development. Mr. Harrison believed that there was a good landscaping plan. A professional landscaper had come in to work on that plan and a few more trees would be added than would be removed. The canopy would actually increase slightly based on what was proposed, which the neighbors liked.

Mr. Harrison reported that there would be single-family houses developed. The intention was to have three custom-built homes rather than having the houses built and then sold at a later date. There was already one sold, which was custom, so each home within the HOA would look slightly different. One of the reasons for a PUD was to bring uniqueness to a neighborhood and not have everything look the same. By sliding some of the buildings closer to the property line than usual, there was more common area. The HOA would ultimately determine what the common areas would be used for. Mr. Harrison noted that the neighbors had been very cooperative since the two public hearings. The Planning Department had been very helpful during this process as well.

Commissioner Cunningham noted that the Commission was particularly concerned about the rear lot. As he understood it, that was the home that would be the closest to the rear neighbor at 10

feet. He wondered whether there would be a lot line adjustment. Mr. Harrison reported that a lot line adjustment had been signed the day before. That was one area where most of the trees could be saved. Most of the existing shrubbery that was there currently would remain. Commissioner Cunningham expressed concern about the 8-foot setback to the east. The diagram was reviewed, and Unit 4 was identified. He wondered whether the eight feet referenced was eight feet from the building or from the overhang of the roofing that was there. Ms. Marsh explained that it was to the building pad. The building might not be right to that 8-foot line for the length. There might be parts that were closer and parts that were further. The building envelope was created so there was flexibility. Discussions were had about the surrounding houses and the distances from the property line.

Ms. Marsh explained that the building envelopes would be recorded on the plat as part of the PUD. If significant changes were made, then the item would need to come back to the Planning Commission for an amendment. The same was true when it came to the trees and landscaping. If there were any significant changes proposed for the site, it would come back to the Commission.

Commissioner Cunningham reported that the TRC made a determination that there were enough desirable site improvements to justify the reduction in the setbacks. Ms. Marsh confirmed this. She pointed out that the shape of the property created some challenges as it was narrow at the front and larger at the back. The tradeoff for the smaller setbacks was increased vegetation. There were some significant mitigations to accommodate the reduced setbacks. Chair Roach asked about the existing trees that would remain on the site. Mr. Harrison reported that there was a Landscaping Plan where all of the different tree types were listed. Chair Roach liked that there was a desire to protect some of the existing canopy and that there had been additional discussions with neighbors.

Commissioner Cunningham moved to APPROVE a Planned Unit Development for “Country Pine Views,” a residential four-unit development within the R-1-8 Zone, located at 2761 East 4510 South subject to the following:

Findings:

- 1. Complies with the allowed land uses of the R-1-8 Zone as a single-family residential subdivision.***
- 2. Density and layout comply with the approved Concept Plan of August 1, 2023.***
- 3. Is granted flexibility to zone standards via the Planning Commission.***
- 4. Provides for the preservation and enhancement of desirable site characteristics.***

Conditions:

- 1. All lot sizes are modified to maintain the minimum sizes shown on the approved plan.***
- 2. Setbacks are modified as shown on the approved plan.***

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

Commissioner Cunningham moved to APPROVE the Preliminary Plat for “Country Pine View,” a four-unit residential subdivision in the R-1-8 Zone, located at 2761 East 4510 South subject to the following:

Findings:

1. *Complies with the Conceptual Subdivision Plan approved June 6, 2023.*
2. *PUD elements are found to be incorporated in the approved drawings.*
3. *Construction elements and details are found to be acceptable by the Technical Review Committee.*
4. *The development complies with the underlying zone and General Plan. Also, within one year, and in accordance with 13.08.010D5, to defer administrative review and approval of the Final Plat by the Community and Economic Development Director, following a positive, written recommendation from the TRC.*

Condition:

1. *Submission of CC&Rs for management of common areas.*

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

5. **“The Fox Market” Holladay Village - Architectural Design – 4708 South Holladay Boulevard (HV ZONE) Review and Consideration of an Architectural Update Proposal by Applicant, The Fox Group. Item Reviewed as an Administrative Action of a Permitted Land Use in the HV Zone. Review to Include Architectural Design Details and Features as per Procedures and Development Standards of the Holladay Village Zone §13.71, §13.08.010D. File #23-9-02.**

Mr. Teerlink reported that the above request pertains to “The Fox Market,” which is located at 4709 South Holladay Boulevard in the Holladay Village Zone. Built in the early 1960s, the building was located on Holladay Boulevard. The new tenants wanted to remodel and take over the retail space. The City required all remodeling of existing structures within the Holladay Village Zone to update the façade. The projects were required to be approved by the Planning Commission prior to construction. The applicant had been working with the TRC on a façade update, which would comply with the Holladay Village Zone design standards. Mr. Teerlink explained that the proposal was to have a boutique of home goods. There was no proposal for an expansion of the building footprint or an expansion of the overall height. Discussions were had about the zone.

Commissioner Cunningham asked if there was enough diversification in the Holladay Village Zone. Mr. Teerlink denied this and noted that there were five pharmacies in the Holladay Village. There was a Land Use Control table, but if there was a storefront on Murray Holladay Road or on Holladay Boulevard, it needed to have a retail component. The intention was to maintain the commercial tax base. As for compatible uses, that was not regulated. Chair Roach had a question about the doors on the proposed design. Mr. Teerlink clarified that there was a Concept Design

and a Material Board. Chair Roach wanted to know more about the door material shown in the artist's rendering. Mr. Teerlink believed what was proposed was glass with mullions.

Commissioner Cunningham asked about amenities. Mr. Teerlink did not believe there was a public amenity in this case, but something like a bench could be easily added as a public amenity. Commissioner Fonte wondered at what point there might be concerns about there being too many similar offerings. She thought that there needed to be a certain amount of diversity in the retail businesses in the area. Mr. Teerlink explained that it was unlikely that there would be a high concentration of uses that would need to be regulated by the City. Commissioner Gong noted that what was currently before the Planning Commission was the façade design. This was confirmed.

As for the reason the Planning Commission was approving architecture for a property in the Holladay Village Zone, the purpose of the zone was to have a certain look and feel in the area. The intention was to have an area with a pedestrian feel that was not as focused on personal vehicles. Mr. Teerlink shared background information about the zone and the Design Review Board.

Chair Roach liked the suggestion that had been made by Commissioner Cunningham, which was to remove the fourth planter under the lamp and have a bench there instead. He wondered whether that was under the purview of the Planning Commission. Mr. Teerlink confirmed this. Commissioner Cunningham pointed out that someone sitting outside a retail location on a bench would be more likely to attract pedestrians to that retail location. It could be beneficial to all.

The applicant's representative, Brigham Ricks, explained that he was with The Fox Group. Chair Roach reported that the architectural design had been discussed and Mr. Teerlink had shared information about the Holladay Village Zone requirements. He asked that additional details be shared. Mr. Ricks explained that there was The Fox Shop down the street. The intention was to have The Fox Market as well, which would be a boutique store where it was possible to purchase lighting, blankets, rugs, and local goods. Some local ice cream would be sold there as well. Commissioner Cunningham asked about a possible public amenity such as a bench for visitors. Mr. Ricks could not speak on behalf of The Fox Group but did not think that would be an issue. There had been discussions about potentially having two-seater café tables with chairs outside.

Chair Roach noted that he previously asked a question about the doors and windows. There was some uncertainty about what was seen in the renderings. Mr. Ricks explained that it was decorative in nature. He did not have all of the details but explained that the design was ornate.

Chair Roach moved to APPROVE the amended building design for 4708 South Holladay Boulevard in the Holladay Village Zone subject to the following:

Findings:

- 1. In accordance with 13.71.070.B3, the department has waived the Design Review Board ("DRB") review step, as described in 13.71.070.C. based upon the following findings:***
 - a. The current reorganization of the Holladay DRB membership will cause undue delay to this remodel project.***

- b. *The existing building is not proposed to be rebuilt, expanded, or added to.*
 - c. *The TRC has found the proposed façade update to be compliant with the Design Standards of the Holladay Village Zone.*
 - d. *The designer is a six-year member of the Holladay DRB.*
 - e. *Planning Commission review remains as a final approving body.*
2. *The redesign is found to be in harmony with design standards set forth in 13.71.080 as architecture which will "...improve the quality and compatibility of development in the Holladay Village Zone," by representing the vision of the Holladay Village Master Plan provides a range of retail uses by enhancing existing, small-scale buildings by updating the building styles.*

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

6. Approval of Minutes – September 5, 2023, September 19, 2023.

Chair Roach moved to APPROVE the Meeting Minutes from September 5 and September 19, 2023. The motion passed with the unanimous consent of the Commission.

ADJOURN

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

The Planning Commission Meeting adjourned at approximately 7:08 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, October 24, 2023.

Teri Forbes

Teri Forbes
T Forbes Group
Minutes Secretary

Minutes Approved: December 19, 2023