

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

Tuesday, March 4, 2025

6:00 PM

City Council Chambers

4580 South 2300 East

Holladay, Utah

ATTENDANCE:

Planning Commission Members:

Dennis Roach, Chair

Karianne Prince

Jill Fonte

Angela Gong

Paul Cunningham

Brian Berndt

City Staff:

Jonathan Teerlink, Community & Economic
Development Director

Brad Christopherson, City Attorney

WORK SESSION

Chair Dennis Roach called the Work Session to order at 5:45 p.m. The Regular Meeting items were discussed. There is a Public Hearing on the Charleston Place Subdivision and an Action Item to approve previous sets of Meeting Minutes. All Commissioners are present at the Planning Commission Meeting with the exception of Commissioner Ginger Vilchinsky, who is excused.

Community and Economic Development Director, Jonathan Teerlink, shared information about the Charleston Place Subdivision application. He reported that there is an application before the Commission for a two-lot Subdivision Plat. There was a home at 5870 South Highland Drive that was torn down. The property is located within the Charleston Place Subdivision Plat, the zone is R-1-10, and the property is 0.55 acres. There is enough property to split the lot into two. Mr. Teerlink explained that the property is currently under construction. Ivory Homes purchased that lot and a permit was issued based on the larger size. In the meantime, work was done with the Homeowners Association (“HOA”) to negotiate a Subdivision Plat. The reason the HOA is involved is because the Covenants, Conditions, and Restrictions (“CC&R”) require a minimum lot size of a half-acre. In the past, the lot has been pursued for a lot split, because of the R-1-10 Zone. The HOA has denied every applicant until now. There might be some residents from the HOA at the Regular Meeting.

The Technical Review Committee (“TRC”) has reviewed the plat for compliance with the R-1-10 Zone and it complies. There will be some off-site improvement requirements, as the sidewalk is existing on the Highland Drive side, but does not wrap around onto Charleston Lane. Curb, gutter, sidewalk, and street trees will need to be installed along that section. The HOA has some concerns about sidewalk down that street, which might be mentioned during the Regular Meeting. If that occurs, City Attorney, Brad Christopherson, will discuss how to address HOA and CC&R-related issues.

Whenever there is a subdivision or new home built, there is an opportunity to request that the off-site improvements be deferred. The applicant can ask for the installation to occur at a later date, can pay for the improvements so the City installs them at a later date, or can submit an application to waive the improvements altogether. Mr. Teerlink suspects the HOA will apply through Ivory Homes to waive that requirement, but that has yet to be determined. It is not necessarily in the purview of the Planning Commission to review that request, as it will ultimately be reviewed by the City Manager. The plat has been prepared in a draft form for the Planning Commission to review. Staff recommends approval of the two-lot subdivision, which is Lot 1A and Lot 1B in Charleston Place.

Chair Roach asked if the sidewalk is something that should be considered with this application. Mr. Teerlink explained that off-site improvements are already addressed in the code in different places. Commissioner Karianne Prince pointed out that the subdivision would exist within an HOA that has not allowed for the subdivision until now. Mr. Teerlink clarified that the R-1-10 Zone is in place and has been for some time. The next lot in is in the R-1-21 Zone, which has a half-acre requirement. There will be some push and pull between the HOA and the applicant. Commissioner Jill Fonte does not believe a precedent will be set here. Mr. Teerlink explained that the zone is already in place. Commissioner Paul Cunningham asked about the construction process. Mr. Teerlink stated that he spoke to the contractor about the work. The Code Enforcement Officer is aware of the situation. Chair Roach asked if a Condition of Approval could be that additional trees be required to account for the ones removed. Mr. Teerlink stated that there could be a fine imposed for the ones removed.

Chair Roach noted that there is a heavily wooded lot adjacent to this property that has no structures on it. Mr. Teerlink clarified that half of that lot is wooded, but there is a small house back in the trees. That property is part of the Charleston Place Subdivision but is not part of this amendment.

There were no suggested amendments for the Meeting Minutes on the Regular Meeting agenda.

Chair Roach reported that there are some technical challenges with pausing the Work Session broadcast before it becomes the Regular Meeting. He reminded Commissioners to mute microphones in between those meetings and be mindful of what is discussed during the break. Additionally, there are times when there is a single item on an agenda. He asked if there is interest in tabling items to a future meeting when there is one item to be considered by the Planning Commission. This was confirmed. It was clarified that there will still be compliance with the timeline requirements in place.

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. All Commissioners are present with the exception of Commissioner Vilchinsky. There is one Public Hearing Item and Action Item on the agenda. Commissioner Fonte read the Opening Statement for the benefit of those present.

PUBLIC HEARING

1. **“Charleston Place” Subdivision – Amendment – 5870 South Highland Drive (R-1-10 Zone) - Preliminary Level Review and Consideration of an Application by Jackson Haslam, Representing Ivory Homes, to Subdivide 0.55 Acres of Land. This Two-Lot, Residential Subdivision will be Added as an Amendment to the Abutting, “Charleston Place” Subdivision. Item Reviewed as an Administrative Action for Permitted Uses in Accordance to Zone and Subdivision Standards Required by Holladay Ord §13.10A File #24-1-08.**

Mr. Teerlink presented the Staff Report and explained that the application before the Planning Commission is an administrative request to subdivide 0.55 acres of land located on the corner of Charleston Lane and Highland Drive. The property is located in the R-1-10 Zone, which is a zone that allows one home on 10,000 square feet. In order to plat new properties, minimum lot size requirements must be met, which the TRC has reviewed for this property. Those parameters are met with the application, including utility service availability letters. Mr. Teerlink explained that these letters are required when a new lot is created to ensure that the new lot can be served by utilities. The application before the Commission requires a Public Hearing. The TRC recommends approval.

The applicant, Jackson Haslam, explained that he is representing Ivory Homes. He thanked City Staff for the work that has been done and for the presentation. The proposal will add to the neighborhood and will fit in well with the surrounding homes. He is available to answer Commissioner questions.

Chair Roach opened the public hearing.

James Nebeker gave his address as 1915 Charleston Lane. He noted that there is a submission that came with the Ivory Homes materials. It is a request to allow Ivory Homes not to install curb, gutter, and sidewalk on the south side of Lot 1. This is to preserve the character of the neighborhood. There are other streets in Holladay that have the same feature. He is the lead in the Architectural Committee that is maintained on the street and he wrote the piece that is in there. He can answer any questions.

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

Commissioner Cunningham expressed concerns about the scope of the work that has already taken place. It is unusual that the foundation is already in. He asked if the HOA and Ivory Homes have reached an agreement that would allow for what is proposed. Mr. Haslam clarified that there has been work with the Architectural Committee on an amendment to the CC&Rs. The lot has not been split at this time, so all of the work has been done on the furthest east side, which is proposed Lot 1A.

A reference was made to the landscape changes. Mr. Haslam confirmed that notice was received from the City earlier in the day. He reported that a permit was submitted for tree removal for the first lot and trees were removed according to that permit. The removal stopped at the lot line. It sounds like the construction team pulled out what they believed was a bush. There is a Landscape

Plan for the second lot, but it will not be submitted until the lot has been split. Mr. Haslam apologized for the situation and explained that wires were crossed between the development side and the construction side. Ivory Homes will do whatever needs to be done to rectify the error. It was an honest mistake and a tree was removed that should not have been. He reiterated that there is a full Landscape Plan in place already, which includes a full replacement of any tree that is removed, plus any additional amount that is required by Tree City USA. As for whether or not there is a date that the CC&R changes will be finalized by, it was clarified by Mr. Haslam that there is no date determined at this time.

Commissioner Prince expressed confusion about the sidewalk and why there would not be a sidewalk on part of the property. There is still some uncertainty after reading the Meeting Materials Packet. Mr. Haslam reported that the existing subdivision does not have any sidewalk, curb, or gutter there. There is a strong desire to maintain a country feel for the street. There is work being done with the Architectural Committee. A waiver has been applied for through the City for the sidewalk on the south side of the property. The idea is to be in compliance with the wishes of the Architectural Committee. As for Highland Drive, that is an accessibility issue, so sidewalk will be required there.

Commissioner Angela Gong asked if the waiver is part of the application before the Planning Commission. Mr. Teerlink clarified that the waiver is separate. There is an existing process that the code outlines for the TRC. He explained that there are specific steps to determine whether a sidewalk is required for the location. Once the application moves forward, that TRC process will take place. Mr. Teerlink reported that there are two instances where a sidewalk is usually a requirement:

- If it is on a safe walking route to a public space;
- If the width of the right-of-way can accommodate the sidewalk or if there is an existing sidewalk that it needs to connect to.

Since Highland Drive has a sidewalk, there is a connection required there. It is possible to waive or defer in some cases. It was noted that on the south side of Charleston Lane, there are townhomes, but those are not part of the Charleston Place Subdivision. Approximately 20 years ago, before that area became part of Holladay, it was unincorporated Salt Lake County. On Highland Drive, it makes sense to have a continuous sidewalk for safety. However, on Charleston Lane, there is not the same need.

There was a member of the public who wished to speak. Chair Roach re-opened the public hearing.

Don Reese gave his address as 1932 Charleston Lane and referenced the mailer that he received. It stated that there would be a discussion about whether to allow for the two lots. Living across the street from the subject property, it appears that permission has already been granted, given the construction that has occurred. Mr. Christopherson stated that the City's position is that permission has not been granted. Ivory Homes likely started doing work on the project before there was permission to do so. There has been code enforcement action taken related to the property. He pointed out that what is proposed meets City Code, so there are not a lot of reasons the City would deny the application. However, it is the position of the City that work was done

before there was permission granted to do so. Mr. Reese thanked the City Attorney for providing that clarification.

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

Commissioner Prince explained that she has some hesitancy about the application due to the actions taken by the developer so far. It seems there should be better compliance. Mr. Teerlink stated that the permit was approved for the gross lot size, regardless of whether the subdivision occurred. Work was shifted to one side to ensure that development could occur later if the Subdivision Plat moved forward. In the discussion with the HOA, it was made clear that there was an intention to request a subdivision. He reiterated that the Building Permit was approved based on the gross area, with the awareness that there could possibly be a subdivision of land at some point in the future.

Commissioner Prince asked if the required setbacks and space between homes can still be achieved, which was confirmed. It was noted that the Staff Report confirms that all standards and setbacks are met. Mr. Haslam explained that the code was followed for the unsubdivided lot. Construction has taken place on the east side. If there is approval granted to split the lot, then another home can be built on the other side. If there is no approval, the current construction still meets the City Code. Commissioner Prince appreciated the clarification provided by City Staff and the applicant. It was stated that there is a Building Permit for the existing home. It was some of the tree removal where the approvals were exceeded. There is no Building Permit for a second home at this time.

Commissioner Fonte moved to APPROVE the Preliminary Plat application by Jackson Haslam for “Charleston Place,” an amendment to an existing subdivision, to create an additional lot from one existing lot, located at 5870 South Highland Drive in the R-1-10 Zone, based upon the findings:

- 1. Development details required for a Preliminary and Final Plat have been submitted and reviewed by the TRC.***
- 2. Each of the lots comply with the minimum width and area for single-family home development in the R-1-10 Zone.***
- 3. The required submittals for Preliminary Subdivision development have been provided where applicable and have been found to be complete and acceptable.***
- 4. Fire access is existing and approved by the Unified Fire Authority (“UFA”).***
- 5. Public roads and utility easements are shown on the plat.***

Also, within one year and in accordance with 13.10A.070.E, to complete administrative review and approval of the Final Plat by the Community and Economic Development Director – following a positive, written recommendation from the TRC.

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

ACTION ITEMS

2. Approval of Minutes – 1/21/2025, 2/4/2025.

Commissioner Prince moved to APPROVE the Meeting Minutes from January 21, 2025. Commissioner Gong seconded the motion. The motion passed unanimously.

Commissioner Prince moved to APPROVE the Meeting Minutes from February 4, 2025. Commissioner Berndt seconded the motion. The motion passed unanimously.

ADJOURN

Chair Roach moved to ADJOURN. There was no second. The motion passed with the unanimous consent of the Commission.

The Planning Commission Meeting adjourned at approximately 6:25 p.m.

I hereby certify that the foregoing represents a true, accurate, and complete record of the City of Holladay Planning Commission Meeting held on Tuesday, March 4, 2025.

Teri Forbes

Teri Forbes, Minutes Secretary
T Forbes Group

Minutes Approved: April 15, 2025