

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

**Tuesday, May 7, 2024
6:00 PM
City Council Chambers
4580 South 2300 East
Holladay, Utah**

ATTENDANCE:

Planning Commission Members:

Dennis Roach, Chair
Jill Fonte
Angela Gong
Karianne Prince
Brian Berndt

City Staff:

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

WORK SESSION

Chair Dennis Roach called the Work Session to order at approximately 5:30 p.m. He noted that Commissioner Paul Cunningham and Commissioner Ginger Vilchinsky are both excused.

The agenda items were reviewed and discussed. Chair Roach reported that there is one Public Hearing item and two Action Items on the Regular Meeting agenda. City Planner, Carrie Marsh, shared information about the Public Hearing item, which is the Ault Mixed-Use Planned Unit Development. She explained that this is a property that was previously rezoned to the PO Zone.

The rezone was approved by the City Council and the property owner is now returning for a Conditional Use Permit. The property owner wants to convert the existing office space on the top floor of the building into two dwelling units. One will be the dwelling unit for the owner and the other will function as a rentable unit. The office use will remain in the rest of the building.

Commissioner Karianne Prince asked if there will be any remodeling done on the first floor. Ms. Marsh was not certain but noted that the remodeling will be addressed during the Building Permit process. She noted that having a mixture of uses in the building requires a Conditional Use Permit.

Chair Roach noted that there will not be a change to the setbacks. Ms. Marsh explained that if the applicant wants to add onto the building or add a secondary building, the requirements for the PO Zone will need to be met. However, in this case, only the internal space is proposed to be remodeled. The parking requirements need to be met with the change of use. She informed the Commission that the total parking spaces available are beyond the requirements for the use.

The Planning Commission will consider a permit for the mixture of residential and office space. Commissioner Brian Berndt asked if there is a way the property owner can subdivide further to create more than two units. Ms. Marsh explained that the applicant is limited by the size of the existing structure, but in general, the PO Zone does not have a limit on the number of residential

units. When considering the potential impacts of these residential units, the Planning Commission should think about what mitigation measures are best to include in the Conditions of Approval.

Commissioner Berndt believes the parking is one and a half spaces per unit. Ms. Marsh clarified that it is one and a half spaces for a two-bedroom unit. In this case, it would be one and a half for each, which results in a requirement for three spaces. Commissioner Berndt pointed out that this is less than the required parking for an office use, so the available parking on-site is not an issue.

Ms. Marsh noted that if the applicant wants to split the two units into four units in the future, that is possible, but the applicant would need to come back and have that reviewed by the Commission. The Conditional Use Permit that the Commission is looking at is for a specific proposal. Any modifications to that would require there to be approval of a new Conditional Use Permit. She reiterated that the Conditional Use Permit before them is for two residential dwelling units.

Commissioner Angela Gong noted that mixed-use in the PO Zone is encouraged. Ms. Marsh explained that this process is in place to ensure that the Planning Commission has some oversight. Sites vary based on size, conditions, existing structures, and so on. As the deciding body, the Planning Commission has the authority to determine the appropriate use for the specific site. Commissioner Jill Fonte asked whether the Commission needs to make the two units a Condition of Approval. Ms. Marsh confirmed that the Planning Commission will approve the two units. Discussions were had about appropriate language for a motion that references the two units.

Ms. Marsh shared information about the first Action Item on the Regular Meeting agenda. The Planning Commission previously saw the Conceptual Plan for the Silver Hawk 2 Subdivision. At that time, the Commission looked at how much land was needed and heard a proposal to add in some area to create two lots. The property owner purchased some property from a neighboring lot to create the two acres that is required. The proposal is to divide the two acres into two lots. One lot will be accessed from Wasatch Boulevard and the other from Silver Hawk Drive. There is a section identified as buildable area on each lot. If there is a crossing on slopes that is greater than 30%, the property will come back to the Commission for consideration. The Commission is looking at bringing more land into the existing subdivision and the proposal to divide that into two.

Discussions were had about the buildable area. Commissioner Gong does not believe what is proposed is in line with the Foothills and Canyons Overlay Zone (“FCOZ”). Ms. Marsh reported that the specific FCOZ requirements need to be met. There are some limitations in height, but there is some flexibility on setbacks because of the slopes in the FCOZ. There are extra protections for trees and soil disturbance. She explained that the FCOZ requirements are fairly extensive. It was noted that the reason the item is back before the Planning Commission is because in order to subdivide, there needed to be a Geotechnical Report submitted. The Geotechnical Report evaluates the slopes and determines the building envelope. That is included in the Meeting Materials Packet and can be reviewed by Commissioners. Commissioner Gong clarified that she is concerned that this proposal will not preserve open space in sensitive areas, preserve the aesthetics of the foothills, or preserve wildlife habitat in the area. She reiterated her concerns.

City Attorney, Brad Christopherson, reported that the applicant already has the right to build one house. The applicant wanted to subdivide the property but was just under the requirements to do so. An exception was requested from the City Council, which was denied. The applicant chose

to purchase the property difference needed at a significant expense. The applicant now meets the two-acre requirement for a subdivision. Ms. Marsh noted that the preservation of open space is inherent with the slopes. Additionally, building rights are already associated with the land.

Commissioner Berndt asked how much can be crossed. Ms. Marsh reported that crossing is designated in the code. If there is no other option, then there can be an exception made for crossing. As for trenching for utilities, it depends on what the cuts and fills are. Commissioner Berndt referenced the north side of Lot 101. It looks like that goes right through the 30% slope. Community and Economic Development Director, Jonathan Teerlink, explained that the easements are existing. With an existing easement in place, the owner has the right to trench.

Commissioner Berndt referenced the access to Wasatch Boulevard. He noted that it is not designated as an easement for access and wondered whether the Utah Department of Transportation (“UDOT”) has granted authority for that access. Mr. Christopherson explained that this is normally finalized at the Building Permit phase. It is something that the property owner will need to address moving forward. Commissioner Berndt pointed out that if UDOT does not grant access, this could become a problem for the Planning Commission. It was clarified that it would not become an issue for the Commission, as the matter would need to be addressed by the property owner. Chair Roach stated that whoever owns the lot will need to take care of the access.

Mr. Teerlink explained that from the point of view of the Technical Review Committee, the original larger piece always had frontage on Wasatch Boulevard. If Lot 102 was on Wasatch, then a second driveway would be needed or at least an easement that would grant access to that second lot, but by prescriptive right, having this parcel pre-exist quite a bit of Holladay, access to Wasatch Boulevard should not be an issue. Ms. Marsh noted that during conversations with the applicant, that site has always had that access on Wasatch Boulevard, so there would be legal access.

Mr. Teerlink understood the earlier comments shared by Commissioner Gong. There are reasons that some parcels have not been developed. The last ones remaining on the foothills are the most precarious ones. He noted that this is one of the reasons the property owner has to meet certain requirements. The intention is to ensure that the underlying zoning is met as well as FCOZ. Commissioner Berndt wondered whether the 30% slope line will be staked when the building actually occurs. He wanted to ensure there is no disturbance on the site. This was confirmed.

Chair Roach ended the Work Session and immediately moved into the Regular Meeting.

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 noted that Commissioner Cunningham and Commissioner Vilchinsky are excused. The agenda was briefly reviewed. Commissioner Prince read the Commission Statement for the benefit of those present.

PUBLIC HEARING

- 1. “Ault Mixed-Use Planned Unit Development” – Conditional Land Use Permit – 6375 South Highland Drive (PO Zone). Review and Consideration of a Request by Applicant, Michael Ault as Owner, for a Mixed Residential and Office Planned Unit**

Development. Item Reviewed as an Administrative Application as per Provisions Stated in Holladay Ordinance §13.08.040. File #24-2-03.

Ms. Marsh presented the Staff Report and explained that the application is for a Conditional Use Permit for property located at 6375 South Highland Drive. The property is 0.57 acres and was recently rezoned from the RM Zone to the PO Zone. The PO Zone has expanded uses based on office use, which is permitted in the zone. One use that is a Conditional Use is a Mixed Residential Planned Unit Development. The applicant is proposing to convert the existing office space on the top level of this building to two residential units. All of the parking requirements on the site are met. No substantial impacts are seen with this property, as it is not higher than neighboring residential uses. There is a higher-use zone, the ORD Zone, on the south side. As a result, there will not be much of an impact on the neighboring property. Possible mitigation measures could relate to vegetation and screening. However, impacts on residential neighborhoods will not be substantial.

Chair Roach asked whether the height of the structure will be altered with the application. This was denied. Ms. Marsh reported that the applicant will maintain the same dimensions and structure. The remodeling will occur on the interior in order to convert office space to living space.

The applicant, Michael Ault, explained that the request is to remodel in order to have residential on the upper floor. The office use will remain in the rest of the building. Commissioner Berndt noted there are three parcels. He asked if part of the parking is found in the second and third parcels. Mr. Ault believes so, as there are two small parcels with a few parking spaces. Ms. Marsh reported that the parcels are all under the same ownership. It is possible for the property owner to combine the three parcels. A consolidation of the three parcels could be a Condition of Approval that the Planning Commission places on the application if that is something that is desired.

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

Commissioner Fonte moved to APPROVE a Conditional Land Use Permit for the “Ault Mixed-Use Planned Unit Development,” located at 6375 South Highland Drive for two residential units on the top floor of the structure, with the following Findings and Conditions of Approval:

Findings:

- 1. This use is not in conflict with the City’s General Plan.***
- 2. The use complies with the purpose and uses allowed in the PO Zone and creates a new mixed-use opportunity in the City.***
- 3. This use is compatible with other uses on the site and is a smaller scaled and lower intensity mixed-use than may be typically seen in mixed-use development.***
- 4. The building does not exceed the permitted heights on abutting residential properties, thus, a residential use on the second floor has no more impact than adjacent residential uses.***

5. *All access to the site is from Highland Drive, a commercial corridor with a 104-foot wide right of way.*
6. *There is no expansion of the footprint of the building with this use.*
7. *There is ample parking and access to the use.*

Conditions of Approval:

1. *All businesses within the building are to apply for or maintain current business licenses with the City of Holladay.*
2. *Any new lighting installed on the property to be compliant with lighting standards in the PO Zone, according to §13.44.110.*
3. *Building Permit for all improvements to be applied for separately.*
4. *Comply with screening standards required in the PO Zone, according to §13.44.130.*
5. *Parking designations, allotments, and or locations for each use are to be managed by the property owner via recorded CCR agreements.*

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

ACTION ITEMS

2. **“Silver Hawk 2” Subdivision – Amendment and Extension – ADDRESS (ZONE). Preliminary/Final Review and Consideration of an Application by Application/Property Owner, Robert and Connie Jensen, to Subdivide 2 acres of Land. This 2-lot, Residential Subdivision will be Added as an Amendment to the Abutting, “Silver Hawk 2” Subdivision. Item reviewed as an Administrative Action for Permitted Uses in Accordance to Zone and Subdivision Standards Required by Holladay Ordinance §13.10. File #18-1-04-1.**

Ms. Marsh presented the Staff Report and explained that the application is the Preliminary and Final review for a Subdivision Amendment and Extension. The proposal is to bring additional area into the Silver Hawk 2 Subdivision. An existing parcel was not originally included in that subdivision and the intention is to bring that area in and make lot line adjustments between an existing lot in the Silver Hawk 2 Subdivision. This will result in a total of two acres of property. That two acres can be subdivided into two lots, as one-acre lots are required in the FCOZ.

A public hearing was held when the Conceptual Plan was presented. There were no public comments received at that time. The applicant, Robert Jensen, introduced himself to the Commission. He reported that the Geotechnical Report that was required has since been added.

Commissioner Prince noted that the applicant has done everything that has been requested. The Staff Report shows that the required elements have been reviewed and are acceptable. She believes

this application is complete. Chair Roach agreed. He stated that there were some concerns expressed during the Work Session about the application meeting the spirit of the FCOZ.

Commissioner Berndt moved to APPROVE the Preliminary Plan and Final Plat application by Robert and Connie Jensen for an amendment and extension of the Silver Hawk 2 Subdivision to include two new residential lots, based on the following Findings and Conditions of Approval:

Findings:

1. ***Development details required for a Preliminary and Final Site Plan have been submitted and reviewed by the TRC.***
2. ***Each of the lots shall comply with the minimum 1.0-acre (43,560 sq ft) lot size for single-family home development in the FCOZ Overlay.***
3. ***The development complies with the General Plan.***
4. ***The required submittals for preliminary subdivision development have been provided where applicable and have been found to be complete and acceptable.***
5. ***Preliminary level drawings were not subject to conditional approval (Concept Plan was approved, unconditionally).***
6. ***Stormwater detention areas and public improvements are to be provided with individual Building Permits for each lot.***
7. ***Existing fire access is to be maintained.***
8. ***Vehicular access and utility easements are established.***

Conditions of Approval:

1. ***All corrections on plat are required before final approval is granted.***
2. ***Recommendations from the geotechnical report shall be followed for both lots.***
3. ***FCOZ regulations, standards, and processes including pre-development review shall be followed prior to any development of either lot.***

Also, within one year and in accordance with 13.08.010.D5, to defer administrative review and approval of the FINAL PLAT by the Community and Economic Development Director, following a positive, written recommendation from TRC.

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

3. Approval of Minutes – 03/19/24.

Chair Roach reported that there was a typo in the Regular Meeting agenda. It referenced approval of Meeting Minutes from May 18, 2021, but the correct date of the meeting is March 19, 2024. It was noted that not all Commissioners were present at that meeting. Mr. Christopherson clarified that there is no requirement for Commissioners to abstain from the vote but if the Commissioners who were not present would prefer to abstain, that can be done. He pointed out that there needs to be a minimum of four votes from the Planning Commission for it to pass.

Chair Roach moved to APPROVE the Meeting Minutes from March 19, 2024. There was no second. The motion passed with the unanimous consent of the Commission.

ADJOURN

Chair Roach moved to ADJOURN. Commissioner Fonte seconded the motion. The motion passed with the unanimous consent of the Commission.

The Planning Commission Meeting adjourned at approximately 6:14 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, May 7, 2024.

Teri Forbes

Teri Forbes
T Forbes Group
Minutes Secretary

Minutes Approved: **November 19, 2024**