

**MINUTES OF THE CITY OF HOLLADAY  
PLANNING COMMISSION MEETING  
Tuesday, July 11, 2017  
7:00 p.m.  
Holladay Municipal Center  
4580 South 2300 East**

**ATTENDANCE:**

**Planning Commission Members:**

Jim Carter, Vice Chair  
Jan Bradshaw  
Chris Layton  
Alyssa Lloyd

**City Staff:**

City Planner, Jonathan Teerlink

**REGULAR BUSINESS MEETING**

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

In the absence of Chair Matt Snow, Vice Chair, Jim Carter, called the Regular Meeting to order at approximately 7:00 p.m. and read the Chair statement.

**ACTION ITEMS**

**2. 2097 East Walker Lane – Conditional Use Permit for Accessory Building – PUBLIC HEARING.**

*(Missing Audio)*

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

There was a short discussion about continuing the matter to a future meeting or later in tonight's meeting as the applicant was not present. The applicant, Jeff Hill, arrived late to the meeting. The Commission addressed other agenda items before returning to address this issue. Vice Chair Carter updated Mr. Hill on the fact that the public hearing was held and there were no public comments received. He also reported that staff recommended approval, with the Technical Review Committee specifically granting approval for the Conditional Use Permit.

Mr. Hill commented that he would like to construct a 496 square-foot pool house in the rear of his home near the pool. There is an existing garage on the property that is 1,142 square feet in size. He noted that the proposed structure will still meet the lot coverage requirements. A question was raised as to whether the neighbors had been involved in the planning of the structure. Mr. Hill reported that one neighbor was involved in the planning and has no issues with the proposal. There had been no discussion with the other neighbor that borders the property. None of the neighbors or other members of the public attended the public hearing to comment. With regard to trees, Mr. Hill reported that no trees will be removed as a result of the proposal but one tree that was diseased was removed.

(19:15:48) *Commissioner Jan Bradshaw moved to approve the Conditional Use Permit subject to the following:*

**Findings:**

1. *The building will be set at the required nine-foot setback and under the max 20-foot height limit.*
2. *The proposed pool house is an estate area where the size and use of the building are desirable and in harmony with the surrounding properties.*
3. *This project will not be detrimental to the health, safety, or welfare of Holladay residents, persons in the vicinity or injurious to property or improvements in the vicinity and is necessary and desirable for this particular location and will contribute to the well-being of the neighborhood. The proposal does not conflict with the intent of the General Plan.*
4. *The proposal does not conflict with the intent of the General Plan.*

**Conditions:**

1. *The Storm Water Detention Plan shall be submitted and approved by the City Engineer.*
2. *Construction drawings shall be submitted and permit approved by the Building Official.*
3. *The building's use shall comply with the permitted uses stated in the R-1 Zone.*
4. *This Conditional Use Permit shall expire and have no further force or effect if the building, activity, construction, or occupancy authorized by this permit is not commenced within two (2) years after approval.*

*Commissioner Layton seconded the motion. Vote on motion: Jan Bradshaw-Aye, Alyssa Lloyd-Aye, Chris Layton-Aye, Vice Chair Jim Carter-Aye. The motion passed unanimously.*

**3. 2100 East Walker Lane – Conditional Use Permit for Accessory Building – PUBLIC HEARING.**

City Planner, Jonathan Teerlink, presented the staff report and stated that the applicant, Penelope Murphy, is requesting a Conditional Use Permit to construct a guest house with a footprint of 1,397 square feet, which is 197 square feet more than the 1,200-foot limit. He reported that the Technical Review Committee was concerned about the proposed location of the guest house in that it is partially in the front yard setback, which is a specifically prohibited location for accessory buildings. Ms. Murphy was made aware of this concern and chose to continue with the public hearing and proceed to submit the application. Staff was also concerned about fire access. Staff had no other concerns as the request still meets the lot coverage requirements.

The applicant's son, Dominique Murphy, identified himself as a long-term City resident who grew up in the home on the subject property. Ms. Murphy currently lives on the property and has no intention of moving. Her son wants to build a "guest house" on the property so that she can

remain on the property and he can help care for her. Mr. Murphy addressed the setback problem, stating that it has a unique private drive with plenty of open space. The placement takes into account the need for privacy of both homes.

The applicant's Designer, Brad Waltman, was present and addressed the encroachment issue. He stated that Ms. Murphy can be flexible with the site location because of the unique nature of the lot. He explained that there are access benefits to the home to be situated in the proposed location, similar to the fire access. Mr. Waltman's main focus was to get approval on the size of the accessory building after which they can adjust the design and/or lot placement.

Commissioner Layton had questions regarding the unconventional lot and potential loss of trees. Mr. Waltman stated that the placement of the accessory building to the east minimizes the loss of trees and still allows for the 20-foot setback.

Alyssa Lloyd asked how the neighbors surrounding the property feel about the proposal. Mr. Murphy stated that Don Skaggs owns the properties surrounding the home and has plenty of green space. Mr. Murphy stated that Mr. Skaggs was notified of the request and to his knowledge he does not oppose it.

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

(19:34:45) *Commissioner Lloyd moved to approve the application subject to the following:*

**Findings:**

- 1. The Planning Commission is the Land Use Authority allowed to approve this project with conditions.*
- 2. The TRC finds the application for a conditional use permit for an accessory building at 2100 East Walker Lane to be complete as per the submission requirements listed in Holladay Ordinance 1.03.*
- 3. The proposed guesthouse is an estate area where the size and use of the building is desirable and in harmony with the surrounding properties use standards.*
- 4. When applying 13.08.040E "Conditional Use Approvals", this project will not be detrimental to the health, safety or welfare of Holladay residents, persons in the vicinity or injurious to property or improvements in the vicinity and is necessary and desirable for this particular location and will contribute to the well-being of the neighborhood.*
- 5. The proposal does not conflict with the intent of the General Plan.*
- 6. The TRC recommends the Commission consider the applicant's oral presentation as well as any public comments while considering this Conditional Use Permit request.*

**Conditions:**

1. *The guesthouse shall not be constructed in the front setback area.*
2. *The Storm Water Retention Plan must be submitted and approved by the City Engineer.*
3. *Construction drawings must be submitted and approved by the building official.*
4. *The building's use shall comply with the permitted use as stated in the R-1 Zone.*
5. *Fire access must be approved, including a 20-foot paved driveway within 150 feet of the furthest point of the structure to support fire apparatus.*
6. *The applicant shall provide the Irrigation Protection Letter to the City Engineer.*
7. *The applicant shall provide plans for proposed concrete bridge over existing irrigation ditch.*
8. *Any changes to the lateral must be communicated to the City Engineer.*

*Commissioner Layton seconded the motion. Vote on motion: Chris Layton-Aye, Alyssa Lloyd-Aye, Jan Bradshaw-Aye, Vice Chair Jim Carter-Aye. The motion passed unanimously.*

**4. Ordinance Amendment – 13.014.050 Front Setbacks – PUBLIC HEARING.**

Mr. Teerlink presented the staff report and stated that the proposed amendment will affect existing regulations as they pertain to residential front yard setbacks in R-1 zones. He explained that this is the second part of the amendment that took place in March 2017. That portion of the amendment pertained to a procedure to allow for setbacks, clarifies the ordinance, and makes it easier for the public to understand. The four recommended changes were as follows:

1. The applicants need to complete a worksheet to submit for verification from the Technical Review Committee regarding measurements being proposed by the application.
2. Minor clarification was needed regarding the type of lot and what kind of setback would be allowed to be consistent with surrounding properties.
3. Changes were needed to which variances will be allowed in setback areas.
4. Staff determination of the type of setbacks allowed for lots that were built or assessed incorrectly. The properties will need to be reviewed as if correctly built in the first place.

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

*(19:22:42) Commissioner Bradshaw moved to recommend approval of Ordinance Amendment 13.014.050, Front Setbacks, with the additional changes and deletions suggested by staff and subject to the following:*

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**Findings:**

1. *A public hearing was held and comments considered.*
2. *The amendment is necessary to carry out the purpose of residential development.*
3. *The amendment is supported by the General Plan.*

*Commissioner Lloyd seconded the motion. Vote on motion: Jan Bradshaw-Aye, Alyssa Lloyd-Aye, Chris Layton-Aye, Vice Chair Jim Carter-Aye. The motion passed unanimously.*

**5. Election of Planning Commission Officers.**

There was discussion about waiting until the next meeting to elect Planning Commission Officers due to several Commission Members not being present. Vice Chair Carter stated that he would be happy to serve as Chair since he has served as Vice Chair for some time. Commissioner Bradshaw expressed concern with Vice Chair Carter serving as Chair due to his frequent absences. Commissioner Bradshaw indicated that Vice Chair Carter does a great job but mentioned that last summer he was gone nearly all summer. Vice Chair Carter acknowledged that that was true but explained that that is the reason there is a Vice Chair.

*Commissioner Bradshaw moved to continue the election of Commission Officers. Commissioner Lloyd seconded the motion. Vote on motion: Chris Layton-Aye, Alyssa Lloyd-Aye, Jan Bradshaw-Aye, Vice Chair Jim Carter-Aye. The motion passed unanimously.*

**6. Approval of Meeting Minutes.**

Vice Chair Carter reported that there were a few strike out provisions noted in red on the draft minutes document.

*(19:40:33) Commissioner Lloyd moved to approve the Planning Commission Minutes of May 16, 2017. Commissioner Bradshaw seconded the motion. Vote on motion: Chris Layton-Aye, Alyssa Lloyd-Aye, Jan Bradshaw-Aye, Vice Chair Jim Carter-Aye. The motion passed unanimously.*

**DISCUSSION ITEMS**

**7. Ordinance Amendment Drafts:**

**a. Tree Canopy Protection; Open House Results/Summary.**

Mr. Teerlink reported on the Open House and stated that it was a raucous event that was well attended by the public. The public seemed to be split evenly with regard to the Tree Canopy Protection Amendment. Some citizens were wary of tree regulations on public property and the government interfering with their property rights. There was concern expressed that the ordinance amendment as drafted is too complicated and needs to be simplified. The comments were categorized and the draft revised based on the comments received. The changes centered on the following:

1. A determination should be made about when the protection starts. The current draft contemplates that landscaping changes will not trigger the Tree Canopy Protection. In

addition, a request for a building permit would increase the footprint of the property, which would be subject to the protections.

2. Clarifying language was added with regard to public streets, corridors, and water ways.

Mr. Teerlink discussed the method of compliance. H explained that the current proposal would require a bond if trees are removed that trigger the protection. There was discussion about the definition of “heritage tree” and whether there is a restriction currently in the City regarding the removal of trees. The current regulation is that a citizen in the City of Holladay must have a permit to cut down a heritage tree or a tree near a waterway. There was discussion regarding how property owners are notified of Tree Canopy Restrictions.

**ADJOURN**

***Commissioner Bradshaw moved to adjourn. Commissioner Layton seconded the motion. Vote on motion: Chris Layton-Aye, Alyssa Lloyd-Aye, Jan Bradshaw-Aye, Vice Chair Jim Carter-Aye. The motion passed unanimously.***

The Planning Commission Meeting adjourned at 8:01 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 11, 2017.***



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Teri Forbes  
T Forbes Group  
Minutes Secretary

Minutes approved: 9/19/17