

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

Tuesday, June 17, 2008

7:00 p.m.

**Holladay Municipal Center
4580 South 2300 East**

ATTENDANCE

Planning Commission Members:

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

City Staff:

Paul Allred, Community Development Director
Rick Whiting, City Planner
Pat Hanson, City Planner
Darlene Batatian, City Geologist

1. FIELD TRIP and/or Discussion.

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

The Castleberry matter shown on the agenda was discussed. Community Development Director, Paul Allred, reported that two actions would be requested tonight; the conditional use permit and the preliminary plat. It should be specified in the motion on the preliminary plan whether or not the final plat should come back to the Commission or be handled at the staff level. He commented that the conditional use permit issue will be “sticky”. He remarked that when a motion is made to approve a conditional use, findings should be established to serve as the statement of fact. The second part of the conditional use permit includes the conditions or regulations of the use. Mr. Allred suggested that the findings support what is being proposed and then establish regulations for its operation as a use.

(18:28:06) Commissioner Carr explained that the motion has findings and conditions. The conditions were passed in January. Mr. Allred asked if the conditions were pertinent to the property or the subdivision. Commissioner Khodadad recalled that at the previous meeting parking was the biggest issue. There was discussion as to whether the one-car garages need an additional off-street parking stall.

Mr. Allred explained that conditional uses are uses that are allowed by right in the zone with certain parameters or conditions placed on them to make them compatible. The current condominium project was being proposed as a conditional use rather than permitted. He stated that such things as building height, density, architectural control, and lighting come into play. With a conditional use permit, greater controls can be imposed.

Commissioner Khodadad stated that her impression was that the Castleberry Condominiums project was approved previously. She was now finding out that that was not the case. Mr. Allred explained that the preliminary plat was not approved. In the case of a simple project, the concept and preliminary can be combined. It was set up that way in this case, however, it was not worthy of preliminary plat approval as the technical presentation was not adequate.

(18:36:55) The McDonald's project was reviewed. City Planner, Rick Whiting, pointed out that there is an existing sign that will not change. The outstanding issues were identified such as storage, architecture, fencing, walls, and signage. Mr. Allred stated that if a portion of the wall is higher than six feet, a precedent would be set by allowing the continuation for extension of a fence that is already greater than six feet tall. He stated that there were problems with fencing in the City. People were having difficulty sticking to six feet when it comes to a slope or sudden grade change. Mr. Allred recommended the Commission make fences taller than six feet conditional. It was noted that conditional uses impinge on the neighbors. Fencing issues were discussed.

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

Planning Commission Chair, Paul Shupe, called the meeting to order at 7:10 p.m. and read the opening statement. He expressed appreciation to the public for their input, which was passed onto the City Council. He reported that earlier in the evening the Planning Commission Members took a field trip to each of the projects on the agenda.

2.1 Amir Cosell – 2117 East Lincoln, Re-Zone – Planner, Jon Teerlink.

(19:14:52) Commissioner Shupe reported that the above agenda item was cancelled.

2.2 Castleberry Condominiums – 4904 South Highland Circle – Preliminary Plat – Planner: Rick Whiting.

City Planner, Rick Whiting, presented the staff report and identified the applicant as Russ Castleberry. The zoning of the property is RM. It was reported that the property exceeds the area requirement. Other parameters of the property were approved previously by the Commission under the concept plan. The request was for preliminary plat and conditional use approval of a four-unit attached condominium development. The applicant was granted concept plan approval at the Planning Commission Meeting held on January 8, 2008. The applicant proposed to build the condominium units with driveway access to Highland Circle, which is a public street. The applicant completed the necessary plat drawings and other technical requests including storm drainage and retention acceptable to the City Engineer.

(19:16:50) Mr. Whiting reported that there had been no comments or inquiries received by staff either for or against the project. Parking was deemed to be adequate, as proposed, with ingress and egress onto Highland Circle. The four additional residences will produce negligible additional traffic flow to the street. The applicant proposed no dumpster for the units. Instead individual property owners will make individual arrangements for trash removal, presumably, through the County. The density was determined to meet code. Staff's opinion was that the proposal offers an ideal density transfer from the commercial activities along Highland Drive to the single-family zones located to the west.

Mr. Whiting reported that the density is less than or equal to adjoining properties in the neighborhood that are all multi-family use. Staff recommended approval of the conditional use permit and preliminary plat based on the findings contained in the staff report.

(19:19:25) Commissioner Shupe opened the meeting to public comment. There were no public comments. The public comment period was closed.

Commissioner Shields recalled that in January the Commission discussed how much on-site parking there should be. The applicant, Russ Castleberry, stated that there would be two condos on each side with the capability of six parking spaces including the garage and the driveways. The units in the

middle were of more concern because they have single-car garages. He stated that they together could store three cars. Originally the Commission discussed adding two more parking stalls for visitors. It was decided that visitors could park on the street.

Commissioner McKell asked Mr. Castleberry to clarify how many parking stalls each of the single-car garage units would have. Mr. Castleberry responded that one car could be housed in each garage. Two additional parking spaces would be provided in the 25-foot driveway. The total parking for the six units was 20 spaces. The visitor parking spaces were identified.

Brian Kirk identified himself as the builder for the project. He stated that any trees existing are along the front of the property. They planned to save any and all of the trees and go so far as to create planters in the driveways where possible. He remarked that if the additional parking was not desired, they would not put in the additional asphalt. His preference was to install a swing set in the common area rather than parking.

(19:30:50) Commissioner Shields suggested the option of installing grass block in the driveways. Commissioner Kimball reported that pavers, which are similar to concrete blocks, will support a car and are porous enough to allow grass to grow between the spaces.

Commissioner Carr asked about the color of the stucco. Mr. Castleberry stated that it would be of a natural stone with stucco to match the stone.

(19:36:50) *Commissioner McKell moved to approve the application for a conditional use permit based on the following:*

Findings:

- 1. The project meets the requirements for a multi-family development in the RM Zone, including density, parking, landscaping, and so forth.***
- 2. The project complies with provisions of the City's General Plan.***
- 3. Approval of the conditional use permit does not appear to be detrimental in any reasonable way to neighboring properties.***
- 4. This permit will allow for ongoing maintenance of health, safety, and welfare of residents in the project and in the general vicinity.***

Conditions:

- 1. The parking configuration, including visitor parking, may not be changed without City approval including the parking shown in front of the condominium units. The additional two parking stalls on the south side will be assigned to the two units that have only a one-car garage***
- 2. Pavers may be used on the south side of the project in the asphalted area in an attempt to increase the landscaping aesthetics and not increase the amount of hardscape density.***
- 3. The density may not be increased without approval of the Planning Commission.***
- 4. Setbacks on the south property line may be reduced to 13.1 feet and 12.8 feet on the north property line.***
- 5. Significant changes to landscaping may not be made without City approval. The Commission encouraged very careful landscaping and conditions to preserve existing trees and improve the aesthetics.***

6. *No change in land use may be made without an amendment to the conditional use permit.*
7. *A homeowners' association shall be organized and funded to develop and manage common areas in the affairs of the condominium owners until such time as the homeowners' association can assume full responsibility for the project.*
8. *The driveways shall be 21 to 25 feet in length, as appropriate.*

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

(19:43:10) Commissioner Scott moved to approve the preliminary plat. Commissioner Shields seconded the motion. Vote on motion: Lori Khodadad-Aye, Richard Kimball-Aye, Gene Carr-Aye, Brad Scott-Aye, Cyrus McKell-Aye, Lynda Shields-Aye, Paul Shupe-Aye. The motion passed unanimously.

2.3 McDonald's – 1879 East Murray-Holladay Road – Re-Development – Conditional Use Permit and Site Plan – Planner: Rick Whiting.

(19:45:05) Mr. Whiting presented the staff report and stated that McDonald's Corporation, the owner of the property, made the request. The owners requested a commercial site development review and an associated conditional use permit. Notice was sent on June 6, 2008. The intent of the proposal is to tear down the existing restaurant and build a new building in a slightly different location. The property is located in the C-2 zone. The proposal was found to meet the area and parking requirements. It was noted that there is an existing office building to the west and north on the site. There were two employees in the building, which would have a minimal impact on parking. The parking calculations were associated with the current and proposed use of the site. Mr. Whiting stated that should the intensity of use of the office building increase in the future, there would be no capacity for increased parking. The applicant would need to acknowledge that there could be some limitations on parking subject to future changes in ownership and use. Mr. Whiting explained that the proposed site reflects considerably more landscaping than is required by code. Concrete curbing is proposed to separate the pedestrian areas from automobile areas as required by code. Setbacks and height were determined to meet code.

Mr. Whiting reported that since 1994, McDonald's Corporation has requested various changes in the site through Salt Lake County, prior to the existence of the City. None of the applications were ever brought to maturity or approved and all had expired. As a result, there was no continuation of property rights from the County. The applicant now wishes to proceed with the proposed project to demolish the existing building and construct a new one. The architectural style proposed by McDonald's was reflected in the attachments. The applicant's engineer told Mr. Whiting that McDonald's Corporation mandates the architecture. The construction schedule was within a 120-day window. The applicant wished to proceed due to impending seasonal changes.

(19:49:33) Mr. Whiting reported that the applicant applied for a building permit with the City, which was under consideration presently. Staff suggested that the proposed project be permitted under a conditional use subject to conditions that the Commission may outline. The property is bounded on the north by residential zoning, commercial on both sides and R/M-U across Murray-Holladay Road. There are three individual residences that adjoin the property to the north of the lot. Mr. Whiting explained that there are geologic considerations that have been studied. City Geologist, Darlene

Batatian, was present to answer any questions. She confirmed that the issues that pre-existed the meeting have been resolved and the fault and related studies are acceptable to proceed.

Mr. Whiting commented that noise was of concern to staff. One neighbor indicated that noise had not been a problem. The City wanted to make sure that this continues and that the new configuration does not generate additional noise or nuisance for the neighborhood. The parking was determined to be adequate; however, the applicant would need to be aware that there could be constraints with regard to future changes to the land use. Traffic movement would need to be carefully considered. McDonald's recommended use of the standard configuration used in numerous other locations; however, the Commission should consider pedestrian and customer safety.

Mr. Whiting stated that fencing exists on the site. There is an eight-foot wall at the rear of the site; however, it progressively graduates to a shorter wall. One neighbor requested that the wall be increased on the west side to prevent individuals from being able to climb over the wall into his yard. The applicant agreed to increase the buffering along the north wall to seven feet with trees and appropriate landscaping.

(19:53:10) Mr. Whiting indicated that there is an area on the site plan to the west that is designated for outdoor storage. Staff did not have specific information on the intended use of this area. It was suggested that it would be gated and secured from public access and view. Snow storage could be done in adequate areas in the parking lot.

With regard to the existing building, the applicants indicated that they would modify the exterior of the building to coordinate with the architecture of the new restaurant. Grading and drainage as proposed, was reviewed by the City Engineer who did not have concerns with the plan as it exists. Exterior lighting was proposed to be modified. There appeared to be a reduction in lighting fixtures. A children's play area was proposed as an integral component of the restaurant. The waste dumpster configuration would move from its current location to the east side of the site. Details of how that will be structured were shown.

Mr. Whiting reported that the City's Public Works Director indicated that at some point in the future there may be a raised median installed on Murray-Holladay Road. The applicant was advised of this and made adjustments to the plan to accommodate that future possibility. Staff recommended tentative approval of the conditional use application based on the findings and conditions contained in the staff report.

(19:56:46) Mr. Whiting commented that McDonald's Corporation enjoys a good reputation for its cooperation with communities. The project managers had been helpful and sensitive to staff's suggestions. The permit would allow for ongoing maintenance of health, safety, and welfare issues.

The applicant, Farley Eskelsen, of Dominion Engineering gave his address as 5684 South Green Street in Murray. He stated that McDonald's Corporation has been operating on the site since the 1970s. They had added a few things to the existing building such as a Play Place. The play area was originally in front and was later expanded to the side of the building. McDonald's came up with a new nationwide building design called "Forever Young". It was noted that the extra building on the site was used for both storage and as office space.

Commissioner Carr remarked that the colored renderings are very helpful. Mr. Eskelsen stated that the actual architecture in front features stacked stone. The rendering was an accurate depiction of the final product. Commissioner Carr was concerned because it sits across the street from the Cottonwood Mall. He hoped that any businesses in the vicinity will reflect the quality that will be there. Mr. Eskelsen described the changes to the building. He stated that the toys and inside are completely different from what is typically seen.

Commissioner McKell asked about circulation on the site. Mr. Eskelsen stated that there was a bypass lane on the site that will allow a vehicle to circumvent oncoming movement.

(20:07:45) Without the sample board showing the exterior materials, Commissioner Khodadad was unsure what the exterior of the building will look like. Mr. Eskelsen stated that it will be constructed of a natural stacked stone material. Commissioner Khodadad asked if McDonald's would be willing to vary the materials and perhaps do stacked stone further around the building rather than just in the front. She did not want to see a solid wall of stucco.

Commissioner Shields stated that she once saw a McDonald's that had a completely unique appearance and was very community-friendly. She wondered if the Commission could look at alternative plans that would fit better into the community. She wanted to look at other ideas so that the structure does not look like a standard McDonald's restaurant. Commissioner Carr's preference was to see a consistent material all the way around the building. Mr. Eskelsen stated that the proposed building will be unique to Holladay. Commissioner Shields stated that the proposed building in her opinion has no character and no uniqueness. To her, it looked like a typical fast food restaurant. She wanted to upgrade the area and for the architecture to reflect that. Commissioner McKell stated that the area would feature traditional architecture. The Commission wanted to see something that blends in.

(20:14:41) Mr. Allred thought what was proposed represents an enhancement over the current architecture. The design was more contemporary than he expected to be effective in most communities. His understanding was that the Commission wanted to see something more creative. As staff, they could work with the applicants to show what is proposed at the Mall. What was going in was essentially a \$550 million project that will represent a change in the architectural quality of the area. He remarked that it might be wise for the applicants to work with their bosses to look at some of the materials and designs proposed by General Growth to see if there might be a natural tie in that will benefit both parties. He explained that the City can't require McDonald's to have the same exact architecture because it is outside of the Mall area; however, it makes sense to tie in where possible.

Mr. Allred commented that he had worked with other national chain restaurants in other communities. They found that on a corporate basis if something is proposed that will work for the applicant, it will generally work with the community. He could show the Commission examples in Utah of various buildings where chains do not follow their national prototype. The appearance would not deviate too much from what corporate wants, but will fit in nicely with what is proposed in a certain area. He thought it was possible for large chains to work with the local community without losing their identity.

Commissioner Carr stated that chains always resist change because it typically costs them more money. In the end they are proud of the end result and find that it attracts a lot of attention. Mr. Allred stated that potential changes may not cost any more but might simply require changing materials and patterns within the context of what is already planned. From a staff perspective, when there is an

opportunity to have a beautiful project, there is always somewhat of a domino effect over a period of time.

(20:22:15) Commissioner Shupe stated that a color board would help the Commission Members see exactly what is proposed. Mr. Eskelsen asked if there was an issue with traffic going in or out of the Cottonwood Mall. Mr. Allred stated that the turn movement is further down to the west. He did not foresee a traffic issue and did not expect any problems with turn movements, as there is ample space. There could be problems, however, if a raised median is proposed. This was the first Mr. Allred had heard of a raised median on Murray-Holladay Road. Mr. Whiting indicated that City Engineer, Tosh Kano, indicated the previous week that it was a possibility in the future. Nothing specific had been designed.

Commissioner Shupe wanted to communicate as directly as possible with the applicant. Mr. Eskelsen stated that the site plan will work even with a raised median. He agreed to work with staff and the Commission. He hoped a conclusion could be reached at the next meeting. Mr. Eskelsen agreed to provide the Commission with a color board and rendering to better represent the proposed colors and materials.

Commissioner Khodadad asked if there would be any kind of covering over the storage area. Mr. Eskelsen responded that there would not. Commissioner Scott asked if outdoor storage was allowed in the zone. Mr. Allred was unsure. Commissioner McKell stated that on the east side, the trees shown on the side of the parking lot would be a big improvement. Commissioner Kimball stated that the open storage area may not be allowed.

(20:35:12) City Geologist, Darlene Batatian, stated that the site is located in the fault study area for a segment of the Wasatch Fault. The strand of the Wasatch Fault that they are concerned with actually terminates about 1,500 to 2,000 feet to the north. When the special study area on the maps was drawn, the proposed site and the Cottonwood Mall site were included mostly because of observed surface features that were typical of what is seen in faulted terrain. Trenching was required at both sites. The McDonald's site was trenched before trenching was done at the Cottonwood Mall site. The issue with the Wasatch Fault is the location of the building. It was not desirable to place the building right on top of the fault. Typically a setback is established around it. Disturbance and deformation were found in the trenches. It was, however, ambiguous as to whether the disturbance and disruption of the sediments was related to tectonic faulting or liquefaction and lateral spread or some combination of the two. The geologists could see that there had been deformation and they could date it. Since then there had been extensive trenching at the Cottonwood Mall site and clearly there was liquefaction-related deformation and not faulting. That helped sort out what was seen at the McDonald's site as well.

Ms. Batatian stated that it was possible and probable that most of the deformation seen at the McDonald's site is related to liquefaction and lateral spread rather than faulting. The difference is in how the site is managed and how the building is designed. IGES, the geotechnical and geologic consultant for McDonald's, proposed to set the building off of the faults on the site. There was determined to be some micro faulting on the site. When the fractures are added up, there is a net displacement across the building footprint of about six inches. IGES will design the structure for the six inches of displacement so that if that occurs in the next seismic event, the building will tolerate those expected displacements. Ms. Batatian explained that are some formal ways the project needs to be documented. There were letters and reports going back and forth between the geologists. In the most recent letter from IGES, there were clarifications that Ms. Batatian thought needed to be made.

Kent Hartley of IGES and Ms. Batatian had a discussion about the clarifications and agreed. IGES agreed to provide a follow-up letter clarifying the issues. Pending receipt of IGES' letter, she was comfortable with the site plan as proposed and the location of the building given the design proposed.

(20:39:44) It looked to Ms. Batatian like the disruption and disturbance of the sediments happened a few earthquakes ago. She estimated that the last event was approximately 1,100 years ago. The event before that was 2,400 years ago. Ms. Batatian stated that trenching was done on the McDonald's site and the asphalt was patched. Three or four trenches were dug. One was along the north end of the site and went 10 to 15 feet down. The trenches were the width of a backhoe bucket unless they are stepped back. OSHA requires that they limit the height of the walls in the trenches to 4 ½ feet and bench the trenches for safety while they work. They then have to stockpile the dirt next to it which makes the disturbance considerable. They looked for a 90-degree angle to the fault so they can get a good look at the sediments. Ms. Batatian clarified that she does not do the trenching. The trenching is done by IGES who then prepares the reports. Ms. Batatian acts as the reviewer and walks the trenches. She commented that geology is a very interpretive science and the trenches were a bit ambiguous.

Ms. Batatian stated that the consultant would prepare a geology report summarizing the site setting. It usually has a site map and a log is sketched of what is observed in the trench. Because the trenching is very temporary, it provides them with a chance to look at the sediments in the trench and document what is there. The trenches on the McDonald's site were 10 to 12 feet deep. The intent is to get through the last 10,000 years' worth of sediments. Generally, however, the trenches are 8 to 12 feet deep. If there are deep river sediments, they can be deeper than that.

In response to a question raised, Ms. Batatian stated that IGES usually includes digital photographs in their reports. The job of the geologists is to make sure that the building will withstand its lifetime. The design life of the structure is 90 years and designed to withstand whatever geologic events or hazards may impact it and its occupants. She reported that a large earthquake on the Wasatch Fault was due and scientists have a good idea of where the Wasatch Fault is based on its past displacement events. It would be a large earthquake. In areas where the Wasatch Fault has ruptured before, they want to make sure they are not placing buildings on top of it where there will be significant displacements that will destroy the structure or possibly harm the occupants. One way to manage that is to move the structure off of the fault and have some sort of setback. In this case, it was ambiguous as to whether there is actually faulting at the site or whether what is seen is shallow liquefaction. The structure was partially located in the fault setback area which is not something that would normally be done along the Wasatch Fault. It was, however, probable, given what she saw at the Cottonwood Mall in that most of the disturbance at the site is not faulting as much as it is liquefaction and lateral spread.

(20:48:17) Commissioner Shupe opened the meeting to public comment. There were no public comments. The public comment period was closed.

Commissioner Scott moved to continue item 2.3 and relegate to staff the following items:

- 1. The proposed outdoor storage, which was believed not to be a permitted use in the area.***
- 2. A materials board shall be provided to the Commission showing the colors and actual materials to be used on the exterior of the building in order to better see what is being proposed and the color and texture.***

3. *Architectural deviations were recommended that will make the building unique and tie in more closely with the Mall and how the corner and street will ultimately be developed.*
4. *With regard to the rear fence, the applicant should check with the neighbor to make sure that they can create some uniformity and a fence that will be safe for both property owners.*
5. *Sound toward the rear of the property shall be mitigated near the dual lane drive up window since it appears that the order boards will be angled differently and located slightly closer to the rear of the lot and thus, nearer to the neighbors.*
6. *The applicant should seek opportunity to discuss the traffic median and address potential problems in advance.*
7. *A colored landscaping plan shall be included in the next staff report.*
8. *All else that staff feels is appropriate to address.*
9. *The Planning Commission will expedite the process for the applicant as much as possible*
10. *Investigate the appropriateness of bus stops and implications on the project.*

Mr. Eskelsen explained that more landscaping was added in the back of the site. Mr. Allred asked if the hours of operation would change. He had noticed that some fast food restaurants tend to stay open very late now. If he was a neighbor to the north he would want to know how late it will be open. Mr. Eskelsen stated that presently the restaurant is open until midnight. Mr. Allred had other issues he wanted to discuss with the applicant and did not want the discussion to be limited to only the items outlined by the Commission.

Commissioner Carr thought it was amazing that the existing building could be taken down and replaced with a new one in only 120 days.

Commissioner Scott commented that McDonald's is a first-class operation that has done a lot of good for the City. He was happy that they were successful since the City also benefits from that in the form of sales tax revenue. The Commission wanted to be as cooperative as possible and have McDonald's continue to be a part of the community.

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

2.4 Amendment to Title 13.04.195 Dwelling, Multi-Family and 13.04.218, Dwelling, Attached – Clarification of the Definition of Multiple Family Residential Units and Attached Residential Units – Planner: Pat Hanson.

(21:12:45) City Planner, Pat Hanson, reviewed the proposed modifications. Commissioner Shupe referred to the language regarding “dwelling unit, attached”. He defined a continuous roof as “under the same roof” instead of “continuous”. Commissioner McKell suggested the language instead refer to “single building” rather than “continuous roof”. Commissioner Carr stated that condominiums have a common wall, in which case the roof should really be irrelevant. The Commission agreed to strike the words “under a continuous roof” for clarity. Ms. Hanson reported that Mr. Allred received a call from General Growth asking whether the proposed amendments will affect any of the Mall approvals. Ms. Hanson researched the situation and found that the use table in the SDMP only refers to “attached” and “detached” units. As a result, the proposed amendment will not affect the Mall.

(21:19:32) Commissioner Scott moved to recommend approval of agenda item 2.4, ordinance amendment to multi-family definition and strike “under a continuous roof” on item 13.04.218.

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

2.5 Amendment to Title 13.04.080, Fences – Language to Allow the Community Development Director to Approve the Height of a Rear Yard Fence up to Eight Feet – Planner: Pat Hanson.

(21:20:55) Ms. Hanson presented the staff report and stated that recently the City Council provided staff with a list of outstanding issues they wanted to see in the near future. This was one of the items on the list. There had always been a discussion about higher fences and the Council has been unable to decide on whether or not to allow them. The proposed language was generated in 2005 as a proposal to go to the Council in an attempt to get higher fences. It seemed to staff that the City was not ready to do an across the board height increase. There are, however, cases in special circumstances where it makes sense for some portions of a fence to be higher. There are existing fences that are higher and allowed by ordinance to be non-conforming.

In response to a question raised, Ms. Hanson explained that all of the City’s fencing rules are included in the Supplemental Regulations and apply City-wide. The proposed amendment would create a process whereby people can request a higher fence. A process would need to be set up where adjacent property owners can be notified. Staff decided that it should be an administrative sign off to avoid bringing every request before the Planning Commission as was the case when the City first adopted its own zoning ordinance.

Proposed language modifications were reviewed. Ms. Hanson reported that the proposed language was basically the same as was reviewed by the Planning Commission in 2005. She noted that adopting language with regard to how fence heights are measured was part of this proposal and would codify a policy that staff had been utilizing for several years now. The proposed definitions of finished and natural grade were discussed and the Commission agreed that the words “natural and “original” should be defined as the same term.

(21:44:27) *Commissioner Scott moved to approve agenda item 4.1 with the addition of the word “original” to the definition of natural grade, Commissioner Carr seconded the motion. Vote on motion: Lori Khodadad-Aye, Richard Kimball-Aye, Gene Carr-Aye, Brad Scott-Aye, Cyrus McKell-Aye, Lynda Shields-Aye, Paul Shupe-Aye. The motion passed unanimously.*

3. PLANNING COMMISSION BUSINESS

4. CONSENT ITEMS

4.1 Approval of Minutes –May 20, 2008.

The minutes of May 20, 2008 were reviewed and modifications made.

(21:18:55) *Commissioner Shupe moved to go from agenda item 4.1 to item 2.4. Commissioner McKell seconded the motion. Vote on motion: Lori Khodadad-Aye, Richard Kimball-Aye, Gene Carr-Aye, Brad Scott-Aye, Cyrus McKell-Aye, Lynda Shields-Aye, Paul Shupe-Aye. The motion passed unanimously.*

(22:04:48) *Commissioner Scott moved to approve the minutes of May 20, 2008, as corrected. Commissioner Carr seconded the motion. Vote on motion: Lori Khodadad-Aye, Richard Kimball-*

Aye, Gene Carr-Aye, Brad Scott-Aye, Cyrus McKell-Aye, Paul Shupe-Aye. The motion passed unanimously. Lynda Shields was not present for the vote.

5. Adjourn.

(22:05:12) Commissioner Shupe moved to adjourn. Commissioner Scott seconded the motion. Vote on motion: Lori Khodadad-Aye, Richard Kimball-Aye, Gene Carr-Aye, Brad Scott-Aye, Cyrus McKell-Aye, Paul Shupe-Aye. The motion passed unanimously. Lynda Shields was not present for the vote.

The Planning Commission Meeting adjourned at 10:05 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, June 17, 2008.



Teri Forbes
T Forbes Group
Minutes Secretary

Minutes approved: 7-1-08