

**MINUTES OF THE CITY OF HOLLADAY  
PLANNING COMMISSION MEETING  
Tuesday, March 7, 2017  
7:00 p.m.  
Holladay Municipal Center  
4580 South 2300 East**

**ATTENDANCE:**

**Planning Commission Members:**

Matt Snow, Chair  
Jan Bradshaw  
John Garver  
Alyssa Lloyd  
Ann Mackin

**City Staff:**

Paul Allred, Community Development Director  
Jonathan Teerlink, City Planner  
Pat Hanson, City Planner

**REGULAR BUSINESS MEETING**

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

Chair Matt Snow called the Regular Meeting to order at 7:06 p.m. and read the Chair statement.

**ACTION ITEMS**

**2. PUBLIC HEARING – McDonald Home Occupation, Conditional Use Permit – 2215 East Fardown Avenue.**

(19:08:45) City Planner, Jonathan Teerlink, presented the staff report and stated that the applicant, Clyde McDonald, has requested a home-based business license to allow customers come to his home, which is in the Single-Family zone. Mr. Teerlink explained that in residential zones an accessory use can include a home occupation or home business. Home-based business licenses are routinely applied for over the counter, however, when the use involves customers coming to the home, a Conditional Use Permit is required from the Planning Commission. In this case, Mr. McDonald would like to operate a gunsmithing business. Mr. Teerlink reported that the Technical Review Committee (TRC) has reviewed the request and recommended conditions based on the scope of the business.

Mr. McDonald stated that there will not be a significant number of customers at his home. Clients will come by appointment only to drop off and pick up guns. He will not do any milling on site and is in the process of obtaining the required Federal Firearms License (FFL). Mr. McDonald explained that gunsmithing involves the mounting of scopes, repairing guns, replacing triggers, etc. While he reloads his own bullets, he will not offer that service to his customers. He was unsure of the number of customers that will visit his home but anticipated only a few each week. Mr. McDonald is retired and the intent of the business is to supplement his income. Parking issues were discussed. Mr. McDonald lives on a private lane and stated that he has room for four cars to park.

Chair Snow reported that a written response was received from a neighbor, Gayle Denman, who is opposed to the proposal. It was noted that while home occupations are permitted in the zone,

they are conditional uses, which allows the Planning Commission to impose conditions to mitigate potential negative impacts.

(19:15:20) Chair Snow opened the public hearing.

Mark Papanikolas reported that he and his wife own an undeveloped vacant lot that adjoins Mr. McDonald's. While they would like Mr. McDonald to be successful, their concern was that they own the property he currently parks on. They were happy to accommodate him for the time being, however, when they begin construction of their home they intend to put up a fence. Their intent is to sell their current home and begin construction within one year.

Denise Papanikolas suggested that customers not park on the lane since the driveway has rocks and they own part of it. She did not want customers to park along the fence and suggested they instead park on Fardown or along the main road. She stated that the lane is private and very narrow. Mrs. Papanikolas stressed that they are not opposed to the request but would not want customers to park in front of their home.

(19:18:35) Richard Denman gave his address as 2185 East Applewood Avenue and commented that the neighborhood is in transition. Fardown Avenue is extremely busy, dangerous, and not well suited for parking. Mr. Denman was opposed to allowing businesses in the area because of the precedent it sets and additional traffic.

Gayle Denman commented that there are no sidewalks on Fardown, which is a very narrow street with a lot of cars.

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

A comment was made that it would be a very long walk to Mr. McDonald's home from Fardown Avenue and would be an impractical place for his customers to park.

Commissioner Lloyd was concerned that at some point Mr. McDonald's vehicles will have to be moved onto his own property. Once that occurs, there was some question as to whether there will be room remaining for his customers to park. Mr. McDonald explained that he can accommodate four cars on his property. He has a three-car garage and room for at least two more in his driveway. He commented that the 10-foot right-of-way is public and informed the Commission that there is another business already operating at 2233 East.

(19:26:48) *Commissioner Garver moved to approve the Conditional Use Permit for a home occupation at 2215 East Fardown Avenue subject to the following:*

**Findings:**

- a. The use is an allowed accessory use in the R-1-43 zone with applicable and appropriate conditions.*
- b. The use is accessory to the use of the property as a residential home.*

- c. *The use is in harmony with the General Plan as it foresees home occupations as reasonable uses of land.*
- d. *The vehicular access is compatible with adjacent properties.*

**Conditions:**

- a. *The use is limited to gunsmithing and related services as regulated by the Bureau of Alcohol, Tobacco, Firearms and Explosives, or ATF.*
- b. *Federal licenses must be kept current and submitted to the City.*
- c. *The business is limited to daytime business operation hours from 8:00 a.m. to 7:00 p.m. – limiting traffic to peak traffic hours.*
- d. *Off-street parking must be made available for patrons at this site. Additionally, on-site parking arrangements are required and must be perpetually maintained.*

*The motion was seconded by Commissioner Mackin. Vote on motion: Alyssa Lloyd-Aye, Ann Mackin-Aye, John Garver-Aye, Jan Bradshaw-Aye, Chair Matt Snow-Aye. The motion passed unanimously.*

**3. PUBLIC HEARING – Loredell Drive Right-of-Way Vacation – Approximately 5102 South Loredell (2730 East).**

(19:30:36) Community Development Director, Paul Allred, presented the staff report and stated that the request is to vacate a piece of property between the back edge of street improvements on Loredell Drive and the property line. Years earlier the applicant expressed an interest in building on the property, which is off of Casto and Loredell on a “knuckle”. The applicant met with the City Engineer and Public Works Director and expressed his desire to install improvements in advance for his future home. The applicant reported that at significant expense he put in curb, gutter, and sidewalk where there had never been any. The City Engineer and Public Works Director gave the applicant permission to install the curb, gutter, and sidewalk where it should go and not where it is currently platted. Unfortunately, that put staff in a difficult situation as they are required to measure the setback from the property line, which sits well away from the existing curb, gutter, and sidewalk. The result is an area that the public has not used for public purpose and will not use because the improvements have now been installed in the correct location. It was staff’s assertion that the right-of-way was built to accommodate fire trucks and emergency vehicles.

Mr. Allred reported that he spoke to Public Works Director, Tosh Kano, who issued a memo to the Planning Commission. Possible options were discussed. The request was for the Planning Commission to send a recommendation to the City Council to vacate the property because it is no longer necessary or in the public interest to maintain.

Mr. Allred indicated that the TRC reviewed the request and supported it for the following reasons:

1. The applicant, under authorization from the Public Works Director and City Engineer, has already installed the curb, gutter and sidewalk at the location they deemed appropriate for the future ROW.
2. This installation of improvements is viewed by the applicant, and the TRC, as an approval of the “de facto” ROW line and, therefore, where the setbacks should be calculated from, thus avoiding a home redesign and misalignment with abutting homes.

Mr. Allred explained that when calculating where the home is to be placed on the property, it is necessary to look at the properties that are nearby. In this case, two homes on either side of the property were used. By calculating the setback averages, a determination can be made about how far back the home must be, which is substantial if the proposed vacation parcel stays in place when calculating the setback, and would also push the home out of alignment with what is intended to be accomplished with the ordinance. The intent is for the home to fit into the fabric of the neighborhood. In this case, calculating in the crescent-shaped piece is unnecessary, and, in fact contrary to accomplish the goals of the ordinance.

3. The actual ROW line and corresponding space – before any possible vacation – is not needed to fulfill the transportation needs of the community.

Mr. Allred explained that the asphalt has been in place for decades and the applicant has installed the improvements at the instruction of other city staff. From staff’s perspective, they cannot make a strong argument that any of the surrounding neighbors will be materially affected by the vacation of the crescent-shaped piece. Because the improvements are in, the City has identified the actual right-of-way line. Mr. Allred stated that it makes sense to vacate the crescent-shaped piece and doing so will not impair the ability of utilities to access their easements. Staff suggested there be a reasonable division of the property between the crescent-shaped piece. Staff recommended that the City relinquish ownership of the property because it does not serve the purpose for which it was originally intended.

4. Operates to the extent to which it is vacated, upon the effective date of the recorded plat, as a revocation of the acceptance of and the relinquishment of the City's fee in the vacated right of way, or public access easement.
5. Neither the public interest nor any person will be materially injured by the vacation.
6. It will not impair any easement of any lot owner or the franchise rights of any public utility.

(19:39:51) Chair Snow opened the public hearing.

Murriel Snow gave her address as 2748 East 5140 South and believed the proposal would improve the neighborhood because the property to be vacated has been left unattended for many

years. She noted that there is an area in front of their home where an emergency vehicle could turn around. She expressed her support for the request.

Mr. Allred reported that staff received a few phone calls on the proposal. Some callers expressed confusion and were concerned about the road potentially being shut down completely, which was clarified that it would not. Another issue was the fact that the asphalt has been deteriorating for some time. The installation of gutter there has improved that situation. It was noted that Loredell is on the long-term list for asphalt replacement. It is a City improvement project and will most likely be completed this summer or next.

The applicant, Richard Hanks, hoped to begin construction as soon as possible, weather permitting. He was prepared to accept any risk prior to the City Council approving the project.

Mr. Allred commented that the plan has been reviewed and their plot plan has been submitted based on a consultation with staff on how to calculate the setbacks. If Mr. Hanks elects to have his building permit issued, he will be proceeding at his own risk if the Council does not vacate the right-of-way. The City Attorney prepared a letter that the applicant will have to sign at the time of building permit issuance if he chooses to proceed prior to the City Council taking action.

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

*(19:47:40) Commissioner Bradshaw moved to recommend the vacation of a portion of the City right-of-way at 5102 South Loredell Drive.*

*Commissioner Lloyd proposed a friendly amendment to specify that approval be subject to the following condition:*

- 1. The arc shall be apportioned proportionately to the neighbor preferably at a 45-degree angle.*

*Commissioner Bradshaw accepted the friendly amendment. Commissioner Garver seconded the motion. Vote on motion: Alyssa Lloyd-Aye, Jan Bradshaw-Aye, John Garver-Aye, Ann Mackin-Aye, Chair Snow-Aye. The motion passed unanimously.*

**4. PUBLIC HEARING – Amendment to City of Holladay Ordinance; Site Plan Review and Approval Procedure – 13.08 and 13.56, 13.62.**

(19:50:25) Mr. Teerlink presented the staff report and stated that the proposal is for a text amendment consisting of procedural approvals for site plans in commercial zones. The Planning Commission requires a three-step process to approve site plans in commercial zones and in the village. There is, however, a caveat in the C-1 and C-2 zones that addresses a size limit of one-half acre for the C-1 zone and a one-acre limit for C-2 zones. He did not think that was intentional. The proposed text amendment removes the minimum development threshold and requires site plans go through the Planning Commission, regardless of the size of the development.

The second amendment was a housekeeping issue pertaining to the administrative review process. The Technical Review Committee (TRC) reviews multiple applications before they go to the Planning Commission for review. Staff also recommended they review site plans for residential buildings. That has been left out of the administrative process and procedure table and should be added back in.

(19:52:13) Chair Snow opened the public hearing. There were no public comments. The public hearing was closed.

*(19:52:53) Commissioner Bradshaw moved to recommend that the Planning Commission forward a positive recommendation on the various amendments to Sections 13.08, 13.56, and 13.62. Commissioner Lloyd seconded the motion. Vote on motion: Alyssa Lloyd-Aye, Jan Bradshaw-Aye, John Garver-Aye, Ann Mackin-Aye, Chair Snow-Aye. The motion passed unanimously.*

**5. PUBLIC HEARING – Amendment to City of Holladay Ordinance; Sign Code 13.82.**

(19:55:05) City Planner, Pat Hanson, presented the staff report and stated that the proposed amendment pertains to a change to allow a property identification sign in a residential zone. She explained that since the City was incorporated, signs in the Residential zone have not been allowed. There are over 450 home occupations in the City and nearly half have requested signage. The requests have all been denied. Ms. Hanson explained that it is possible to make changes through the Special Exceptions section of the ordinance. She stated that certain criteria must be considered when approving special exceptions and provides the reasoning for going beyond what would normally be permitted. Currently, a special exception has only been permitted for development in waterways. To add an allowance for signage in the residential zone would require Planning Commission approval.

Ms. Hanson was concerned that although the use of the property has a very specific description, it still falls within the category of a home occupation because it is in a residential zone, which has the potential to be challenged. Anyone with a home occupation in the Residential zone could claim that they should have the same privilege. The potential for unintended consequences was identified.

The applicant, Troy Ferran, clarified that they would like a small sign at the gate to help visitors identify the property since the home sits so far back off of Holladay Boulevard.

(20:02:21) Chair Snow opened the public hearing. There were no public comments. The public hearing was closed.

The is of what constitutes a sign was discussed. Ms. Hanson stated that there is already an allowance for a three-foot property identification sign. Many residents place signs on their home along with the street number. The City has never addressed whether that is considered a logo. The intent of the ordinance was that a commercial business in a residential area should not be allowed to have commercial signage.

Commissioner Garver asked if it would be possible to place a logo on the gate to identify the facility. The desire was for the logo to appear to be art and a name rather than an advertisement. Ms. Hanson stated that if the Commission determines that a property owner should be allowed to place anything of their choosing in the three-foot area as a property identification and interpret it as if it were art, there would be no reason to change the ordinance. Mr. Teerlink commented that signage has been addressed in the courts for some time in terms of what constitutes a sign. Mr. Teerlink explained that cities cannot regulate the content of a sign and clarified that property identification for a subdivision is slightly different.

Chair Snow's understanding was that the project is protected by the ADA so they cannot specify that it is not an allowed use in the Residential zone. What was submitted raised a great deal of concern among the citizens. He was opposed to the idea of having a sign that can potentially cause problems in the rest of the neighborhood.

Ms. Hanson stated that the sign must be on the home itself. Chair Snow stated that a logo could be placed on the gate as long as there is no text associated with it. Ms. Hanson disagreed and clarified that a logo could be placed on the home but not on the gate. Chair Snow had seen other gates with initials on them. Ms. Hanson explained that that could be considered art and is not considered property identification. Commissioner Bradshaw liked the idea of allowing Mr. Ferran to place his logo on the gate and eliminate the need to change the ordinance.

Mr. Ferran did not want it to be obvious that there is a business on the property. Chair Snow hoped to be able to make the request comply without having to change the ordinance. Commissioner Bradshaw appreciated Mr. Ferran abiding by the ordinance. Commissioner Mackin commented on the point raised earlier about there being approximately 400 home-based businesses in the City. She was concerned about the potential for another applicant to request something similar.

Reference was made to the Special Exceptions language. It was noted that the Commission may grant an exception to the allowed signs as set forth upon receipt of a positive recommendation from the Community Development Director, which must be based on certain criteria. It was confirmed that Mr. Ferran's business is drug treatment facility that serves people with a disability. Ms. Hanson stated that ultimately the business is a home occupation in a residential zone.

Mr. Ferran stated that his neighbors opposed the project in the beginning but since the facility has been in business one neighbor contacted him and complimented him on the fact that the use has not disrupted her family or the neighborhood. Mr. Ferran stated that they have worked hard to make sure that the use has not negatively impacted the City or the neighbors. Chair Snow had the same perception and thanked Mr. Ferran for his efforts. It was noted that the intent of the sign is to help visitors find the facility rather than serve as an advertisement. Chair Snow, however, wanted to be fair to other business owners in the zone.

Commissioner Bradshaw felt that the request was specific and qualifies for an exception. Ms. Hanson clarified that the use itself should be the only exception. The applicant had to comply with all other requirements. She explained that the City is free to deny the request for a

sign if they so desire. Commissioner Garver felt that Mr. Ferran must have understood what the signage stipulations were when he purchased the property.

(20:28:33) *Commissioner Lloyd moved to forward a negative recommendation to the City Council. Commissioner Mackin seconded the motion. Vote on motion: Alyssa Lloyd-Aye, Jan Bradshaw-Nay, John Garver-Aye, Ann Mackin-Aye, Chair Snow-Aye. The motion passed 4-to-1.*

**6. CONTINUED – “Grand Terraces” Condominiums – Preliminary Condominium Plat.**

The above agenda item was postponed.

**7. Approval of Minutes – March 1, 2016 and January 10, 2017.**

(20:32:21) Mr. Teerlink reported that the audio recording equipment was not working on the evening of March 1, 2016 so the minutes were prepared by staff from their notes. Procedural issues were discussed. The minutes of March 1, 2016 were reviewed and modified.

(20:36:27) *Commissioner Garver moved to approve the minutes of March 1, 2016, as corrected. The motion passed with the unanimous consent of the Commission.*

The minutes of January 10, 2017 were reviewed and modified.

(20:42:32) *Commissioner Lloyd moved to approve the minutes of January 10, 2017, as modified. The motion passed with the unanimous consent of the Commission.*

**DISCUSSION ITEMS**

**8. Ordinance Amendments Drafts:**

**a. Highland Drive Master Plan; Consideration of Amendments for Allocable Densities for Segment B.**

(20:43:04) Mr. Allred reported that the City Council has declared a moratorium on any new R-2-10 and R-2-8 zoning in Segment B of the Highland Drive Master Plan. He explained that the moratorium is a reaction to recent rezone requests. The Council was concerned that the only development requests were for R-2-8 and R-2-10 zoning. Staff and the Planning Commission were asked to study the matter and make a recommendation to the Council on how to move forward.

Mr. Allred pointed out that the Highland Drive Master Plan addresses the first 200 feet from the street. Beyond that, a development has very little impact on the street. The essential problems with Highland Drive were identified. Mr. Allred remarked that in addition to traffic, there are 15 to 18 rundown properties in a one-mile section between Arbor Lane and VanWinkle. He noted that the properties are not being redeveloped. There was discussion about how to handle rezone requests for blighted properties on both sides of the street. Mr. Allred asked the Commission to consider what they would like to see in terms of density within the first 200 feet of Highland Drive. If they were to allow densities of six units per acre, for example, which is between the R-2-10 and R-1-8, the result would be similar to the Ivory Homes development on Cecilia. That

type of density seemed be something the Council was willing to accept in the past and would perhaps be acceptable going forward.

(21:01:24) Commissioner Garver questioned why the moratorium was put in place. It was thought that commercial development along Highland Drive with residential behind it was desirable because the commercial would serve as a buffer. Mr. Allred suggested that every rezone on Highland for the past few years be analyzed as a tool from this point forward and consideration given to what is around it and the potential for additional development on either side. The density should also be considered within 1,000 feet on both sides of the street. Mr. Allred commented that a proposal was expected to be forthcoming from Ivory Homes for a project in the area a the old Mall site.. Other considerations were identified. Mr. Allred asked that the Commission review the Highland Drive Master Plan in light of the moratorium. Active transportation issues were discussed. Mr. Allred suggested that the Commission also envision how the area will change over the next few years.

- b. **3900 South Master Plan; New Master Plan for the 3900 South Corridor from Highland Drive to the I-215 Freeway.**
- c. **Tree Canopy Protection; Consideration of Amendments to the Holladay Tree Protection Ordinance.**

**ADJOURN**

(21:16:43) *Commissioner Garver moved to adjourn. The motion passed with the unanimous consent of the Commission.*

The Planning Commission Meeting adjourned at 9:15 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, March 7, 2017.*



---

Teri Forbes  
T Forbes Group  
Minutes Secretary

Minutes approved: 4/4/17