

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

**Tuesday, July 16, 2024**

**6:00 PM**

**City Council Chambers**

**4580 South 2300 East**

**Holladay, Utah**

**ATTENDANCE:**

**Planning Commission Members:**

Karianne Prince

Jill Fonte

Angela Gong

Brian Berndt

Paul Cunningham

Ginger Vilchinsky

**City Staff:**

Carrie Marsh, City Planner

Ann Frances Garcia, Economic Development  
and Housing Manager

**WORK SESSION**

Commissioner Karianne Prince called the Work Session to order at approximately 5:30 p.m. The agenda items were reviewed and discussed.

City Planner, Carrie Marsh, reported that the first item on the Regular Meeting agenda is a Conditional Land Use Permit for “Frederickson Residential Pool Rental” at 1820 East Spring Lane. It is for an hourly pool rental in a residential zone. Ms. Marsh explained that the item has come to the Planning Commission because it is a use that is outside the standards of the Home Occupation Code. There is a lot of information in the Meeting Materials Packet, as this is outside of the norm for a Home Occupation. The standards the applicant is asking for an exception to are detailed in the Staff Report. It also details what standards the application is in compliance with.

When looking at Conditional Use Permits, it is necessary to consider impacts and mitigation. For example, whether mitigation factors can be applied that will reasonably address the impacts. Ms. Marsh reported that some of the possible mitigation factors are detailed in the Staff Report. It was noted that the Business Licensing Code states there cannot be any business outside the residence of the house. A question was asked about whether an exception is being proposed since the use is not within the residence. Additionally, there was a desire to understand what the Planning Commission will use to make the determination. Ms. Marsh reported that the Planning Commission has authority over Title 13. The Commission could approve the application for a Conditional Use Permit. However, that Conditional Use Permit would be conditional upon the applicant receiving a Business License. Commissioners expressed concerns about the proposal and noted that what has been requested appears to be in conflict with the intent of the code.

Ms. Marsh explained that if there is an application for a business operated at a house that is outside of the standards, an application for a Conditional Use Permit is necessary. It then comes to the Planning Commission for consideration. The Planning Commission has the authority to determine whether the impacts due to the use outside of the standards can be mitigated or not. Ms. Marsh added that the Home Occupation standards allow for businesses to be conducted in accessory buildings. The Commission asked for criteria for approval. Ms. Marsh reported that the basis for approval is whether

or not the impacts can be mitigated. She added that visual screening next to the pool has been proposed by the applicant. The suggested hours of operation were discussed.

Staff recommended denial of the application. If the Planning Commission wants to explore approval, mitigation factors will need to be applied to the specific impacts connected to the use. Alternatively, the resident could come back with a different application. The application could also be continued to a future meeting. Ms. Marsh explained that there are options available to the Commission. Additional discussions were had about the proposed Conditional Use Permit.

Ms. Marsh reported that the second item on the Regular Meeting agenda is a Zone Map Amendment. She explained that the proposal is a rezone from R-M to ORD for property located at 6571 South Big Cottonwood Canyon Road. A site visit was conducted with the Planning Commission for additional context about the slopes, the relation to the neighboring residence, and the setbacks. All of those details were discussed on-site. The corner on that street is owned by a Homeowners Association (“HOA”). As a result, this property does not qualify for a corner setback. It then is a side yard setback next to a residential zone, which is a 30-foot setback. For every foot of height over 30 feet, it would need to step back another foot. For example, if the applicant wanted the height to be 50 feet, then there would need to be a 50-foot setback there.

The nearby school is up much higher. Even if there was a significant building height, it would be about the same height as the structure on that higher elevation. Ms. Marsh explained that the applicant is interested in the rezone to enable a wider range of housing options. If the property owner were to develop under the existing zone, it would likely be townhomes developed there with a 35-foot height limit and smaller setbacks. With the ORD Zone, the intent is to create some smaller-scale housing, leverage grants and partnerships, and work with the City on some workforce housing. Not having the density limit within the R-M Zone enables some workforce housing to be built. There would be reduced traffic coming and going if employees were shuttled to the canyons, for instance. This is something that could be set up with a Development Agreement. She explained that the Commission can recommend an agreement to the City Council.

It was noted that with the rezone, there is no density maximum, other than the fact that the Building Code may restrict how many units can be built. There were concerns that if it is all residential, then it moves away from the intent of a rezoning in the area. Ms. Marsh explained that the PO-C in the General Plan for future land use identifies the R-M Zone, PO Zone, and the ORD Zone. All three zones are compatible with the PO-C in the Future Land Use Map. The intent of the ORD Zone is a mix of residential and commercial uses. That mixture does not need to be site-specific. She noted that there are a lot of professional and commercial uses on neighboring properties.

Some Commissioners struggled with the fact that the proposal is a singular use and wanted to know how the City could encourage a mixture of uses. Ms. Marsh clarified that the idea of mixed-use on a single site is not necessarily what the ORD Zone does, but the idea is that the ORD Zone overall will have a mixture of uses. The applicant property itself does not need to have a mix of uses. The following PO-C language was read for the benefit of those present: “Rezoning in this district should only be considered if the proposed development enhances the existing development patterns and where any negative impacts on nearby residential uses are nominal or can be mitigated.” It was noted that there is no guarantee workforce housing will be present. Ms. Marsh explained that this is where the City Council can make a determination about a Development Agreement. The Planning Commission will ultimately make a recommendation to the Council. The desire to see a Development Agreement can be included in the recommendation language.

Ms. Marsh reported that the third item on the Regular Meeting agenda is a Text Amendment to allow Short-Term Rentals as a Conditional Use in the PO Zone. The subject property was recently rezoned to PO in order to convert some space on the top level into two residential units. The property owner would like to use one of those units as a short-term rental. The impact of that would be fairly minimal on the site. However, the discussion might be more appropriate during the General Plan process rather than to address a specific application. The recommendation in the Staff Report acknowledges the need for a larger discussion about short-term rental locations.

The last item on the Regular Meeting agenda is a Residential Site Plan of a Permitted Use. The permitted use is multi-family residential and the application is for the 1740 East Holladay Townhomes. The size of the land allows for nine residential units. The property owner proposes nine townhomes on the site and has included a Site Plan. The updated Site Plan has been shared with the Commission. Ms. Marsh noted that there are no comments from the Fire Marshal in the Meeting Materials Packet. During previous conversations, it was noted that the Site Plan and fire access will need to be improved or modified. That being said, there are no written comments at this time. If the Planning Commission decides to approve the application, a Condition of Approval would be that fire access issues, as per Fire Marshal comments, would need to be addressed.

Commissioner Prince ended the Work Session and there was a break before the Regular Meeting.

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

Commissioner Prince called the Regular Meeting to order at approximately 6:00 p.m. Commissioner Jill Fonte read the Commission Statement for the benefit of those present.

**PUBLIC HEARING**

1. **'Frederickson Residential Pool Rental' - Conditional Land Use Permit - 1820 East Spring Lane (R-1-10). Review and Consideration of a Request by the Applicants, Jennifer and Aaron Frederickson as Owners, for a Home Occupation Conditional Use Permit. Item reviewed as an Administrative application as per provisions stated in Holladay Ordinance §13.08.040. File #24-2-06.**

Ms. Marsh presented the Staff Report and explained that the application is a Conditional Use Permit for property located at 1820 East Spring Lane in the R-1-10 Zone. The proposal is for a home-based business, which is a residential pool rental. Economic Development and Housing Manager, Ann Frances Garcia, shared additional information about the application. She informed the Commission that the applicants are requesting a Home Occupation Conditional Use Permit. The applicant's proposal does not meet the current standards for a home-occupation business. The business proposed is essentially a shared-use business model. A shared use economy is where individuals share their assets with several others for a price. This is different from home-based business uses. While the proposed use involves a rental, the proposal itself goes against Title 5.

Ms. Garcia informed those present that the proposed use falls outside of the standards. The Staff Report lists the impacts and notes that some of those impacts may be mitigated. She reported that when there are neighbors nearby, it becomes difficult to mitigate some of the impacts associated with the use. Denial was recommended by the Technical Review Committee (“TRC”) and the reasons for that recommendation are listed in the Staff Report. She asked the applicant to speak.

The applicant, Jennifer Frederickson, explained that her husband had a stroke four years ago and pool therapy has been beneficial to him. The intention is to use the pool for many different uses, such as pool therapy and swimming lessons. Since the pool is a saltwater pool, it could also be used by individuals who are allergic to chlorine. There is also a desire to host birthday parties. As for potential traffic issues, the traffic will be limited to the driveway. The proposed hours of operation are 10:00 a.m. to 8:00 p.m. during the week. From 10:00 a.m. to 4:00 p.m., the pool would only be used for swimming lessons, pool therapy, and potentially couples swimming. Ms. Frederickson informed the Planning Commission that there is a desire to benefit the community.

The Commission asked about a Business License. Ms. Frederickson clarified that she does not have a Business License at this time. She is at the Planning Commission to start the process. Previously, she was not aware that she needed a Business License to rent her pool. Her booking is all done through a website and the site did not seem to think that she needed a Business License. Commissioner Prince appreciates that Ms. Frederickson has a desire to come into compliance.

Ms. Marsh reported that additional written comments were received after the Meeting Materials Packet was distributed. Those are included in a comment pack given to each of the Commissioners. Those comments will be added to the Meeting Materials Packet on the website. Commissioner Prince asked Commissioners to take a moment and review those comments. Ms. Marsh noted that there were submissions from Taylor Brinton, Tyler Hawkins, and Jennifer West.

Commissioner Prince opened the public hearing.

*Alan Urie* explained that he lives west of the subject property, but is an abutting next-door neighbor. He is aware of the current activity taking place at the home. Parking does spill out onto the street from time to time, but it is not a nuisance. As long as the hours of operation are as proposed by Ms. Frederickson, he does not have an objection to the use. There is noise, but as long as it does not occur late into the evening, there is no opposition to the rental of the pool.

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

Commissioner Angela Gong noted that she has used Swimply before and it is a wonderful service. However, in this case, it sounds like the applicant cannot receive a Business License because the ordinance language does not allow for shared-use business models. Even if the Planning Commission issued the Conditional Use Permit, it still would not be possible for the applicant to receive the Business License that is needed. She wondered whether it is worth discussing mitigation measures if it is not possible to receive a Business License for this use at the property.

Commissioner Gong appreciates that the applicant is here and has a desire to come into compliance. She wondered what the next steps will be. Ms. Marsh informed the Commission that there will be a General Plan update. This matter can be discussed during that process. There are a lot of community assets in Holladay, such as sports courts and swimming pools. If there is enough interest in the community for shared use, that direction can be provided to the City Council. The General Plan process is the ideal time to start having these kinds of discussions about shared use.

Ms. Marsh noted that the current application can be continued or denied by the Planning Commission. Alternatively, the applicant can withdraw their application. The applicant could then re-apply at whatever point in time they decide to. There should be a new General Plan in place by the fall of next year. Commissioner Prince wondered what the timeline would look like if the applicant chose to

pursue an ordinance that would allow for this kind of use. Ms. Marsh reported that the timeline for the General Plan is not finalized and is still being discussed with the consultant. That being said, community engagement occurs early on in that process. Ms. Marsh pointed out that this issue is something the applicant can bring forward to their City Council Member. In that case, the Commission could consider a continuance.

Commissioner Paul Cunningham noted that a denial will not allow the applicant to reapply for one year. He suggested that the Commission ask the applicant whether she would prefer to withdraw or have the item continued. Commissioner Fonte wanted to know what would change in the near future if the item was continued. The applicant would still not be eligible for a Business License. Ms. Marsh explained that even if the item is continued, the application can be withdrawn at any time. Commissioner Prince asked the applicant to share comments. She noted that the Commission cannot see grounds to move this forward positively at this time. There is a desire to support the applicant as much as possible. Ms. Frederickson believed withdrawing would be best. Commissioner Prince suggested that she work with City Staff on some possible next steps.

Commissioner Prince expressed appreciation that the applicant is trying to come into compliance. She also appreciates the members of the public who have shared comments. Additional discussions were had about the process and potential next steps. Ms. Marsh believed the applicant should speak to her Council Member about this matter. There are likely others in the community who would like to use their properties for shared use. As a result, there are some opportunities there. Ms. Marsh noted that the City Attorney was not present and recommended a continuance or that the application be withdrawn. The applicant can still withdraw in the future.

*Commissioner Cunningham moved to CONTINUE the application for a Home Occupation for “Frederickson Pool Rental,” located at 1820 East Spring Lane to the August 20, 2024, Planning Commission Meeting. Commissioner Fonte seconded the motion. Vote on Motion: Commissioner Cunningham-Aye; Commissioner Vilchinsky-Aye; Commissioner Fonte-Aye; Commissioner Gong-Aye; Commissioner Berndt-Aye; Commissioner Prince-Aye. The motion passed with the unanimous consent of the Commission.*

2. **Zone Map Amendment - Rezone from R-M to ORD - 6571 South Big Cottonwood Canyon Road. Review and Recommendation to the City Council on a Proposal by the Applicant, Brad Reynolds to Amend the Holladay Zone Map at this Location from the Residential Multi-Family Zone (R-M) to the Office Research and Development Zone (ORD) for Approximately 0.88 Acres of Property. Item Reviewed as a Legislative Action, According to Procedures Set Forth in Holladay Ordinance §13.07. File #24-4-10.**

Ms. Marsh presented the Staff Report and explained that the application is for a Zone Map Amendment for property located at 6571 South Big Cottonwood Canyon Road. She explained that the rezone request is from R-M to ORD. In the General Plan, this area is identified as PO-C. The compatible zones identified in the General Plan under PO-C are PO, R-M, and ORD. The ORD Zone is intended to mix uses. The surrounding area is largely commercial or office space. The R-M Zone that exists on the site currently allows for residential use. While it is the intention of the applicant to develop the site as residential, the ORD Zone enables additional height. She pointed out that this is a smaller parcel and the applicant is working with limited land area.

The ORD Zone specifically addresses the challenging elevations, hills, and slopes in the area. Ms. Marsh reported that the site has a large slope on the backside. As a result, the neighboring school

property is significantly higher than the street elevation that the site would be developed at. She noted that the General Plan details economic stability. While residential use does not necessarily promote economic stability, it does in the sense that residential uses are brought into a commercial and mixed-use area. Having a mixture of uses does promote economic diversity. Additionally, she stated that more commercial development usually occurs when there is nearby residential.

The applicant's intent is to develop some housing units that are workforce housing units. Ms. Marsh pointed out that the ORD Zone also allows for short-term rentals. Some of those lower-cost housing units could be offset with some market-rate housing units. As for setbacks, the ORD Zone takes into consideration neighboring residential uses. The property would need to have a setback of 30 feet for a building to be constructed. The building can be up to 30 feet high at that 30-foot mark. If there is a desire to build beyond the 30 feet, the building needs to be set back further.

A site visit to the property was conducted. Ms. Marsh shared a map of the area and pointed out the house that is across the street. There are some natural buffers already in place. She reported that the ORD Zone requires a cement wall around the perimeter unless a special exception is made. There is already a cement wall next to the residential that is existing. That wall provides a visual and sound barrier. Ms. Marsh asked the applicant to share comments about what is proposed.

The applicant, Brad Reynolds, introduced himself to the Commission and explained that he is a lifelong resident of Holladay. He appreciates everything the City does to maintain standards. Mr. Reynolds has been building for over 30 years. In the past, the focus was on custom homes. However, there was a need for quality housing that was more affordable, so he started to focus on the townhome market. He feels that this particular site could meet some of the current needs. The hope is that there can be some attainable workforce housing on the site. The ORD Zone allows for some additional flexibility but also protects the residential with a larger buffer for additional height. Mr. Reynolds believes it is possible to create something that will enhance the community.

Based on the size of the site, having a commercial and residential mix is unlikely to work. Mr. Reynolds pointed out that there are a lot of challenges on the site due to the hill in the back. The property is surrounded by commercial, with the exception of the residential located to the east. With 0.88 acres available, the intention is to have all of that be residential. The details are not finalized at this point, but based on the size of the site, he believes there could be 30 to 48 units.

Commissioner Gong asked about the range of price points. Mr. Reynolds recalled that it could be approximately \$2,000 per month, but he does not know the numbers for certain. The rest would be market rate. Ms. Garcia explained that a lot depends on the size of the unit and whether it is a one, two, or three-bedroom unit. Mr. Reynolds does not know the percentage that would be workforce housing, but his current estimate is 20% with the remaining 80% being the market rate units.

Commissioner Fonte wanted additional information about the 30 to 48 units. She asked for more details about what that structure would look like. Mr. Reynolds explained that there are restrictions on the property due to the housing to the east. There is also the 1:1 ratio that needs to be considered. The details are still being finalized, as it is early on in the process. Commissioner Prince pointed out that these details can be discussed more in the future. She reminded Commissioners that the application currently before the Commission is a rezone from the R-M Zone to the ORD Zone.

Commissioner Gong wondered what approval with a recommendation for a Development Agreement would look like. Ms. Marsh explained that if the Planning Commission chooses to forward a positive

recommendation, a suggestion can be added that the City Council consider a Development Agreement. The City Council will be the ones to work out the details of that. Transportation and workforce housing are normally handled in partnership with large employers, such as ski resorts. Sometimes employees do not come with vehicles and rely on public transportation. Even with short-term rentals, it is likely that the public transportation system will be used. There may not be the same kind of traffic levels as there would be with all market rates.

Commissioner Prince opened the public hearing.

*Craig Grimm* gave his address as 3156 Old Mill Circle and noted that it is in the residential area adjacent to the subject property. The wall that surrounds it is only 10 feet tall and the closest house to this property is right next door. The proposal is to build approximately 40 units on 0.88 acres. In order to accomplish that, it will likely need to be a five or six-story building. He is supportive of progress, but cannot envision how this project will fit in the area. If the building is too high, it will block his view. Mr. Grimm also felt traffic impacts should be considered.

*Chris Jensen* gave his address as 1878 Lincoln Lane and stated that he is an architect from Think Architecture who is working with Mr. Reynolds. He addressed some of the comments made. When it comes to height, there is a 30-foot setback and a 30-foot height. Any additional height requires an additional setback. He noted that 30 feet is only a three-story building. Mr. Jensen clarified that unit counts and details are still being discussed. A traffic engineer will be engaged in the future to conduct a traffic study. Based on initial conversations, the capacity of the road is unlikely to be met. Mr. Jensen informed those present that the property will be designed well.

*Jay Robb* gave his address as 6614 Old Mill Circle. He noted that certain assumptions have been made about those who will use public transportation versus those who will drive. Additionally, it is important to remember that this property is on the border of Cottonwood Heights and Holladay. Simultaneous to the petition to rezone this property is a rezone in Cottonwood Heights that is happening to the south. The request there is to take down the Old Mill structure and put in high-density units. Both of these projects happening at the same time must be considered. Mr. Robb reiterated his concerns about the area taking on additional traffic. He also pointed out that on the corner near the development, there is a bus stop, so increased density is something that needs to be looked at as well as coordination with Cottonwood Heights. Commissioner Prince asked whether the bus stop mentioned is a public bus stop, a school bus stop, or a private bus stop. Mr. Robb informed the Commission that there is a Canyon School District bus stop in that location.

*Monica Grimm* gave her address as 3156 Old Mill Circle. She informed the Planning Commission that there are a lot of bicyclists that use the road, which also adds to the overall traffic levels. Ms. Grimm expressed concerns about the proposed affordable housing, as she fears it will turn into ski rentals. As for the number of units contemplated, she is unsure how those will fit on the property.

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

Commissioner Brian Berndt had questions about the site layout and slope. He wants to better understand the impacts. Ms. Marsh reported that building height is based on the existing elevation. If the applicant was to build the building into the hillside, the elevation of the hillside would be used. Commissioner Berndt explained that with a rezone, it is important to consider the final proposal as well. He pointed out that the site has been modified with the previous building. Commissioner Fonte is curious about how Holladay would work with the ski areas to ensure that the people living in

workforce housing units actually receive shuttle service to work. Ms. Garcia stated that the developer would need to work with employers. That kind of detailed information would be referenced in a Development Agreement for the property. She reminded the Planning Commission that a Development Agreement for the site would be handled by the City Council.

Commissioner Prince asked whether the traffic pattern is pertinent to the rezone. Ms. Marsh clarified that it is discussed at a Site Plan review level. At that time, there will be information about the capacity of the road. There will also be comments received from the City Engineer. The City may require a Traffic Impact Study to show that there is enough capacity for the number of units that are being proposed. Those details are unknown at this point but will be examined further during the Site Plan process. Commissioner Gong referenced the comment about development in Cottonwood Heights further south. Ms. Marsh stated that what is proposed in Holladay is a smaller development than what is contemplated in Cottonwood Heights. It will not have the same kind of impact. While the impacts will come together in some form, the impacts are ultimately separate. It is possible to reach out to Cottonwood Heights for comment ahead of a Site Plan review.

Commissioner Cunningham believes there needs to be a Development Agreement. Something he feels is important is a significant ratio of moderate income units compared to market rate units. There should also be coordination with Cottonwood Heights about the nearby development. As for the requested rezone, it is consistent with the General Plan in Holladay. That area is meant to be an economic driver and can include residential. He believes the rezone should move forward.

Commissioner Fonte thought she heard that 20% of the units will be designated for workforce housing. Ms. Marsh clarified that nothing has been confirmed at this point. The applicant will look into grants and partnerships moving forward. The comment made by Commissioner Cunningham about ratios is something that can be recommended in a Development Agreement. Commissioner Fonte believes that a driver for the rezone is the addition of workforce housing, so she believes that is important to include it in the recommendation made to the City Council. Commissioner Ginger Vilchinsky feels comfortable moving forward and recommending this rezoning to the City Council. She agrees with the comments made by Commissioner Cunningham.

Commissioner Prince echoed the comments made by other Commissioners. This project fits within the criteria of the General Plan in the City of Holladay. It seems that a lot of positives could come out of the development. As a result, she feels comfortable moving the rezone forward. Members of the public were reminded that there will be additional meetings held and approvals needed before the development actually occurs. Commissioner Vilchinsky noted that while a recommendation is being forwarded to the City Council for the rezone, there is a lot that still needs to happen. Commissioner Prince added that the City Council will make the final decision on the rezone. There is still an opportunity for members of the public to participate in that process.

***Commissioner Cunningham moved to forward a recommendation to the City Council to APPROVE an application by Brad Reynolds to amend the Holladay Zoning Map for 0.88 acres of land, located at 6571 South Big Cottonwood Canyon Road from R-M to ORD, based on the following findings and recommendations:***

***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 will not adversely affect abutting properties; and*
4. *The adequacy of facilities and services intended to serve the subject property, such as roadways, parks, and recreation facilities, police and fire protection, schools, stormwater drainage systems, environmental hazard mitigation measures, water supply, and wastewater and refuse collection.*

*This recommendation is subject to the developer entering into a Development Agreement with the City, with the suggestion that the City address the following issues:*

1. *There shall be a significant ratio of moderate-income housing required by the Development Agreement.*
2. *A specific discussion about the road system, including future developments that may occur on the Cottonwood Heights side, be addressed by the City.*

*Commissioner Berndt seconded the motion. Vote on Motion: Commissioner Cunningham-Aye; Commissioner Vilchinsky-Aye; Commissioner Fonte-Aye; Commissioner Gong-Aye; Commissioner Berndt-Aye; Commissioner Prince-Aye. The motion passed with the unanimous consent of the Commission.*

3. **Text Amendment - Chapter 13.100 Appendix A - Table of Allowed Uses - Short-Term Rentals as a Conditional Use in the PO Zone. Review and Recommendation to City Council on a Proposal by the Applicant, Michael Ault, for an Amendment to Title 13, of the Holladay City Code, Land Use and Development Regulations as they Relate to the Addition of Conditional Allowance of Short-Term Rentals within the Professional Office (PO) Zone. Item Reviewed as a Legislative Action, According to Procedures Set Forth in Holladay Ordinance §13.07. File #24-4-09.**

Ms. Marsh presented the Staff Report and explained that the item before the Planning Commission is a Text Amendment request for Chapter 13.100 Appendix A – Table of Allowed Uses. The Table of Allowed Uses looks at specific uses in specific zones. The proposal is to add short-term rentals as a Conditional Use in the PO Zone. She shared some background information about the PO Zone and reminded the Commission that it was created in 2018. The zone took office uses out of the R-M Zone, placed them in the PO Zone, and added some additional uses. Properties that are zoned as R-M and have primarily office uses have been encouraged to rezone to the PO Zone.

The property owner in this case has been before the Commission previously and a rezone to the PO Zone was approved. There was a Conditional Use Permit to allow the conversion of an upper floor of the office building for residential units. With the residential units, the property owner is seeking to have a short-term rental in one of them. Ms. Marsh noted that the R-M Zone the property was rezoned from includes short-term rentals as a Conditional Use. The proposal is to add short-term rentals in the PO Zone as well. Staff recommends that the Planning Commission engage with the applicant and conduct a public hearing. Considering that Holladay is beginning the process of a large-scale General

Plan update that will include community engagement and updated land use guidance, Staff suggests there be a negative recommendation to the City Council.

The applicant, Michael Ault, explained that he is representing the property at 6375 South Highland Drive. He is interested in short-term rentals. The two-story building was previously in the R-M Zone, which allowed short-term rentals to occur. The idea was to have a residence in the building, an apartment in the building, and then lease the office space out on the lower floors. The zone was changed to PO to accommodate that. The plan called for the C-2 Zone, but the neighbors behind preferred the PO Zone, so that was pursued and ultimately approved. Mr. Ault does not believe the short-term rental would impact the neighbors, as there is a 6-foot high fence that surrounds the building. The property immediately to the south is the Fairfield Inn, which is in the ORD Zone. The property to the north is in the R-M Zone, which allows for short-term rentals.

Commissioner Prince opened the public hearing.

*Dan Moss* gave his address as 6393 Senoma Drive and explained that he lives behind the subject property. It seems that there have been a lot of discussions about this particular site. He thought it was already decided what uses would occur on the property, but it is now back before the Commission. Neighbors previously supported the rezone to the PO Zone. It was clarified that the zone will not change with this request. Mr. Moss explained that he is curious about where this is headed and wants to understand whether what is envisioned is more than the original intent.

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

Ms. Marsh shared a map that shows all of the existing PO Zone properties in the City. She reported that notice was sent to all PO Zone properties, as this type of change would impact their individual properties as well. The PO Zone allows for mixed uses, but the primary intent of the zone is office commercial use. During the General Plan process, it will be possible to discuss the possibility of allowing short-term rentals in more zones and whether there should be percentage limitations. Ms. Marsh noted that there is a desire for there to be a balance. If there is a commercial zone, the goal is not to see the entire property converted to a short-term rental. She reminded those present that short-term rental applications come to the Planning Commission via a Conditional Use Permit. It is believed that the community would like to engage in a conversation about short-term rentals.

Ms. Marsh reported that specific uses and processes have different applications. The rezone request, to rezone the property from R-M to PO, was one process. That rezone process played out between the Planning Commission and City Council. Nearby residents received notices about that process. The Conditional Use Permit process was to allow residential uses in a PO Zone. That is a separate application, which meant that it was also noticed before coming to the Commission. She explained that the latest application is not site-specific, but would ultimately impact the property. Notices were sent out to neighboring residential properties as well as PO Zone owners.

Commissioner Cunningham believes the Commission needs to think about the ramifications to all of the PO Zone properties before that kind of change can be made. This is similar to the swimming pool discussion that took place earlier in the meeting. Whether or not this site is suitable is not the question. In this case, the question is whether a change should be made across all PO Zone properties in the City. At this point, that is not something that he is willing to vote for.

Commissioner Vilchinsky asked whether the Planning Commission is being asked to recommend a change to the language that would allow short-term rentals as a Conditional Use. Adding that as a Conditional Use would still require applicants to come back and apply for that use Ms. Marsh confirmed this, but explained that with Conditional Uses, the impacts are evaluated to determine if conditions can be reasonably placed to mitigate those impacts. Conditional Uses must be approved if reasonable mitigation measures can be applied. While it is conditional and there is oversight by the Planning Commission, the larger community conversation about short-term rentals in the PO Zone is something that might be best. She noted that it is important to consider all of the existing PO Zone properties, but also the R-M Zone properties that could rezone. Ms. Marsh believes there is a larger discussion that needs to occur with input and Council direction.

Commissioner Berndt referenced the Staff recommendation and asked about the potential Conditional Use Permit criteria. Ms. Marsh noted that if there is approval and this moves ahead, there will be adequate parking on this particular site. With short-term rentals, there cannot be street parking and there are certain hours of operation. Most of those details are listed in the code for short-term rentals. Commissioner Berndt stated that a mixture of uses is becoming more common. He believes the PO Zone provides opportunities and pointed out that there are likely not many offices that will be interested in offering short-term rentals. This might be a positive change.

Commissioner Gong understands that in a lot of communities, short-term rentals are often seen as being in opposition to moderate-income housing. Ms. Marsh reported that if the Planning Commission wants to forward a positive recommendation to the City Council, it could include a recommendation that there be a study done to determine how to balance short-term rentals while still accomplishing moderate-income housing goals. Commissioner Gong informed those present that she is reluctant to forward a positive recommendation to the City Council at this time.

Commissioner Cunningham does not believe the Planning Commission has any specific objections to this site. However, the recommendation will ultimately impact other properties as well. He believes a recommendation to the City Council would be premature at this point. Commissioner Cunningham is unwilling to state that the Commission has enough to make findings, as there is not enough information about the other PO Zone properties. It might make more sense to continue this item or have the applicant directly approach the City Council as part of the General Plan process. He does not feel there is currently a basis for the recommendation. Commissioner Fonte asked whether a continuance would make the most sense. Commissioner Cunningham thought it was the best approach. The applicant can then decide how they would like to move forward.

Commissioner Prince expressed comfort with continuing the item so the applicant can have a discussion with City Staff and reach out to their Council Member. Short-term rentals are a significant matter and should not be decided based on one site. The other Commissioners agreed.

***Commissioner Cunningham moved to CONTINUE the application by Michael Ault to amend Title 13, Chapter 13.100 Appendix A of the City of Holladay Land Use Code to add short-term rentals as a Conditional Use to the Allowed Uses Table, to the Planning Commission Meeting on September 3, 2024. Commissioner Fonte seconded the motion. Vote on Motion: Commissioner Cunningham-Aye; Commissioner Vilchinsky-Aye; Commissioner Fonte-Aye; Commissioner Gong-Aye; Commissioner Berndt-Aye; Commissioner Prince-Aye. The motion passed with the unanimous consent of the Commission.***

4. **'1740 East Holladay Townhomes' Residential Site Plan of a Permitted Use - Preliminary Review - 4821 South 1740 East. (R-M) Preliminary Review and Consideration of a Residential Site Plan Proposed by Application/Property Owner, Brad Reynolds to Accommodate Nine Units within the Residential Multi-Family (R-M) Zone. Item Reviewed as an Administrative Action for Permitted Uses in Accordance to Zone and Subdivision Standards Required by Holladay Ord §13.10 File #24-9-01.**

Ms. Marsh presented the Staff Report and explained that the application is for a Residential Site Plan of a Permitted Use. The property is located at 4821 South 1740 East and the development is for a residential multi-family development. The Planning Commission is looking at this at a conceptual level to ensure that the density matches what is allowed and that utilities and parking are adequate for the site. The applicant will come back for a preliminary review in the future.

Comments from the Fire Marshal are not included in the Staff Report. Ms. Marsh noted that this was discussed during the Work Session. The Fire Marshal has comments about adjustments that will need to be made to accommodate the fire requirements, so she suggested that there be a Condition of Approval to state that approval is dependent on any comments and recommendations from the Fire Marshal. She noted that Commissioners were provided with an updated Site Plan.

The applicant, Brad Reynolds, discussed the updated Site Plan. The back unit was put on an angle to open up the center courtyard area. He believes that adjustment makes the site more appealing. The proposal is to have nine units, which fit with the R-M Zone requirements. Mr. Reynolds reported that there was a meeting with the Fire Marshal held prior to the creation of the drawings. As a result, he is hopeful that only minor adjustments will be needed to satisfy the Fire Marshal. The units will be high quality, which he feels there is a need for that in the area. What is proposed will be a nice change from what is already in the surrounding area, which is largely apartments. Mr. Reynolds clarified that nine individual townhomes with two-car garages are proposed and those will be available for sale. Discussions were had about 1740 East and whether it is a private street. Mr. Reynolds understood that it is a public road. Ms. Marsh shared maps to confirm this.

Commissioner Prince asked whether parking is allowed on the public road. Mr. Reynolds pointed out that there will be two-car garages for the townhomes as well as guest parking that meets City Code. Commissioner Gong wanted to know if there will be a fence between the creek and the properties. Mr. Reynolds noted that the center area between the units will remain open. The units to the north have decks that look out in between the units towards the creek. The intention is to make it as open as possible with green space. There has not been a discussion about fencing. If there is a fence, that would likely be a wrought iron fence so the view of the creek is maintained.

Commissioner Prince opened the public hearing.

*Chris Jensen* gave his address as 1878 Lincoln Lane. He informed the Commissioners that he is the architect. An effort has been made to create open space and maintain the views. The hope is to also have some rooftop decks so there can be other amenities associated with the townhomes. These are proposed to be three-bedroom units with some flex space on the ground floor. It is also anticipated that there will be large decks off of each of the main levels. He believes the townhomes will be ideal for young families. The anticipated size is approximately 1,750 square feet for each unit. Mr. Jensen hopes that it will be possible to continue to move this project forward.

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

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Commissioner Vilchinsky referenced the written public comments included in the Meeting Materials Packet. She noted that those comments included concerns about access into the development. However, at this point, it seems that the application meets the current requirements. The other Commissioners agreed that the application is ready to move forward at this stage. Commissioner Prince is interested to see what the Fire Marshal will add as part of the requirements. She asked that the motion made clearly state that the Fire Marshal requirements must be met.

***Commissioner Vilchinsky moved to APPROVE the Conceptual Site Plan application by Brad Reynolds for “1740 East Townhomes,” a nine-unit multi-family residential development, located at 4821 South 1740 East in the R-M Zone, based upon the findings:***

- 1. The requirements for the Conceptual Site Plan have been substantially completed.***
- 2. The development complies with the minimum area required for a nine-unit multi-family home development in the R-M Zone.***
- 3. The development complies with the General Plan.***
- 4. Parking minimums of 18 spaces are met with garage parking.***

***This approval is subject to the following requirements:***

- 1. Submit the required area and use table, per the Concept Plan checklist.***
- 2. Submit SLCPU availability when received, prior to Preliminary submission.***
- 3. Address engineering comments prior to submission of the Preliminary Site Plan.***
- 4. Include all required preliminary submission items, as required in 13.03.030.***
- 5. Provide CC&R, specifically detailing maintenance of access lane and stormwater retention areas.***
- 6. The Fire Marshal's suggestions must be taken into account and brought forward.***

***Commissioner Berndt seconded the motion. Vote on Motion: Commissioner Cunningham-Aye; Commissioner Vilchinsky-Aye; Commissioner Fonte-Aye; Commissioner Gong-Aye; Commissioner Berndt-Aye; Commissioner Prince-Aye. The motion passed with the unanimous consent of the Commission.***

Commissioner Prince reported that the Planning Commission needs to establish leadership. She suggested that Dennis Roach serve as Chair. Commissioner Vilchinsky believed that Commissioner Prince should serve in the Vice-Chair position. Discussions were had about a vote.

***Commissioner Prince nominated Dennis Roach to serve as the Planning Commission Chair for the following year and Karianne Prince to serve as Vice-Chair. Commissioner Berndt seconded the motion. Vote on Motion: Commissioner Cunningham-Aye; Commissioner Vilchinsky-Aye;***

*Commissioner Fonte-Aye; Commissioner Gong-Aye; Commissioner Berndt-Aye; Commissioner Prince-Aye. The motion passed with the unanimous consent of the Commission.*

Ms. Marsh reported that the next Planning Commission Meeting will take place in August. The meeting is scheduled to be on the same night as the Public Safety Night. There is one item on the meeting agenda. The intention is to start the meeting at 5:30 p.m. and finish by 6:00 p.m.

**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 8:00 p.m.

*I hereby certify that the foregoing represents a true, accurate, and complete record of the City of Holladay Planning Commission Meeting held Tuesday, July 16, 2024.*

Teri Forbes

Teri Forbes, Minutes Secretary  
T Forbes Group

Minutes Approved: **October 1, 2024**