

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

**Tuesday, March 5, 2024  
6:00 PM  
City Council Chambers  
4580 South 2300 East  
Holladay, Utah**

**ATTENDANCE:**

**Planning Commission Members:**

Karianne Prince, Vice-Chair  
Brian Berndt  
Paul Cunningham  
Ginger Vilchinsky  
Jill Fonte  
Angela Gong

**City Staff:**

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

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

In the absence of Chair Dennis Roach, Vice-Chair Karianne Prince called the Regular Meeting to order at approximately 6:00 p.m. She read the Commission Statement for the benefit of those present.

In the interest of time and in an effort to get to their caucus meetings, the Commission first addressed agenda item number 2, which did not require a public hearing. They then addressed the agenda item as printed.

**PUBLIC HEARING**

- 1. Conditional Use Permit - Fisher Guesthouse Footprint Size - 4044 South 2000 East (R-1-10). Review and Consideration of a Request by Applicant, Charles Fisher, for a Conditional Permit Allowing Construction of a Detached Accessory Building with a Footprint Size Larger than Normally Permitted. Item Reviewed as an Administrative Application as Per Provisions Stated in Holladay Ordinance §13.14.030 & 13.08.040. File #24-2-01.**

City Planner, Carrie Marsh reported that the application is a Conditional Use Permit for a guesthouse. Guesthouses are permitted or conditional uses depending on the size of lots that are one-half acre or larger. The applicant is asking for a footprint size of four 1,470 square feet. The allowed size is 1,200 square feet. The accessory building being proposed is within the setbacks for a primary structure. Side setbacks are at least 10% and rear setbacks must meet the size of the lot. Because the proposed guesthouse is in the footprint of the main structure, staff saw no extensive conditions or impacts that would need to be mitigated. What are proposed are basic conditions of approval.

The applicant, Charles Fisher, gave his address as 4060 South 2000 East in Holladay. He currently lives at 1364 East 4065 South in Millcreek. He explained that they are currently in a property swap with Holliday Water Company, which is due to take place on July 1 when they will have owned their current property for two years. They are trying to avoid tax issues. The actual footprint of the Accessory Dwelling Unit (“ADU”) within the actual home is 1,200 square feet. They chose to add a balcony out of the bedrooms for egress and to break up the height of the structure. On the opposite side, a porch was added to provide an entryway and a place to relax in the summer. The overall square footage is 1,470 square feet with the two additions. The addition is on the second floor above a garage.

Mr. Fisher stated that there are currently eight pear trees on the property. They would like to plant new ones. They have also moved the setback on the rear six feet closer to the front so that they are further from their neighbors and to give the trees more space to grow. They plan to plant pear trees behind the unit because they will be the tallest. They would like to plant two pear trees, some apple trees, and a couple of peach trees on the rear west side of the lot.

A question was raised about the purpose of the gravel driveway as opposed to concrete. Mr. Fisher stated that water is an issue, and he does not want to have to deal with runoff. It would instead be allowed to soak into the ground. They have a gravel driveway on the current property as well. It was confirmed that a gravel driveway is allowed by Code for a new build. Mr. Fisher stated that the architecture shows gravel coming all the way in. When he did the impervious surface coverage calculations he planned for all concrete. Only the upper section will be gravel, which was a change from this plan to the most recent one. Ms. Marsh reported that at the Building Permit stage staff reviews the impervious surface coverage and stormwater retention.

Vice-Chair Prince opened the public hearing.

*Brian Bagley* gave his address as 4114 South 2000 East to the south of the subject property and has known the Fishers for a number of years. He is familiar with what has been going on with the property swap and in his opinion the Fishers are doing a service to the community. He was pleased to see them building a home and improving the neighborhood. He considered the small overage on the square footage of the ADU to be worthwhile. He expressed his support.

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

A question was raised regarding the difference between an ADU and a guesthouse. Ms. Marsh responded that a guesthouse is defined as an ADU.

Commissioner Cunningham suggested that the Tree Plan be included as part of the variance approval. Ms. Marsh stated that it is required to obtain a Building Permit. The applicant would show any trees on the property that are being removed due to the building. Tree removals that are outside of what is affected by a building are not permitted. Tree removal is not allowed if they are in a setback. Any trees the applicant wants to remove must be tied specifically to where they are building. The City then grants approval. Ms. Marsh noted that trees must be replaced one to one.

Commissioner Cunningham commented that since they are not currently the property owner, he was concerned about granting a vested right. He was comfortable with the concept of what they are trying to do and would want to add language to make it clear that it is conditioned upon the property actually transferring ownership and meeting the requirement. He would not want something to happen in the transaction that will change the size of the property. Ms. Marsh stated that accessory buildings for properties that are less than one-half acre in size are still a conditional use.

Vice-Chair Prince suggested they add as a condition that the transaction as presented would have to occur for the approval to go into effect. Ms. Marsh stated that it is tied specifically to the property. Mr. Teerlink explained that staff would be directed to look at only this site plan. If anything else changes in the transaction of the property, it would have to come back to the Planning Commission. Ms. Marsh explained that the applicants have entered into a legal agreement for the transaction to trade property with Holliday Water Company, which is the agent for the property. It was clarified that the applicant would not be able to proceed with any kind of Building Permit or plan until the transaction is concluded and they are the legal owners of the property. Ms. Marsh stated that the owner of the property can authorize them to submit an application.

City Attorney, Brad Christopherson stated that typically one has a contract to purchase. The other standard is to make it contingent upon obtaining the necessary approvals from Holladay City. They have indirect authority to ask for that. If they do not consummate the transaction, there is no approval since the condition regarding the one-half acre requirement is not met.

***Commissioner Berndt moved that the Holladay City Planning Commission APPROVE the application for a guesthouse sized at 1,470 square feet located at 4044 South 2000 East based upon the following:***

**Findings:**

- 1. The desired structure meets the conditions included in 13.08.040.***
- 2. The proposed building will meet the standards and regulations for use as an external dwelling unit.***
- 3. The proposed guesthouse location does not violate setback or lot coverage standards for the property.***
- 4. Staff has not received objections or concerns written or verbally expressed to date regarding the CUP request.***

***Approval is contingent upon the applicant's compliance with the following conditions:***

- 1. The property owner is to submit a Tree Removal and replacement plan according to the City of Holladay Tree Canopy Sustainability Ordinance. Only trees in building areas are to be approved for removal.***

2. *The property is subject to height, setback, and lot coverage regulations for the property size.*
3. *The owner/applicant shall obtain a Building Permit for the proposed detached garage addition.*

*Commissioner Vilchinsky seconded the motion. Vote on motion: Commissioner Vilchinsky-Yes, Commissioner Cunningham-Yes, Commissioner Fonte-Yes, Commissioner Gong-Yes, Commissioner Berndt-Yes, Vice-Chair Prince-Yes. The motion passed unanimously.*

**ACTION ITEMS**

2. **4141 Highland Office Condominiums Subdivision - Amendment and Extension- 4141 South Highland Drive (“PO”) Preliminary/Final Review and Consideration of an Application by Applicant/Property Owner, Tucker Nipko, to Amend an Existing Subdivision of an Office Suite, Extending the Subdivision to Create One Additional Suite within the Building. Item Reviewed as an Administrative Action for Permitted Uses in Accordance to Zone and Subdivision Standards Required by Holladay Ordinance §13.10. File #23-1-13-(01)**

Ms. Marsh reported that the request is for an amendment and extension to an existing subdivision. It is labeled in the Staff Report as a residential subdivision but is a commercial subdivision. It is located in a PO zone with the request being to add an additional office suite as purchasable real property to the existing plat. The proposed change is to the third floor. The submitted plat shows an additional suite being added and one existing suite being divided into two. The vertical plat needs to be amended to match what is proposed and is listed as a condition in the Staff Report.

The applicant, Tucker Nipko, gave his address as 1086 West 3050 North in Pleasant View. He reported that the building, which are office condos, was subdivided and a purchaser wanted to buy a certain area, which required them to divide two separate condos. That was the reason for the amendment.

Vice-Chair Prince commented that one of the issues that was discussed during the Work Meeting was the need to amend the vertical plat to reflect the correct division. Mr. Nipko did not object to that requirement.

*Commissioner Cunningham moved to APPROVE the Amendment and Extension of the subdivision application submitted by Tucker Nipko for the Highland 4141 Office Condominiums, a 13-unit vertical subdivision located at 4141 South Highland Drive in the Professional Office Zone, based upon the following:*

**Findings:**

1. *The development complies with the General Plan.*
2. *The development complies with the regulations within the Professional Office Zone.*

3. *The Division of one suite into two suites, creating one additional unit does not alter any other elements previously approved on the Final Plat.*
4. *Separate meters and shutoffs for utilities are not required for this application and are okay as addressed in the CC&Rs.*
5. *Modified suites meet the Fire Code with adequate fire access.*

**Requirement:**

1. *Correct third-floor suites to include amended suite numbers, additional Suite #305 on Building Sections Sheet #5.*

*Commissioner Berndt seconded the motion. Vote on motion: Commissioner Vilchinsky-Yes, Commissioner Cunningham-Yes, Commissioner Fonte-Yes, Commissioner Gong-Yes, Commissioner Berndt-Yes, Vice-Chair Prince-Yes. The motion passed unanimously.*

3. **Highland Park Subdivision - Extension of Final Plat Approval - 4880 South Highland Circle (R-M) Request to Extend the Time Period for Final Plat Approval by Applicant/Property Owner, Alec Moffit/Sequoia Development. Previous Approval for the Preliminary Subdivision was Granted on February 22, 2023, with the Condition of Recording the Final Plat within one year. Plats that are Not Recorded within One Year Require Approval of Extension by the Planning Commission According to Holladay Ordinance §13.10.090. File #22-1-11.**

Ms. Marsh presented the Staff Report and stated that the request is for a residential subdivision that was reviewed last year and approved in February of 2023. 11 townhomes are proposed in the configuration of three or four different buildings located at 4880 South Highland Circle. The applicant reported that various financial issues delayed the recording of the plat. They are currently waiting for approval of the subdivision name, street name, and associated addressing. They will include that information on the Final Plat and take it to be recorded. The Planning Commission can decide what a reasonable time frame would be. She felt that three months was reasonable. Community Development Director, Jonathan Teerlink agreed.

**ADJOURN**

The Planning Commission Meeting adjourned at approximately 6:20 PM.

*I hereby certify that the foregoing represents a true, accurate, and complete record of the City of Holladay Planning Commission Meeting held Tuesday, March 5, 2024.*

Teri Forbes

Teri Forbes, Minutes Secretary  
T Forbes Group

**Minutes Approved: April 16, 2024**

*City of Holladay Planning Commission Meeting – 03/05/2024*