

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

**Tuesday, July 1, 2008
7:00 p.m.
Holladay Municipal Center
4580 South 2300 East**

ATTENDANCE

Planning Commission Members:

Brad Scott, Vice Chair
Gene Carr
Lori Khodadad
Richard Kimball
Cyrus McKell
Lynda Shields

City Staff:

Paul Allred, Community Development Director
Rick Whiting, City Planner
Jon Teerlink, City Planner
Pat Hanson, City Planner

1. Field Trip and/or Discussion.

1.1 All Agenda Items May be Visited, and/or Discussed.

(17:14:40) Community Development Director, Paul Allred, suggested some potential changes to the proposed McDonald's building. Building features, design, colors, and building materials were discussed. He stated that what the applicant proposed is a significant improvement over what exists presently but that this project should have an aesthetic compatibility with the Cottonwood Mall project going in across the street. Signage issues were discussed. Potential improvements to the plan and conditions were identified. With regard to conditions on the conditional use permit, Mr. Allred thought details could be added allowing the use to operate while imposing conditions contained in the staff report as well as those pertaining to hours of operation and total number of parking stalls. Another condition that could be added is that the operation be reviewed upon complaint.

(17:32:50) Mr. Allred reminded the Commission Members that the conditional use does involve the architecture of the building, which is one element of the use. He noted that the Commission can call out or require additional architectural features. Mr. Allred reported that he spoke to the Mayor earlier in the day and he agreed that staff should push for high quality development in the City. Traffic flow and storage on the site were identified as issues. Mr. Allred suggested that storage on the site be required to be covered. He stressed the importance of being specific with regard to conditions imposed on the applicant.

The architectural standards of the Mall and the McDonald's proposed design were discussed. Mr. Allred believed that in the end what is proposed for McDonald's is a stucco building with high quality accents. In his opinion, the Commission should instead insist on a high quality structure with stucco accents. Photos of big corporations that have modified their architecture were displayed. Staff is not suggesting the applicants completely redo the project. They realized that what is presented is mostly a stucco building that could be significantly upgraded by modifying the colors and use of materials and downgrading the use of stucco.

Lori Khodadad stated the Commission should not be as particular about smaller things like the dumpster and the fence but be more particular about the architecture. Other Commission Members viewed all aspects of the project as important. Mr. Allred commented that he had seen instances where the building is nice but the dumpsters are left wide open with no enclosures. He considered one function of the Planning Commission as providing attention to detail.

(17:45:30) Commissioner Shields presented pictures of signage for discussion. She noted that in many cases, signage is personalized in a community. Commissioner Carr stated that in driving Murray-Holladay Road there is a sense that the area is unique with a great deal of character.

Mr. Allred acknowledged that what is presented is better than what exists now; however, in 10 years he questioned whether the City will be proud of the proposed McDonald's building and how it ties in with the Mall and the buildings around it. Mr. Allred is concerned with the lack of colors and textures and the lack of vertical elements. Commissioner Khodadad thought there should be grids in the windows. Mr. Allred was confident that there are many places where there are McDonald's that don't look like the one proposed. Some have a colonial look with columns in front and shutters and panes on the windows. In Freeport, Maine, for example, there is a McDonald's that has a unique look with only one yellow "M". In addition, no sound comes out of the menu board speaker.

Mr. Allred recommended the Commission be prepared for effective arguments the applicant may make tonight about process and procedure. He reminded the Commissioners that preliminary and final approval is required with the conditional use and/or site plan. He stated that other issues would need to be considered such as parking, circulation, trash enclosure, landscaping, and lighting.

(17:51:10) The Commission Members left the meeting to visit the McDonald's site.

(18:29:20) Commissioner Carr asked what the implications would be if the City were to revoke a conditional use permit. Mr. Allred responded that it would shut down a business and revoke their business license. He explained that Commissions should not make decisions based on economic benefit. He stated that applicants who have a lot of money should not sway the Commission. Ultimately, the City should do what is right and follow the ordinances.

Mr. Allred commented that outside of the U.S., such as in Europe and South America, there seems to be a richness to street life. People love the ambiance of wider sidewalks, textures on buildings, and big windows that invite people into a store. Streets and buildings are very attractive because of the way the streets curve, wrought iron railings, signage, and colors. In the U.S. projects are often designed to attract attention from vehicular traffic.

Signage options were discussed. Commissioner Shields stated that on the City of Holladay building, for example, on either side of the door, the letter "H" is etched in glass. She wondered if McDonald's could add etchings to the windows instead of having a sign out front. Mr. Allred stated that it is possible. He is convinced that the City Hall building has a calming effect on the public. He remarked that when people come to the counter, they are generally calm and relaxed. Staff works hard to create a pleasant atmosphere. He stated that when the Mayor, City Manager, and Council planned the City building, they wanted it to make a statement to the community.

Commissioner Shields suggested the possibility of individuals or families providing benches throughout the community in memory of family members. She thought such a feature would help “dress” the City. Mr. Allred stated that a bench design had already been chosen for the Holladay village area

Procedural issues pertaining to the redevelopment of the village gateway area were discussed. Mr. Allred explained that environmental remediation and power line issues were holding it up. He expected ground to be broken on the first building by next spring.

(18:51:41) Mr. Whiting was of the understanding that the architecture for the Cottonwood Mall is European. The Mall’s architect who was present at a specially arranged meeting between McDonald’s and the Mall clarified that they were seeking an early Utah format with regard to the architecture and urban design.

2. AGENDA ITEMS – Including Public Hearing, Discussion, and Decision.

Vice Chair Brad Scott called the meeting to order at 7:04 p.m. and read the Commission Statement.

2.1 McDonald’s – 1879 East Murray-Holladay Road – Re-Development – Conditional Use Permit and Site Plan (Continued) – Planner: Rick Whiting.

(19:06:50) City Planner, Rick Whiting, presented the staff report and stated that the item is a continuation of a discussion from the previous meeting held on May 17. The proposal is to tear down of the existing McDonald’s restaurant at 1879 East Murray-Holladay Road and replace it with a new building and new site layout. The applicant is McDonald’s Corporation and the authorized agent is Dominion Engineering represented by Farley Eskelson. The property is within the C-2 zone. Staff has determined that the applicant has met all of the appropriate density, lot area, width, and frontage requirements. The discussion that took place at the last Planning Commission meeting ended with an agreed upon 10 point checklist for the applicant to address at this meeting.

Mr. Whiting reported that the first item on the checklist included a question about the permitted use of the proposed open outdoor storage area. He explained that the applicant intends to store two utility trailers there containing yard care equipment. After conducting further investigation, it was determined that outdoor storage is permitted under current code. Mr. Eskelson agreed to provide a materials board displaying samples of proposed project materials. Prior to this meeting, staff conducted several meetings and had several conversations with the applicant. One key meeting included architects representing General Growth Properties where there was discussion of the interactive opportunity of the project with the half-billion dollar Cottonwood Mall project going in directly across the street. Everyone agreed that it is desirable to tie the two projects together to the extent practical and possible.

(19:10:20) Mr. Whiting stated that the goal is to establish a unique pattern in the district that will be an architectural influence that carries beyond the Cottonwood Mall to the surrounding areas. Of particular interest is Murray-Holladay Road on the north side of the roadway. The applicant agreed to modify the wall along the northern part of the boundary. The Commission looked at that earlier in the evening to try to accommodate the request of a neighboring property owner to elevate the height of the wall on the western portion. The intent is to mitigate trespass into the property owner’s lot.

Mr. Whiting reported that the code requires that sound be controlled so it does not become a problem for the neighboring properties. It had not been a problem but staff and the Commission wanted to ensure that it does not become a problem. He noted the possibility of a raised median being installed on Murray-Holladay Road at some point in the future. The applicant stated that McDonalds and most businesses along the north side of the road would be opposed to that, as it would change the traffic patterns and pose ingress and egress problems.

Mr. Whiting reported that the applicant agreed to provide a color landscape plan. In addition, staff introduced several points of consideration to the applicant for the Planning Commission to discuss. Most pertain to architectural details and features of the proposed building. It is not the intent of the City to create a problem for McDonald's but rather an opportunity to elevate the bar to a higher standard of architectural integrity. The applicant hoped for approval tonight and affirmed their willingness to work with the City and UTA to optimize bus stop locations.

(19:14:15) Mr. Whiting reported that under 13.84.050, the Planning Commission has the right to determine to a great extent architectural standards for new development. The applicant indicated that the proposed building upgrade produced significant increases in sales in other locations. The same would be expected in this case. The applicant agreed to participate in future upgrades along the public right-of-way along Murray-Holladay Road that could involve street lamps and other public features. Staff recommended the applicant consider upgrading the existing pole sign in front of the property. It is determined to be a legal non-conforming sign, however, it would greatly improve the appearance of the area and complement and match the Cottonwood Mall if a stone treatment or brick were added. Mr. Allred asked how the sign is non-conforming. Mr. Whiting assumed that it is non-conforming because it has been in existence for such a long time. His understanding is that there is a new code for signs. He explained that the City probably cannot require an upgrade to the base of the sign, but it would be very enhancing to the project if the applicant would consider it.

Mr. Whiting explained that the City would like an improvement in the commercial area to reflect the quality and appearance that is being developed nearby. McDonald's is considered a leader in the community and will hopefully be willing to "dress out" the site and improve the quality of the architectural features. Staff wanted to ensure that all of the interactive components of the site work together. Photos were assembled to demonstrate the possibilities of the kinds of quality that can be built into this type of project. Mr. Whiting gave a slide presentation showing the proposed color elevations the Commission requested at the last meeting. The colored landscape plan proposed by the Commission was also displayed.

Mr. Whiting explained that some trees will be removed on the site and others planted. There will be an increase in the overall landscaping of the site. The elevations presented by the applicant for upgrading the office building were displayed. Photos of the existing building were shown. The current roofline featured a double mansard roof that had been a trademark for McDonald's in the past. The design is being abandoned in favor of the new design proposed. A photo of a McDonald's located at 4217 South Redwood Road was shown that did not feature any yellow awnings or bright colors. Elevations of the Cottonwood Mall project were displayed where there are common architectural features such as windows, signs, and rooflines. General Growth adopted a goal architecturally of capturing early Utah architectural history from the late 1800s and early 1900s and coordinating that with the project. The General Growth architects indicated to staff the

importance of color. They would try to gravitate to rich, deep colors as opposed to bright and garish colors.

(19:24:00) Photos of projects in Centerville Utah were shown. In one instance, Wendy's, which is also a national corporation, agreed to cooperate with the local community in terms of architectural design and detail. Similarly, IHOP agreed to alter their colors and building materials to create a more pleasant and interesting architectural design. Home Depot, Mountain America Credit Union, and Chili's also made similar design changes.

Mr. Allred reported that Mr. Whiting is correct that the pole sign is non-conforming. Usually, amending a non-conforming use requires an applicant to come into complete compliance. He stated that perhaps the Planning Commission could leave the issue alone.

Mr. Allred identified the significant changes to the site plan. The building would be changed to extend more stacked stone front to back than it does currently. There were numerous aspects of the proposed site plan that he liked, including the building. There would be significant increases of landscaping on the east side of the site. The number of parking stalls on the overall site will be reduced. It is Mr. Allred's opinion that presently the site is vastly over parked. What is proposed would result in a site that is greener with more landscaping. Setback issues were discussed. The current front setback is 20 feet. General Growth's architect suggested the possibility of sliding the building closer to the street and adding an outdoor seating area. Mr. Allred agreed that that might be a nice change but questioned whether some might not think it desirable to have an outdoor seating area on Murray-Holladay Road, which is extremely busy.

(19:38:25) Mr. Allred encouraged the Commission to think about how the entire site will work in terms of circulation. There is the potential for a median to go in on Murray-Holladay Road, that would prevent some turn movements in and out of the site. City Engineer, Tosh Kano, is of the opinion that it is inevitable for a median to go in in the next 5 to 10 years.

Mr. Allred encouraged the Commission to think about details such as the height of the exterior lights, the screening of the rooftop, the type of material to be used for screening walls, plant materials, and tree size. He explained that it will take awhile for the site to mature.

The applicant, Farley Eskelson, of Dominion Engineering was present as well as Steve Jenkins of McDonald's Corporation. Mr. Jenkins stated that the sign is 180 square feet in size and is responsible for the majority of their income in the present location. Without the sign it would be unprofitable for McDonald's to continue to operate in the present location. Commissioner Shields stated that she has seen a McDonald's that is not blatantly advertised but well patronized. Mr. Jenkins stated that in those types of locations the volume projection is based on the sight line to the building from a ground up situation. In this location, someone could drive past the building and not know it is there without the sign. In locations with a difficult view, they need signage. He realized that newer communities have signage restrictions. In those cases, McDonald's will pass up a location where the view to the building is obstructed without adequate signage and they won't build there.

Commissioner Carr asked if anything could be done to the sign as part of the reconstruction. Mr. Jenkins stated that it could so long as alteration of the sign is not required. He stated that they could address the base and tie it in with the building.

(19:45:56) Mr. Eskelson displayed the materials board and stated that they reviewed and addressed the recommended conditions. With regard to lighting, Mr. Allred noted that some trees from an adjoining property have grown such that they might obscure lighting placed at the rear of the site. He stated that his understanding is that McDonald's would have the right to cut any growth that comes onto their property. He thought the cut off lights proposed would bother the neighbors due to the hum or the lights themselves would conflict with the trees there. Mr. Eskelson stated that they would need to ensure safety in the back in terms of security.

Mr. Eskelson stated that there would be no hazardous odors or materials stored in the outdoor storage area. The two trailers were not as high as the fence so the visual impact would be negligible. His understanding is that vehicles would not be stored on the site. Mr. Eskelson stated that they would be willing to work with the color scheme and materials of the Cottonwood Mall project but would not change the box or design of the building itself. The applicant agreed to upgrade the existing pole sign in the front. Due to the wind load and movement, rigid materials could not be used. Circulation issues were discussed.

Commissioner Khodadad asked about the dumpster surround. Mr. Eskelson responded that three sides will be of the same materials as the building. Only the front portion will be vinyl. Commissioner Khodadad asked why the dumpster is proposed to be located so close to the building rather than further back on the property. Mr. Jenkins stated that it was done to save steps and safety for employees.

Mr. Allred noted that there is a beautiful tree in the rear corner of the lot and asked if it would be removed. Mr. Jenkins stated that their intent is to leave it.

(19:58:18) Commissioner Khodadad asked what improvements would be made to the existing office building. Mr. Eskelson stated that they would neutralize the mansard and remove it and the sidewalk in front. They would then create a surround around the windows and flush out the parapet and add definition. In addition, the colors will complement the building itself. It was clarified that the rooftop equipment will be lower than the height of the parapet wall. As a result, regardless of where the unit is placed it will not stick up above the roofline.

With regard to the office building, Mr. Allred noticed that the walls are very dingy and faded. He asked if the applicant is proposing to repaint those portions. He also asked if the applicant proposed to do anything to the wall on the south side. Mr. Eskelson stated that there will be a fence there. The applicants did not plan to address the back of the building.

Doug Wheelright identified himself as a planning consultant to Dominion Engineering. To his knowledge, they had complied with all of the Commission's suggested conditions. The only issue that is not negotiable is the shape of the building which is driven by their national branding. Commissioner Khodadad did not think the Commission objected to the shape or location of the building. The main concern had to do with the architecture and building materials on the outside of the building. Mr. Eskelson stated that the building proposed is part of their new branded "forever young" look, which included the color of the awnings. Commissioner Khodadad asked Mr. Eskelson if McDonald's would be willing to change the color of the awnings. Mr. Eskelson responded that he is limited by corporate policy on what he can do to the awnings. Commissioner Carr stated he did not believe that was true since he had seen many McDonald's with different

subdued colors. Mr. Eskelson commented that the Senior Director for Architecture requires that the Planning Commission specifically put in writing that they don't like the yellow awnings. They had a pre-meeting and successfully incorporated the color and material palette of the Mall. What is proposed is meant to represent that appearance including the brick on the lower level of the building.

(20:11:10) Commissioner Shields stated that signage in many ways makes commercial buildings unattractive. If the pole sign is left, she did not see why McDonald's needed to be written all over the building. Mr. Jenkins stated that they were able to eliminate the unibody sign in some locations. He did not think the Commission would like the look if it were removed because the roof trusses extend down below the window lights in the front. The look is not ideal.

Commissioner Carr asked if the bright yellow color proposed for the awnings could be changed? Mr. Jenkins stated that if the Commission were to put in writing that they do not like the yellow awnings, he would be able to offer an alternate awning. He stated that it would be a departure from their branded look. With the building materials proposed, the yellow awnings seem to clash ever so slightly, although as a corporation they would prefer them because of the branded look. The alternate look would change the appearance substantially. He commented that he would have to leave the yellow roof element. The goal of the McDonald's Corporation in utilizing the roof cap element look is to make it recognizable. In research and focus groups, the McDonald's Corporation introduced one more element to its trademark look. The intent is to do what a double slope mansard roof does today. He realized the City wanted something that is a slight departure from the corporate image and showed the Commission an alternate, subdued color board saying that is the best he can do.

Commissioner Shields noted that they were showing a new color palette with the different color awnings and she likes the more subdued colors. However, she wondered if those colors would work with the proposed stucco and brick colors. If they change the awning color, they should think about changing all the material colors. Mr. Eskelson stated that all of the colors proposed were within the color palette provided to them by the City. He explained that since the last meeting they were told to meet with General Growth and obtain the color palette of materials being incorporated into the Cottonwood Mall project. That is what they pulled the proposed colors from. Mr. Allred stated that General Growth had provided McDonald's with their colors. He reported that General Growth has world-class architects from all over the country working on their project. They will be using an enormous color palette and they most likely provided McDonald's with some of the colors they will be using. He stated that the staff or the Planning Commission had never objected to the footprint or height of the building. Most of the concerns were cosmetic. The architects consulted were emphatic about the fact that the deep, rich colors are very classic and subtle and will work well with almost anything that is done in the project. Mr. Allred has seen the color palette, which is enormous. Mr. Eskelson agreed to work with the City to come up with an acceptable color palette.

Mr. Whiting observed that there seemed to be a preponderance of stucco on the restaurant building and asked if it could be upgraded to include more brick and/or stacked stone. Mr. Eskelson stated that that could not be done at this stage of the design. Commissioner Khodadad asked if vertical sections of stone or brick could be added. Mr. Eskelson stated that that would be a problem since the look of the building is already dictated with regard to architectural features.

Mr. Whiting recommended lighting fixtures be placed on the building in strategic places. Mr. Eskelson stated that the trellis serves a dual purpose and they would be buried within the trellis in various locations. Commissioner Khodadad asked Mr. Jenkins if he would be open to adding grids to the windows. Mr. Jenkins stated that with the focus groups McDonald's worked with, the goal was to change to the "forever young" look. There were a number of McDonald's in the past that had a colonial look. The gridded window gives a dated look and is something they were trying to avoid.

(20:34:40) Mr. Jenkins stated that their goal is to create a fairly contemporary look 15 to 20 years from now. In the selection of even the interior colors, any that are forecasted to date the project were removed. McDonald's is looking to attract middle school and high school students and create something that they can identify with. Commissioner Khodadad thought the building would set a precedent and wants it to be attractive. Mr. Jenkins stated that gridded windows are an industrial look, which would date the building.

Commissioner Scott stated that the pole sign issue would need to be addressed because it is non-conforming. Where the building is being taken down it would have to be addressed as being a non-conforming part of the conditional use. The Commission needs to show the Council that they acknowledge that the sign is non-conforming, larger than would normally be allowed, and closer to the road than would normally be allowed in order for a conditional use permit to continue. Mr. Jenkins noted that the sign is excluded from the plans. The pole sign non-conformity is recognized by McDonalds and they prefer that the sign be left alone except for the offer to put some planter rock around the base. Commissioner Scott agreed the applicant had addressed the issue of sign non-conformity but stated that the Planning Commission also has to acknowledge or approve that it is a non-conforming use that can be continued as part of this process.

Mr. Allred agreed that the Commission has an issue in that the sign is clearly non-conforming. The question is whether or not the Commission can or should recommend or require the abatement of a non-conforming use as part of the conditional use. He believed that could be done. It's really a question of whether the Commission is willing to do that. He referred to the ordinance that indicates that the Planning Commission can approve an expansion or modification of a non-conforming use with certain findings. They can also set conditions as deemed necessary for the protection of adjacent properties. Mr. Allred explained that the McDonald's building is not non-conforming nor is the selling of food on site. However, the use is being modified by taking the building down, which allows the City to revisit all conditional use issues. The City could choose to do that; however, there would be certain ramifications for McDonald's. On the other hand, if the sign is left alone and the site and building redone, an inherent inconsistency might result between the new building and revised site, and the old sign. It is estimated that the sign is from the late 1970s or early 1980s.

(20:44:47) Mr. Allred reported that according to the City ordinance, the applicant could file an application with the Planning Commission to modify or expand a non-conforming use. The Commission would then determine whether to allow what is proposed. He explained that the design of the building and the colors are all in play in the request. He realized there were some trademark issues involved as well. He had seen national businesses remove part of their trademark at the request of the community. Those are usually protected, however, and they often fight to protect their trademark. The question is whether the Commission Members believe the arch and roof are trademarks.

(20:49:00) *Commissioner Carr moved to grant preliminary (site plan and conditional use) approval subject to the following finding and conditions:*

Finding:

- 1. The project complies with the C-2 zone, the City’s General Plan, the current beneficial nature of the business on this site, including hours of operation, traffic pattern, and general neighborhood harmony.***

Conditions:

- 1. Any pending or unresolved issues with seismic and geological hazards, as defined by the City Geologist, must be satisfactorily resolved and documented before this application may be approved.***
- 2. The applicant shall agree to continue operational factors (hours of operation, traffic, movement, pedestrian and public safety, etc.) – as are currently practiced or proposed – except as may be specifically noted with this application approval.***
- 3. Noise impacting neighboring properties must be mitigated.***
- 4. Light impacting neighboring properties must be mitigated. The pole height shall be no greater than 18 feet in the rear of the property.***
- 5. The applicant must acknowledge and agree to potential constraints on parking should usage of the office building ever intensify requiring additional parking. The applicant or future owners may not be able to change land use in the future due to parking limitations.***
- 6. No hazardous, odor producing or otherwise nuisance creating items or materials of any kind may be stored in the “outdoor storage area”. It may not be used for any permanent or long-term storage of any kind. The use of the “outside storage” must not impact proposed uses or impact neighboring properties in any negative way.***
- 7. The applicant will repair, improve and otherwise upgrade the existing walls and retaining structures that surround the site to prevent or minimize trespass onto neighboring properties, especially on the north side.***
- 8. The applicant will agree to provide architectural design features, colors, textures, materials, and other aspects that will optimize the harmony of its shared urban fabric with the Cottonwood Mall project, as discussed.***
- 9. The applicant will upgrade the existing pole sign in front of the project to include stacked stone, brick base-surround or similar treatment to improve the appearance of the sign and blend better with the McDonald’s site, the Cottonwood Mall project and the emerging streetscape along Murray-Holladay Road.***
- 10. The applicant will enter into a Delay Agreement with the City wherein the applicant will agree to participate financially in future improvements in the public right-of-way along Murray-Holladay Road such as, but not limited to, the addition of stylized street lamps, water features, street furniture or other public amenities.***
- 11. The applicant must acknowledge that the City may install a raised median in Murray-Holladay Road in the future.***
- 12. The Planning Commission rejects the use of yellow for the awnings on the building and has approved the substitute coffee color.***
- 13. The applicant agrees that the color will be modified to an earth tone to complement the brick and stone.***

14. *The Planning Commission acknowledges that the pole sign in the front of the building is non-conforming and accept that it shall remain with the recommended alterations and base treatment.*
15. *The Commission approves the proposal for the modification of the office building as explained.*
16. *The addition of veneer stacked stone would proceed from the entrance to the rear of the building and wrap around. Stacked stone shall also be added to the vestibule under the arches on the drive thru side.*
17. *This approval is preliminary only. The applicants shall come back to the Commission in two weeks for final approval.*

Commissioner McKell seconded the motion.

Mr. Allred was asked his opinion on whether the motion addressed all of the issues. Mr. Allred did not think the motion addressed all of the issues identified by staff. He remarked that the building is mostly stucco and in his opinion, a predominantly stucco building is not what is envisioned in the area. He also expressed concern with the window treatments and the lack of vertical elements on the building. In addition, the Commission did not specify the materials to be used on the wall. He thought the motion fell short of what staff encouraged the Commission to look at architecturally. He stated that he knew that the applicants can do a lot more brick or masonry and he is aware of other McDonald's buildings that are all brick. Possible revisions were discussed. Mr. Eskelson stated that they could add more stacked stone between the wainscot and the trellis but did not want to take away from the hearth (chimney-like) element. Commissioner McKell stated that the Commission's primary concern is with the long, linear plain-looking front.

It seemed to Mr. Allred that the Commission had formed a foundation for a conditional use permit and that there had been a meeting of the minds on 90% of the issues. From staff's perspective, the project is far from where they thought it should be. He suggested the Commission request that the applicants come back for a final approval in two weeks. In the meantime, they could submit alternate proposals for the Commission to consider. He suggested the Commission challenge McDonald's to present elevations that don't have stucco as the predominant material. It is his opinion that stucco should be an accent material on the building. He is aware of other McDonald's locations that do not have stucco as the overwhelming material. Mr. Jenkins stated that those types of stores are high volume stores. He expressed frustration that they had been working on the project for 18 months and had gone through two planners. He explained that the stucco is used very tastefully, did not have an objectionable look, and is broken up. Commissioner Carr agreed to add an additional condition number 16 to the motion set forth above.

(21:13:11) Mr. Allred reiterated that the building is predominantly stucco with high-quality accents. He thought the Planning Commission in this location under a conditional use permit should look very closely at whether or not that is what they want. He encouraged the Commission to have the applicants come back with a new color board and address the amount of landscaping on the site. He noted that the applicants had 17 to 18 percent landscaping, which staff is very pleased with. Mr. Allred reminded those present that this is a preliminary approval and although McDonalds claims they may have been working on the project for 18 months, a formal application was not filed that long ago. He resented the mischaracterization that the project is being held up.

Mr. Jenkins read an email sent to Mr. Allred dated March 24, 2008, where photos and colors were provided. Mr. Allred pointed out that the e-mail was received 90 days ago, not 18 months ago, and that he responded to the email. Mr. Jenkins pointed out that that was the last correspondence under which they moved forward and expended a great deal of money on their design. Had they known they would have to go through the Planning Commission, they would have made different choices. Mr. Jenkins expressed a desire to do the right thing.

Commissioner Carr stressed the importance of high quality development in the community. With the Mall going in across the street, there is an image they want to preserve. The Commission has a great responsibility to see something developed that everyone will be proud of. Mr. Eskelson is confident that the City will be proud of the end result. He disagreed with Mr. Allred's connotation that it is a stucco building with accents. Commissioner Carr stated that the Commission has a responsibility to preserve a certain identity. Mr. Eskelson stated that for some time prior to the design phase they tried to get a grasp of what is desired. That is difficult to extract and he felt misled by staff. He is concerned that he has a complete design and spent a lot of money on a design that he will have to throw away and do again. Wall sections, dimensions, and structural design have to be changed significantly when modifications are made to a stucco designed building. Commissioner Shields pointed out that only veneer changes would be desired.

Commissioner Kimball asked that a list of findings be added to the motion. Commissioner Carr agreed to add findings to the motion prior to the list of conditions and added condition number 17 to allow the applicant to come back for a final decision in a timely manner.

Commissioner McKell seconded the amended motion. Vote on motion. Gene Carr-Aye, Lori Khodadad-Aye, Richard Kimball-Aye, Cyrus McKell-Aye, Lynda Shields-Aye, Brad Scott-Aye. The motion passed unanimously.

2.2 Dreyfous Farms PUD – 5950 South 2300 East – Final Plat Review – Planner: Rick Whiting.

(21:32:50) Commissioner Scott reported that the above item was postponed.

2.3 Amendment to Title 13.04, Definitions to Accompany the Proposed Use Table – Planner – Pat Hanson.

City Planner, Pat Hanson, provided the Commission Members with a copy of the proposed table. She had recently made changes to the land use table after comparing the adopted definitions in chapter 13.04. She told the Commissioners that they will need to review the changes to the table that were needed to reconcile both sections before adding these uses to the table.

(21:35:00) Commissioner Carr referred to the P zone and noticed that the only permitted use in the zone is currently "agriculture". He noticed that drastic changes were made to the zone in the table and numerous permitted uses were listed that are not in the text of the ordinance. Ms. Hanson agreed and stated that when switching from a limited list of enumerated items in each chapter to a table showing all of the uses, they all must be included and given some designation. For example, there are utility services in every zone. There are many uses on the table that would not necessarily be enumerated in every individual chapter in the current ordinance language. Her recollection was that they were still concentrating on the terms and definitions in the table but they had not yet made the appropriate permitted, conditional, etc determination for every use. The first step is to make sure that every use has been listed and that there is a clear definition to accompany the table.

Commissioner Carr stated that the table certainly ought to agree with the text. Ms. Hanson explained that for now, she wanted to focus on compiling all of the uses. The next step would be to discuss each item on the table and make specific recommendations as to the uses appropriate in each zone.

Ms. Hanson asked that the Commissioners study and understand the definitions in order to review and discuss them. Commissioner Scott suggested the item be incorporated into a future work meeting for discussion. Ms. Hanson thought the Commission might want to consider extra meetings. She suggested work meetings be scheduled in the evening on a day that no Planning Commission Meeting is scheduled. The Commissioners asked if these special meetings could be scheduled after September to accommodate their summer schedules.

(21:46:05) Commissioner Khodadad moved to postpone agenda item 2.3 until a work meeting can be scheduled by staff, most likely in September. Commissioner McKell seconded the motion. Vote on motion. Gene Carr-Aye, Lori Khodadad-Aye, Richard Kimball-Aye, Cyrus McKell-Aye, Lynda Shields-Aye, Brad Scott-Aye. The motion passed unanimously.

3. CONSENT ITEMS.

3.1 Approval of Minutes – May 20, 2008.

(21:47:42) Commissioner Kimball moved that the minutes stand approved except by correction submitted to Pat Hanson by July 3. The motion passed with the unanimous consent of the Commission.

4. ADJOURN.

(21:48:02) Commissioner Khodadad moved to adjourn. The motion passed with the unanimous consent of the Commission.

The Planning Commission Meeting adjourned at 9:48 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 1, 2008.



Teri Forbes
T Forbes Group
Minutes Secretary

Minutes approved: 8-19-08