

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

**Tuesday, October 16, 2007**

**5:00 p.m.**

**Holladay Municipal Center  
4580 South 2300 East**

***ATTENDANCE***

**Planning Commission Members:**

Jim Palmer, Chair  
Gene Carr  
Richard Kimball  
Cyrus McKell, Vice Chair  
Brad Scott  
Lynda Shields  
Paul Shupe

**City Staff:**

Paul Allred, Community Development Director  
Alma Haskell, City Planner  
Pat Hanson, City Planner

Chairman Jim Palmer called the work meeting to order at 6:46 p.m.

**1. Field Trip and/or Discussion.**

**1.1 May field trip and/or discuss any agenda items listed under number two below.**

(18:46:45) The Highland Care Center matter was discussed. Commissioner Carr remarked that the conditional use permit had expired and asked how often expiration dates were put on conditional use permits. City Planner, Alma Haskell, stated that an expiration date was imposed because the structure was not built. The conditional use permit was approved with it expiring after two years if a building permit is not obtained. Commissioner Carr's understanding was that it was a resubmittal of a conditional use permit. Commissioner Palmer explained that it had changed substantially and the applicants were no longer planning to construct the building and planned to do just the landscaping. Mr. Haskell stated that Community Development Director, Paul Allred, had indicated that it might be more appropriate as a site plan approval. Mr. Haskell agreed and thought that the city approach should go in that direction. He remarked that the one residential building being converted to an office does require a conditional use permit now.

In response to a question raised, Mr. Haskell confirmed that improvements had already been made to the building but they had not started conducting business there. The applicant's future plans were discussed as well as parking and property line issues. Mr. Haskell reported that the canal company got lot line adjustments with all of the property owners to the east. The City would need confirmation that those issues had been resolved.

(18:52:00) The Oakmont carwash matter was discussed and noise and light issues were identified. Commissioner Palmer remarked that the Commission had reviewed the matter previously and their original concern was that landscaping on the site seemed deficient. Mr. Haskell responded that the landscaping for the whole site would continue to be somewhat

deficient, however, the carwash portion of the site would be brought up to standard. The parking stalls on the east of the carwash were identified. It was noted that the applicants would be required to put in a sidewalk. The City's Traffic Engineer thought a sidewalk should be required along the entire strip mall rather than just in front of the carwash. The applicant apparently planned to complete the sidewalk to maintain the aesthetics. Mr. Haskell described the location of the proposed sidewalk and landscaping.

(18:55:34) The Walker Lane Garage matter was discussed. Commissioner Palmer identified privacy concerns raised by a neighbor. In response to a question raised, Mr. Haskell stated that the roof sloped from front to back, being higher on the front.

**1.2 Verizon at Framptons – File: 96-2-01-02 – 4702 South Holladay Boulevard – Amend Conditional Use Permit to add on ground facilities and co-location on pole.**

(18:56:50) Commissioner Palmer suggested staff look closely at what the Holladay Village Center ordinance allows relative to the proposed use and whether it could be an expanded use. If the applicant intended to build an equipment shed, it would have to go through design review. Mr. Haskell commented that in the Holladay Village Center there were build-to lines instead of setbacks.

**1.3 Poulos Valley View Estate – File: 01-1-16 – 2526 East Valley View Avenue – Three-Lot Subdivision.**

(18:57:42) Commissioner Palmer stated that what was proposed seemed to be substantially compliant. He was concerned, however, with the number of trees to be removed. He suggested the Commission look more closely at the tree issue.

**1.4 Staff Updates.**

There were no staff updates.

**2. Agenda.**

Chair Palmer called the regular meeting to order at 7:02 p.m. and read the Commission statement.

**2.1 Highland Care Center – File: 01-2-28-02 – 4279 South Highland Drive – Amend Conditional Use Permit to add parking, landscaping, and office.**

(19:07:15) City Planner, Alma Haskell, presented the staff report and stated that Highland Health Care was issued a conditional use permit by the County. They sought to modify the conditional use permit a few years earlier and successfully obtained a conditional use permit from the City of Holladay Planning Commission. The applicants were unable to proceed with their building plans at that time. They had since changed their plans and were not planning the addition to the health care facility originally permitted. The applicants still needed, however, to expand their parking lot to accommodate the traffic and parking in the temporary area. Their intent was to make it permanent.

Mr. Haskell stated that the application complied with the landscaping, setback, and building height requirements. The applicant wanted fencing that was eight-feet rather than the six-feet typically allowed by the ordinance. There was an existing eight-foot fence and an existing hedge higher than the eight to 10-foot range that provided a buffer between the neighbors to the east

and the subject property. Parking lot lighting was not shown on the current plan provided by the applicant. The applicants wanted to add more lighting in the northern portion of the parking lot. Staff asked that they be given the opportunity to review that based on the conditional use permit approvals.

Mr. Haskell remarked that they had spoken to the applicant about how close the fence was shown on the plan to the curb and gutter. The applicant indicated that they intended to have it setback approximately three feet to allow for landscaping similar to what was present on the existing wall further to the south.

(19:09:45) Mr. Haskell explained that the care center must provide evidence of a lease agreement signed with Salt Lake City Jordan Canal Company as well as flood control permits from Salt Lake County Flood Control. Staff recommended approval of the conditional use permit amendment based on the findings and conditions contained in the staff report.

The applicant, Brent Jones, identified himself as CEO of Daywest Health Care Services, the owners of Highland Care Center. They had been working on the project for a period of time. He explained that there was only a certain period of time where the water was turned out of the canal. That had occurred as of 5:00 p.m. the previous night. The applicant was then given a period of time for construction. Mr. Jones' intent was to do it before it gets too cold. The situation was considered in the spring but there were still some questions with the property owners at that time as well as the canal company. He believed that now that had all been taken care of. The intent tonight was to readdress the issue in order to adjust the parking structure. In addition to the parking, the applicant had added a fairly significant amount of landscaping that comprised mostly existing parking. The proposed change would help improve the quality of life in the facility. Mr. Jones remarked that the same construction company that covered the parking lot to the south originally would be working on the project. In the southern portion of the property, the applicant designed a hammerhead to allow for fire truck access.

(19:15:05) Mr. Jones stated that with regard to the office building, their medical director planned to turn it into a memory clinic. As a result, they needed some parking spaces close to the structure. He noted that it would be strictly an office and not a medical facility. He remarked that he had spent a great deal of time with the property owners addressing the landscaping on both sides of the masonry wall. Eight to 10-foot high trees were proposed on both sides of the structure. He believed the proposed changes would greatly enhance the facility.

Commissioner Palmer opened the meeting to public comment.

(19:16:45) Dean Coy wanted to make sure the height of the wall was the same as discussed two years prior. He viewed the main issues as the height of the wall and masonry construction. Commissioner Palmer remarked that an eight-foot masonry wall was proposed. Mr. Coy confirmed that that was what they had agreed to.

Kent Smith a property owner, gave his address as 1775 Grover Lane. He remarked that the Salt Lake Canal Company had prepared deeds giving them a quitclaim deed to a portion of the property that involved their easement. There was another portion that was approximately 10-feet

wide that the canal company planned to leave for the adjacent property owners' use. If the canal company ever needed it in the future, the 10 feet could be taken back. The total amount of property to be donated followed the old fence line. It was important to the neighbors that the new masonry wall should follow the old fence line. A new fence was put up on the property that was about two feet to the east of the old fence line. The old fence line, however, still existed and was very visible. The plan was to make sure that the new masonry wall goes right down that line. Mr. Smith's property was identified on the map displayed. Mr. Smith confirmed that he was happy with the solution proposed. He was, however, worried about the height of the trees and was not sure that 12 feet was high enough.

(19:23:26) Ann Coy was concerned that since the trees had been cut down, the existing lights in the parking area were very bright and shine right into their yard. She asked that the applicant put up a shade of some sort to deflect the light and prevent it from shining onto their property.

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

Mr. Haskell remarked that one of the residents described where the new fence would go in relation to quit claim deeds in the area they are allowed to use. One of the items in the staff conditions was that there be some landscaping west of the wall as well. He wanted the applicant to detail how that would be possible. Mr. Jones stated that it would follow exactly what they were doing on the west side of the current masonry fence. They planted trees and shrubbery and there was adequate room for planting. Commissioner McKell asked what types of trees would be planted. Mr. Jones stated that it was detailed in the plan. Their intent was to plant the same types of trees as were currently on the site. Maple trees were on a portion of the property currently but it was subject to discussion between the applicant and the property owners. Commissioner McKell wanted to ensure there was adequate space in order that the trees would be healthy. He also wanted to make sure there was adequate separation between the trees. Mr. Jones was not in favor of 12 to 14-foot trees as mentioned by the property owner. When the applicant planted the original trees they were smaller, but over time grew taller. He hoped that because of the work done on the wall, they could get some leeway on the height of the trees. Commissioner McKell commended the applicant for the landscaping. With regard to landscaping on the east side, maintenance would be done by the property owners.

Mr. Haskell remarked that with regard to lighting, staff would have purview over the lighting plan. If that were given, staff would probably want to see the lighting installed on the east end of the lot shining to the west. Staff may even require that the existing lighting be additionally shielded so that it doesn't trespass off the site as much. Commissioner Palmer thought that would be appropriate.

(19:29:50) Commissioner Carr asked that staff provide the specific conditions listed in the original conditional use permit. Mr. Haskell agreed to provide them. The conditions imposed on the project originally would not be modified. Mr. Haskell remarked that the original conditional use permit was dated June 25, 1996. The conditions were reviewed.

(19:34:50) The wall issue was discussed. Commissioner Palmer recalled the issue from the conditional use permit approved a little over two years ago. At the time, the wall was something

the neighbors were greatly concerned about. The Commission agreed that the existing hedges that were much taller than eight feet represented the defacto wall. He remarked that there was an existing eight-foot wall on site that was agreed to by the neighbors.

Mr. Allred recognized there was some sensitivity with the issue Citywide about fences and heights. He thought the issue could be looked at a couple of different ways. First, it was a continuation of an existing non-conforming wall height. It sounded to him like it was approved as a six-foot wall, however, testimony given tonight indicated that the taller fence had been in place for a number of years. In that light, staff believed that if it was a continuation of the existing structure, it would be considered an “in-line” extension. Second, he explained that some cities allow the planning commission to waive or modify certain regulations if it is a mitigation measure of the conditional use permit. His experience had been that conditional use permits allow modification within the ordinance. He thought in this case that such a finding could be made because there is an existing fence as well as the idea that plantings and/or a hedge could be defined as a fence.

(19:37:50) It seemed to Commissioner Palmer that in order to approve a fence at eight feet they ought to include a specific finding. There were two he had heard. One was the continuation of the existing eight-foot fence that was apparently approved under the second condition contained in the Salt Lake County conditional use permit. The other was that the existing defacto fence, or the bushes, were well over eight feet. As a result, an eight-foot fence would just be a replacement of what had been there for some time. He asked that his fellow Commissioners consider those things.

***(19:39:19) Commissioner McKell moved to approve the conditional use permit amendment at 4279 South Highland Drive for the Highland Care Center for parking and an office area subject to the following conditions:***

1. There is no change in care facility square footage.
2. Current parking is inadequate, and proposed parking would provide for current and future site needs.

***Conditions:***

1. ***The final building plans must not be altered significantly from those received by staff on October 3, 2007, and corrections to those plans as listed by staff must be made.***
2. ***No lighting beyond what is currently on site is allowed without approval of the Community Development Director, who may defer decision to the Planning Commission as needed. The existing lights shall be adjusted so that there is no light trespass to the east.***
3. ***Verification of lot line agreements with the property owners to the east must be provided in both written and graphic formats, and must be verified by staff.***
4. ***Applicant shall provide proof of approval of the project from the canal company, as well as an approved Salt Lake County Flood Control permit.***
5. ***Landscaping must be provided both east and west of the proposed masonry wall. This wall shall not exceed eight-feet from natural grade consistent with the other walls that are in place. All landscaping shall be appropriately maintained and watered, with automatic irrigation systems in all areas needed. The responsibility for maintenance***

*shall begin after installation of the landscaping by the applicant. The landowners on the east side shall maintain the east side landscaping. The west side shall be maintained and irrigated by the applicant.*

6. *Conversion of the structure labeled “office building 1200 SF” from residential to professional office is allowed by this permit. All other uses shall remain as-is, or obtain separate amendments.*
7. *All parcels under control of the applicant must be combined into one parcel.*
8. *All conditions listed on the original conditional use permit remain unchanged and in force, except as modified by this amendment. The original conditions were as follows:*
  - *All areas not approved for structures, parking access, or other construction that occupies space on the land must be landscaped with live plant material and sprinkler system landscape areas shall be maintained.*
  - *High back curb, gutter, and sidewalk must be installed along the property lines, which abut any public road or street and are subject to approval by Engineering Services.*
  - *All parking areas and access drives must be hard surfaced with asphalt or concrete and graded and drained to dispose of surface water as approved by Engineering Services.*
  - *Areas and/or access drives adjacent to residential uses or zones must be screened with a six-foot high solid visual masonry or wood barrier. Development Services may determine the type of visual barrier to be used.*
  - *Provisions must be made to prevent automobiles and other vehicles from coming into contact with fences or walls.*
  - *Any lighting on the property must be installed so as to deflect light away from residential uses.*
  - *The following additional concerns are required by the Planning Commission:*
    - a. *Agree to the recommendations from other agencies, i.e. Fire Department, City and County Health, Urban Hydrology, Transportation Engineer, etc.*
    - b. *Install curb, gutter, and sidewalk on all public streets at the new and corrected alignment.*
    - c. *No signs are approved with this request; they require separate approval.*
    - d. *Install a six-foot high solid visual barrier, wood fence, or masonry wall around the periphery of the property excluding the front yard setback. The rear yard fence on the east side to be an eight-foot high solid masonry wall as agreed to between the applicant and the neighbors.*
    - e. *Trees to be planted on both sides of the wall.*

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

**2.2 Holladay Oakmont Carwash – File: 07-2-06 - 4034 South 2700 East – Conditional Use Permit for a carwash.**

(19:47:35) Mr. Haskell presented the staff report and stated that the above item was before the

Commission in concept form in July of 2007. During the ensuing reviews by staff, there were several issues that needed to be addressed. The issues for the most part, had been addressed or could be addressed through conditions imposed. Security was one of the issues. The applicant planned to install a camera system and keep low level lighting on site at all times. They also planned to use the latest equipment for coin and cash protection. The owners would perform a nightly security check as well. The proposed building materials would be fairly graffiti resistant or easily cleaned from graffiti. With regard to traffic circulation, the queuing for the automatic wash bay was about 90 feet long. He estimated that was enough for at least five to nine cars of queuing space before entering the carwash. There were other bays that could take additional traffic if there were ever more than that. There was 60 feet of exiting space to the south or entry space for the automatic bays from the other side. Building orientation was one issue that came up as well. The applicant had chosen to keep the building orientation the same as what he showed during his concept approval, mainly with the bays facing north and south. He did this to facilitate the traffic circulation patterns coming in from the north and exiting primarily to the south. The distance from the wash bays to the properties to the south and north was greater than if the applicant were to change the orientation. The distance from the wash bays to the residences across the street would be closer than in the other direction.

Mr. Haskell reported that the applicant proposed to operate only from 8:00 a.m. to 10:00 p.m. He noted that the operation could be facilitated on a timer system. The utility availability had been demonstrated for sewer, water, power, and gas. He noted that the applicant would have to follow the standards of all of those providers. The applicant proposed the installation of a water reclamation stub out in order to install a water reclamation system at some future time. Whole building plans had been submitted and they would be reviewed, corrected, and adjusted by staff before issuance of a building permit. The setback, building height, and lot size requirements were met with those plans. The elevations were presented as part of the design review.

Right-of-way improvements were discussed. Mr. Haskell stated that sidewalk currently existed both to the north and south of the site. Sidewalk would have to be installed on the site and staff recommended it be installed not only where the carwash is but also further to the south along the rest of the property controlled by the owner. The applicant was willing to redesign the landscaping area to accommodate the sidewalk. Landscaping issues were discussed. Staff recommended the sidewalk be run the length of the parking lot rather than just the length of the carwash. It would be moved to the west to avoid the utilities that would be on the applicant's property. There would be landscaping along certain portions of the sidewalk.

(19:57:06) Lighting issues were discussed. The applicant provided plans showing that most of the lighting would be inside the wash bays and recessed above the level of the entryway to those wash ways so it would not be seen offsite. The applicants were proposing two wall packs on the sides that staff still needed detail on. The applicant submitted some detail but not exactly what they were looking for. The two wall packs were the only lights that concerned staff presently. The rest was shielded from view. There were two existing parking lot lights that provided light to most of the site. The applicants would not be providing any more than that with what they were doing on the wall packs.

Noise issues were the last major concern raised by neighbors and staff. The applicant provided

an engineering report conducted to study the impacts of the proposed carwash. Based on the information received, the engineer felt the applicant would fully comply with Salt Lake County Health Department noise regulations. Commissioner Palmer asked for staff's help in interpreting the noise regulation relative to the acoustic engineer's report. From his recent discussions with the Salt Lake County Health Department on the noise ordinance, the decibel level was measured at the property line. Across the street at 140 feet away, the noise dissipated. Mr. Haskell's understanding was that it was the property line of the adjacent use. Commissioner Palmer thought the issue should be clarified since his understanding from conversations he had with the Health Department was that it was measured from the property line that is generating the noise.

Mr. Haskell reported that the applicant had provided the engineer's report to the Health Department. Mr. Haskell remarked that he had not yet had an opportunity to speak with James Bennett regarding the review of the engineer's report. It was his understanding from the applicant that theoretically they could meet the nighttime noise requirements and still operate although that was not their intent. Another additional control that was imposed was that they installed the quiet -vac motors instead of the ones that could possibly be allowed that are approximately five decibels louder. The garage doors on the automatic carwash would close for each wash, which would help reduce noise.

(20:02:32) Staff felt the conditional use permit could be approved based on the findings and conditions contained in the staff report.

Commissioner Palmer opened the public hearing.

(20:07:04) The applicant, Paul Channel, gave his address as 12415 South Doreen Drive. Following the conceptual meeting, they looked at the venture to see if it was possible to meet all of the conditions. They had spent a great deal of money and time on research to make sure that a carwash could be developed that would meet the conditions and not interfere with the existing tenants. He thought what was proposed was a very neighborhood friendly carwash. They had done a lot of research into how to fit it in. He thought with the proposed plan it would look very nice and improve the mall. With regard to security, he went around the neighborhood and spoke to many of the neighbors. Those he did not speak with were invited to an open house that was held at Granato's at the end of September to answer questions. He got feedback about what they liked and what their concerns were. Generally, the neighbors were comfortable with what was proposed. The carwash was designed to reduce noise. The noise levels were well under what was required by the Health Department.

Security issues were discussed. The only problems there had ever been with carwashes in the area was with people trying to break in and steal change. There had been no problems with loitering. Mr. Channel noted that there seemed to be a graffiti problem Citywide. He stated that they were in a unique position in that they have C-1 zoning in the middle of a residential area. Many of the neighbors did not want more traffic. He stated that the carwash would not be a very high traffic business but would instead be a destination business. He hoped to do as well as to attract 50 cars per day, which would be miniscule in terms of additional traffic. Their hours would be 8:00 a.m. to 10:00 p.m. and Mr. Channel saw no reason to stay open any later. With regard to landscaping, he had no objection to putting a sidewalk in. The applicant hoped to

locate the sidewalk along the retaining wall with the landscaped area on the other side. In front of Granato's seemed to be the busiest part of the parking lot. He stated that there was room for a sidewalk along the wall with enough room left for parking. He preferred not to lose any parking spaces if at all possible.

Commissioner Palmer asked Mr. Channel if he would be willing to provide landscaping if there was a way to keep the 15 parking stalls. Mr. Channel responded that it would be much more costly for them to add landscaping and sidewalk. Commissioner Palmer referred to the center row of double-parked cars and suggested they be angled slightly. Mr. Channel was most concerned about keeping the parking and did not mind putting in another four or five feet of landscaping. Commissioner Palmer thought it would be an improvement to the project. Mr. Channel also envisioned a rose garden along the front and south side of the mall.

(20:19:06) Lighting issues were discussed. Mr. Channel stated that all of the lighting would be recessed inside the bays. There was also some exterior lighting. Sound issues were discussed. Richard Fullmer of Spectrum Engineering reported that he had worked with many carwash installations. He referred to the last page of the report and took readings from an identical facility in Herriman. He explained that every time the distance is doubled from some particular reference point, the decibel level drops by 12 points. Projected noise levels were described. Mr. Fullmer clarified that the property line was at the receiving point. The noise would be measured across the street at the residential property line. The ordinance would apply at any point the sound impinges on someone's property. Projected decibel levels from different locations surrounding the proposed use were reported. Mr. Channel felt that with the way the carwash was designed, they had met all of the conditions. The carwash would actually be a benefit to the mall.

(20:37:30) There were no further public comments. Commissioner Palmer closed the public hearing.

Commissioner Palmer asked about landscaping on the southern end in front of Granato's. The original concern he had when the Commission visited the site had to do with the amount of asphalt. He noted that the project did not meet the current standards for landscaping.

Commissioner Shields asked about the rose bushes but asked if the applicant intended to plant trees as well. Mr. Channel stated that he did. He described the berm and landscaped area. Commissioner Shields recognized that the applicant had done a lot to mitigate the effects of the carwash. She thought, however, that the property needed softening on the street. She thought everything possible should be done to beautify it. Mr. Channel thought the landscaping around the carwash would dramatically improve the mall. He explained that the mall was designed in the 1950s and he acknowledged that there was a lot of asphalt there. His concern had to do with preserving the parking.

Commissioner Palmer noticed that James Bennett from the Salt Lake County Health Department would be communicating with the City. He stated that someone needed to review the noise report. Mr. Haskell responded that Mr. Bennett had begun the review and the applicant provided Mr. Bennett with the report. Mr. Channel had spoken to Mr. Bennett who had no problems with

what was proposed and planned to get in touch with the City to find out what information was needed. He remarked that the Health Department did not regulate carwashes. The Sewer Department would actually make the determinations on the water. The Health Department was only concerned with noise if that becomes an issue.

(20:45:59) Mr. Haskell brought up the issue of landscaping. He explained that the landscape setback requirement came directly from the City code. It says that from the property line there should be 20 feet of landscaped area. Normally the applicant would have to install a sidewalk, however, that was not feasible because of major utilities and the existing landscaping and bushes. Staff was comfortable moving the sidewalk four or five feet from the retaining wall on site and requiring additional landscaping to a certain point. The result would be four or five feet of sidewalk and the remainder in landscaping. The sidewalk would come up around the existing sign pole and then come back down to the retaining wall.

Commissioner Palmer asked staff about their ability to get the landscaping on the south end of the project in front of Granato's and still maintain the parking. Mr. Haskell stated that based on the information provided by the applicant, he thought there would be enough for a sidewalk. He was confident that landscaping could be included by putting in angled parking on some or all of the rows.

Mr. Allred stated that when staff was on site earlier in the day it occurred to them that it would be smart to try to get sidewalk on the north side of the property. He suggested the City work with the City Manager and the property owner and request funds to complete the sidewalk.

With regard to the dumpster enclosure, Mr. Allred asked if it was designed to be compatible architecturally with the building. The applicant responded that it was proposed to be built of the same materials as the building. Mr. Allred recommended the swinging gates be made of an opaque material. Commissioner Palmer suggested that be added as a condition.

(20:52:35) *Commissioner Shupe moved to approve the carwash subject to the following findings and conditions:*

***Findings:***

- 1. The lot is large enough to accommodate this and many other commercial uses.***
- 2. A carwash has been located here in the past.***
- 3. The site is flexible enough to meet requirements that apply.***
- 4. Utility availability has been demonstrated.***

***Conditions:***

- 1. The final building plans must not be altered significantly from those received by staff on September 4, 2007, and corrections to those plans as listed by staff must be made.***
- 2. Security cameras shall be installed, used 24-hours a day. Recordings shall be made available to (upon request) and kept for the amount of time suggested by the Salt Lake County Sheriff's Department. Nightly checks shall be made of the property. Money collection apparatus must meet the industry security standards.***
- 3. Hours of operation shall be no longer than 8:00 a.m. to 10:00 p.m. seven days a week. An automatic timer shall be installed to shut down facilities when closed.***

4. *Sidewalk shall be installed to meet staff's design and specification along the entire length of the property. If this sidewalk is on private property the proper easements (as determined by staff) will be given to the City of Holladay along with indemnification. Landscaping must extend 20 feet west of the 2700 East property line, or be designated in conjunction with the sidewalk to staff's standards (approximately five feet of sidewalk west of the property line), followed by at least 9 feet of landscaping.*
5. *All landscaping shall be appropriately maintained and watered, with automatic irrigation systems in all areas needed.*
6. *This approval does not include signage. All sign permits must be obtained per current sign codes.*
7. *Staff's required details on lighting shall be submitted and are subject to review and corrections. Lighting shall not trespass off-site and sources shall be shielded from direct visibility beyond property lines. Lighting levels shall be adjusted by automatic timers to the lowest levels needed for security when the business is closed.*
8. *Noise levels shall in no case exceed maximums dictated by the Salt Lake County Health Department Noise Ordinance. The applicant shall install the "Quiet Vac Motors" or their equivalent. Doors on the automatic carwash bay shall be lowered for each wash performed. Staff shall need a positive recommendation from the Health Department.*
9. *All other City codes shall be followed, including zoning codes, building and fire codes, and business licensing codes. This conditional use permit may be revoked per codes if these requirements are not met.*
10. *Dumpster enclosure shall be constructed of the same material as the building and that the gates shall be of an opaque material.*

*The motion was seconded by Commissioner Carr. Vote on motion: Richard Kimball-Aye, Lynda Shields-Aye, Paul Shupe-Aye, Cyrus McKell-Aye, Brad Scott-Aye, Gene Carr-Aye, Jim Palmer-Aye. The motion passed unanimously.*

Commissioner Palmer asked that staff get clarity with Mr. Bennett at the Heath Department. He spoke to Mr. Bennett on another matter recently and was told that their standard was measuring at the property line as it is leaving. The applicant's sound engineer said it was as measured across the street.

### **2.3 2180 E. Walker Lane Garage File: 07-2-08 -2180 East Walker Lane Conditional use for accessory structure over 1400 SF**

(20:59:20) Mr. Haskell presented the staff report and stated that an accessory building of the size proposed requires a conditional use permit. The building was shown as 30 feet by 80 feet and designated as being 2,730 square feet. The building was required to be 15 feet from all property lines with it being in a rear yard. The lot was on a private driveway. On private driveways it was necessary to mirror the type of setback that is on the adjacent lot. The height requirement for accessory buildings in rear yards was a maximum of 20 feet. With regard to coverage requirements, buildings could cover up to 20% of the site and impervious surfaces could cover up to 25%. The applicant would be covering 3% of the site with buildings after they construct the proposed accessory building. 17% to 20% of the site would be covered with impervious surface. Mass and scale was the last consideration dictated by the Code and required 40-foot

maximum walls without any change in architecture. What was proposed had an 80-foot wall and was something the applicant indicated they could adjust for. Some sort of stepping was necessary with the wall both on the front and back to make it conform to the mass and scale set out in the Code.

Staff recommended approval of the conditional use permit subject to the findings and conditions contained in the staff report.

(21:03:48) The applicant, Brian Schank, reported that the size of the structures was 80-feet by 34-feet. The architect made an adjustment on-site to step out at the 40-foot limit. The square footage of the proposed structure was 2,720. He confirmed that the high point of the roof would be 20 feet on the south.

Commissioner Palmer opened the public hearing.

(21:06:50) Charles Peterson identified himself as the neighbor to the south of the subject property. He was present because he wanted to know where the addition was planned on the site. He now realized where it would be located and realized it would have no impact on his residence. Originally there were three residences there. It seemed to him that there were a lot of garages going in and he was curious about how many there could potentially be. He hoped that along the right-of-way there would be some landscaping to the east. He hoped the natural growth would not be lost.

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

(21:09:14) *Commissioner Scott moved to approve item 2.3 with the following findings and conditions:*

***Findings:***

1. *The plans show conformance with the newly adopted zoning regulations, and complies with the intent of the general plan.*
2. *The lot is large enough to allow the use.*
3. *The proposed use is not detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.*
4. *The structure is located a significant distance from other primary residential structures.*

***Conditions:***

1. *Building permit will comply with all zoning regulations.*
2. *The garage may not be used for commercial or other prohibited uses.*
3. *Lighting and noise ordinances will be followed with no light or noise from the use trespassing off-site.*
4. *Building design to be altered to meet mass and scale requirements imposed by the R-1-87 regulations.*

*Commissioner McKell seconded the motion. Vote on motion: Richard Kimball-Aye, Lynda*

*Shields-Aye, Paul Shupe-Aye, Cyrus McKell-Aye, Brad Scott-Aye, Gene Carr-Aye, Jim Palmer-Aye. The motion passed unanimously.*

### **3. Ordinance Discussion.**

#### **3.1 Land Use Tables.**

(21:13:50) The Commissioners recalled that the land use tables had been passed on to the Council. Mr. Allred stated that City Planner, Pat Hanson, would be reviewing the land use table revisions. Ms. Hanson clarified that what was being discussed involved the larger zoning ordinance for all areas.

Commissioner McKell referred to page 1 and questioned use of the word “ranches” if there is no livestock.

Ms. Hanson asked that the Commissioners verify that all of the categories were included and as discussed. It was clarified that sexually oriented businesses were limited to the ORD zone. Commissioner Palmer explained that legally they have to be included somewhere, so the City put them in the ORD zone under the theory that that would be the most expensive zone.

Ms. Hanson stated that because the Cottonwood Mall and Limited Use zones were so specific, the table may refer specifically to uses in those two zones. Commissioner Palmer agreed and did not think they were appropriate to have in table form. Ms. Hanson acknowledged that the review of the land use table was a huge job and encouraged the Commission Members to get started on it. The review process was described.

(21:23:10) Ms. Hanson encouraged the Commissioners to focus in on conditional uses. She did not recommend there be any more conditional uses than absolutely necessary in the ordinance. She asked that the Commission Members review the categories and make sure that they are complete. They should remember that some of the categories were overbroad, which gives staff flexibility. She thought the easiest thing to determine was what should not be permitted in a zone. The next most challenging thing would be whether to make a use conditional.

Commissioner Palmer stated that the review would be beneficial going into the next year since they would otherwise be paying expensive consultants to do it for them.

### **4. Consent Items.**

#### **4.1 Approval of Minutes – Planning Commission Meeting – September 18, 2007.**

(21:29:41) The minutes of Tuesday, September 18, 2007, were reviewed and modified.

*(21:59:44) The minutes of September 18, 2007, were approved as corrected, by unanimous consent of the Commission.*

### **5. Adjourn**

*The Planning Commission adjourned by unanimous consent.*

The Planning Commission Meeting adjourned at 10:00 p.m.

*I hereby certify that the foregoing represents a true, accurate and complete record of the Holladay City Planning Commission meeting held Tuesday, October 16, 2007.*

A handwritten signature in black ink that reads "Teri Forbes". The signature is written in a cursive style with a horizontal line underneath it.

Teri Forbes  
T Forbes Group, Inc.  
Minutes Secretary

Minutes approved: 11-20-07