

**City of Taylorsville
Planning Commission Meeting Minutes
January 25, 2022
Pre-meeting – 6:30 p.m. – Regular Session – 7:00 p.m.
2600 West Taylorsville Blvd – Council Chambers**

Attendance:

Planning Commission

David Wright – Chair (Excused)
Don Quigley
Marc McElreath
Lynette Wendel (Vice-Chair)
Gordon Willardson
Don Russell
Cindy R. Wilkey
David Young (Alternate)

Community Development Staff

Wayne Harper - Director (Excused)
Jim Spung – Senior Planner
Karyn Kerdolff- GIS Planner (Excused)
Stephanie Shelman – Deputy City Attorney
Jean Gallegos – Admin Assistant/Recorder

CITIZEN'S/GUESTS PRESENT: Councilman Knudson, Councilman Burgess.



BRIEFING SESSION – 6:30 P.M.

1. **Mr. Spung** conducted the briefing session.  He said the proposal being heard this evening is very straightforward and has come before the Planning Commission because it is a commercial endeavor that borders onto residential properties. First of all, the existing Village Inn building and parking areas will be removed, then there are two factors that may impact the nearest neighbors, being the noise created by the drying fans and the installation of more and brighter lighting fixtures. There will be a pedestrian pathway on the east side of the canal as part of the Bus Rapid Transit (BRT) project.  He explained that the current chain link fence will need to be replaced with a 6' to 8' high non-climbable masonry type wall as a condition for approval. A non-climbable wall is described as opaque, brick, etc., as outlined in Code. **Commissioner Wendel** asked if the non-climbable fence would necessitate inclusion of the higher height wall. **Mr. Spung** said the Code is very vague on this issue and read it aloud:  **"Masonry Wall:** For commercial and industrial developments abutting residential districts (except recognizable holding zones for future commercial or industrial development), an opaque masonry wall shall be installed and maintained along all district boundaries, other than streets, where the premises abut areas zoned for residential uses. Acceptable construction materials for walls shall be brick, stone, precast concrete panel, concrete block, or such other masonry materials as the Director may approve. Concrete panels and posts must be reinforced with rebar and wire as determined by the chief building official. **Height:** Except where otherwise provided, the opaque masonry wall shall be a minimum of six feet (6') not to exceed eight feet (8') in height. If requested by the adjacent residents, the Planning Commission may approve a variation in wall height based upon unusual circumstances, e.g., views, landscaping, etc. A lower height wall may be required to front property line for sight distance and traffic safety (Ord. 18-07, 2-28-2018)

Commissioner Russell asked what the time-line for this project is and **Mr. Spung** answered there is no definitive date as of yet but that they have already taken out their building permits, so the process has begun.

Mr. Spung reviewed with the Commissioners what the Utah State Code §10-9a-103(8) states regarding conditional uses as: "Conditional use means a land use that, because of the unique characteristics or potential impact of the land use on the municipality, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts." Utah State Code §10-9a-507 says: "A land use authority (Planning Commission in this City), shall approve a conditional use if reasonable conditions are proposed or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards." He also reviewed in detail the code regarding location restrictions for uses within two hundred fifty feet of a residential district, (Land Development Code §13.08.020) and Land Development Code §13.33.030(D) regarding non-administrative conditional use preliminary review by the Planning Commission.

CITY COUNCIL MEETING DISCUSSION: Jan 19, 2022 (Commissioner Quigley). **Commissioner Quigley** explained he was not able to attend that meeting and **Councilman Burgess** gave a synopsis of what had transpired during that meeting. The only Planning matter was the hearing for Ordinance 22-01 – Approving text amendments to the Taylorsville Municipal Code Chapter §13.21; Section 13.36.130; and Section §13.36.200 related to private lanes and shared driveways, which was denied unanimously by the City Council during that session.

Commissioner Willardson asked that updates on projects that are happening in the City be provided more often, to which **Mr. Spung** agreed. **Commissioner Willardson** was also concerned about the greenery requirements being imposed on new projects and was in favor of encouraging the use of xeriscaping to preserve water instead. **Mr. Spung** advised that is being addressed in the new ordinance being worked on right now.

REGULAR SESSION – 7:00 P.M.

CONSENT AGENDA

2. Review/approval of Minutes for January 11, 2022.

MOTION: **Commissioner Quigley** – I move to approve the Minutes for January 11, 2022, as presented.

SECOND: **Commissioner Russell**

VOTE: All Commissioners present voted in favor. Motion passes. Commissioner Wright was excused.

CONDITIONAL USE PERMIT

3. Public Hearing and Consideration of a Preliminary Non-administrative Conditional Use Permit and Preliminary Site Plan to Construct a New Carwash at 4681 South Redwood Road, Taylorsville, Utah. (Jim Spung/AICP/Senior Planner)

- 3.1 **Mr. Spung** presented this item. 

3.1.1 It is a Non-administrative Conditional Use Permit because it is commercial and located right next to a residential area. Therefore, the Planning Commission must review and approve the project. Mr. Elliott Smith is requesting on behalf of Mister Carwash to have Planning Commission review and approval of a preliminary non-administrative conditional use permit and site plan to allow the construction and use of a car wash on this site. The applicant's proposal includes the removal of existing structures (the existing Village Inn Restaurant) to make way for the construction of a new tunnel car wash facility to be owned and operated by Mister Carwash. The property is in the Community Commercial (CC) zoning district. According to City Code, a "car wash" land use requires conditional use review in that zoning district. The subject property is also located within 250 feet of a residential zoning district requiring that the conditional use permit request be reviewed and decided by the Planning Commission.

3.1.2 **Mr. Spung** showed a list of review criteria for all conditional use permit requests, with the main one being 13.33.040(A)(3) – The morals, peace and good order, comfort convenience, and aesthetics of the city and its present and future inhabitants and businesses. He explained the proposed construction is not expected to significantly alter traffic or parking demand from the current use and is consistent with land uses that are allowed in the Community Commercial (CC) zoning district). The only potential negative impact as discussed in the pre-meeting is increased noise created by vehicle vacuum systems and the tunnel carwash air dryers. Those vehicle dryers will be located in the center of the project and north of the tunnel car wash structure. That orientation creates additional distance between the tunnel car wash air driers and the existing residential dwellings east of the property. The proposed layout requires patron vehicles to enter the car wash tunnel on the east and exit on the west.

3.1.3 **Mr. Spung** showed the elevations for the building and site being proposed and advised they comply with development standards adopted by the City. The Bus Rapid Transit System will be going through this area on the south side and the inclusion of sidewalk and landscaping will be done then by UDOT and/or the City and will be a big improvement over what is there now. Staff does recommend installation of a masonry wall between the commercial and residential to mitigate the noise from the vacuums.

3.1.4 **Mr. Spung** advised Staff feels this application is ready to come before the Planning Commission for preliminary approval, with final approval being directed by the Planning Commission to Staff or the Director (Wayne Harper, Director of Economic and Community Development).

3.2 **FINDINGS:**

- 3.2.1 This application was initiated by Elliott Smith on behalf of Mister Carwash.
- 3.2.2 The subject property is made up of one lot with a cumulative area of approximately 1.67 acres.
- 3.2.3 The subject property is in the Community Commercial (CC) zoning district.
- 3.2.4 The subject property in the "Community Commercial" designation in the City's General Plan.
- 3.2.5 This conditional use permit request is consistent with current zoning and General Plan designations.
- 3.2.6 The applicant is requesting removal of existing structures and improvements to construct a new tunnel carwash facility owned and operated by Mister Carwash.
- 3.2.7 The proposed use includes tunnel carwash air driers and vacuum facilities, which may generate noise beyond normal levels.
- 3.2.8 To mitigate potential noise impacts on adjacent residential, staff recommends a wall be constructed the length of the eastern property line that satisfies the standards in Section 13.23.070 of the Taylorsville Land Development Code.
- 3.2.9 The proposed site plan has been reviewed by City departments and review agencies and has been determined to be in general compliance with City standards. Any outstanding review comments will be addressed prior to final approval.
- 3.2.10 Staff and review agencies have identified conditions of approval (stated further down) to be considered by the Planning Commission prior to preliminary approval.
- 3.2.11 The Planning Commission is the decision-making authority for preliminary non-administrative conditional use permit review. Final review authority is granted to the Director, unless otherwise direction by the Planning Commission. (See Motion comments for change)

3.3 **CONDITIONS OF APPROVAL:**

- 3.3.1 **[Changed by Motion]** The ~~Director~~ Planning Commission will ~~is authorized to~~ conduct the final non-administrative conditional use and site plan review. (See Motion comments for change).
- 3.3.2 All outstanding city department and review agency comments be resolved and subsequent revisions comply with applicable city ordinances, codes, and standards prior to issuance of final non-administrative conditional use permit and site plan approval.

- 3.3.3 To mitigate potential noise impacts on adjacent residential properties, a wall shall be constructed along the eastern property line that satisfies the standards in Section 13.23.070 of the Taylorsville Land Development Code, prior to issuance of a Certificate of Occupancy.
- 3.3.4 [Added by Motion] Columnar type trees will be added to the east side that would be a minimum of 8' in planting. (See Motion comments for change).
- 3.3.5 [Added by Motion] Staff will consult with the police department regarding the safety recommendations they make regarding the height of the wall on the east side.
- 3.4 **STAFF RECOMMENDATION:** Staff recommends the Planning Commission approve File #48C21, a preliminary non-administrative conditional use permit and site plan to construct a new carwash facility at 4681 South Redwood Road in Taylorsville, Utah, subject to the findings and conditions outlined previously.
- 3.5 **DISCUSSION:** Commissioner McElreath asked if there were any problems with the lighting plan being proposed for the project and Mr. Spung said that there were no issues greater than any other type of commercial operation. Commissioner Young said looking at the property line, the east edge seems to go right up to the resident's brick wall on the east side of the canal. Mr. Spung advised that showed where the canal was on the image and where the fence was located. Commissioner Young then wanted to know with regard to the beautification project for Redwood Road and asked how this proposal integrates with things Staff is currently preparing. Mr. Spung added that was a UDOT project and he was not sure what improvements going north of 4700 South entailed. Commissioner Willardson said that the location being discussed tonight has been unproductive for years and felt the City would be excited to get the tax revenue increase this will create. Commissioner Wendel thanked Mr. Spung for his presentation, especially the chart regarding conditional uses. 
- 3.6 **APPLICANT ADDRESS:** Elliot Smith for Mister Carwash  Mr. Smith commented that Staff's presentation was well-done and that Mr. Spung has been really helpful during this whole process. Mr. Smith said he has done several projects in Taylorsville and added that the tax base for this one will be good as Mister Carwash's do very well economically. He addressed some questions like the proposed hours of operation which will be 7:30 a.m. to 7:30 p.m., seven days a week. There may be some adjustments in hours done for weekends and seasonal usage. He was not aware of what improvements were being planned along 4700 South, as that is a State of Utah Bus Rapid Transit project,  but he assured the Commissioners that this project will have sufficient buffering to mitigate any problems encountered. He allowed they were fine with the requirement posed for the wall and have tried to locate the dryers in the center of the project to more effectively buffer the noise. Commissioner Russell asked if there was a timeline for the demolition of the Village Inn building and Mr. Smith advised it was still pending because the owner of the Village Inn is out of state but he anticipated the new project would be under construction the first part of March or April. Commissioner Quigley asked if he was open to extending the wall height to 8' and Mr. Smith said they would do whatever the Commission thinks is best for the location, but felt the 6' high wall would be sufficient. Commissioner Quigley wanted to know what type of light fixtures would be included. Mr. Smith advised they have submitted a lighting plan which includes lowering light spillage impact by having down-lit type fixtures.  Commissioner McElreath asked if there was a chance the building to be demolished could be offered to the Fire Department for emergency training purposes first and Mr. Smith said would not be a problem. Commissioner Wilkey asked if there would be peak times for the noise or if it would be continual.  Mr. Smith said the peak times are on the weekends, probably 9:00 a.m. to about 6:00 or 7:00 p.m. Commissioner Wendell asked if there would be any self-service available outside of normal hours and Mr. Smith said they are powered down after hours. Commissioner Willardson asked how many cars were washed per month at the 5400 South location and Mr. Smith said it was one of the better performing locations and accommodated between 700 to 800 cars per day during the week and over 1,000 on weekends. Commissioner Wendel thanked Mr. Smith for bringing his

businesses to Taylorsville and asked what they do with the water. Mr. Smith said they recycle it on site and re-use it. 

- 3.7 Commissioner Wendel opened the public hearing and because there were no comments, closed it and opened the meeting for discussion or a motion by the Commissioners.

3.8 **DISCUSSION:**

3.8.1 Commissioner Quigley said he had some concerns. He agreed the tax increase would be an asset but he was concerned why no citizens showed up to the meeting tonight and wanted to make sure these three neighbors directly east of this know what is being proposed. He said it is important to make sure whatever is done on the east side of this site makes it better. He was in favor of the 8' high wall as a sound barrier and wanted additional vegetation added in the form of trees, especially columnar types, to absorb the sound and light instead of the shrubs, which are now proposed to be mainly Russian Sages. He did like this use and the improvements proposed along 4700 South, which include installation of wrought iron fencing in some areas.

3.8.2 Commissioner McElreath said he agreed with Commissioner Quigley but did not see how extending the east wall to a height of 8' would help alleviate the noise and did not see the need to add that expense to this development. He did support the need for taller landscape buffers to the east. He trusted Staff to review the lighting plan to make sure it is adequate.

3.8.3 Commissioner Willardson was concerned what was going to happen to the irrigation canal. Mr. Spung advised that it an active irrigation canal and will remain as is for now. Commissioner Willardson expressed concern with there not being a wall on the other side of the canal. Mr. Smith was asked to come forward and address that. He said the Canal Company maintains the property there and it is entirely under their control what happens along there. Commissioner Quigley advised that the wall along the east side was built by the developer or the original residential subdivision.

3.8.4 Commissioner Wendel suggested that Staff address the concern for public safety in this area by talking with the Taylorsville Police Department to see what they think would be appropriate for that site. She was especially concerned that public safety be addressed with them at the onset of the Base Rapid Transit system project. That she did not have a problem with the height of the wall at 6'. Mr. Spung felt that was a reasonable request and would check with the Taylorsville Police Department regarding that. 

3.8.5  Commissioner Quigley reiterated his concern about there being insufficient buffering presently being planned for this project and agreed with the wisdom of possibly adding wrought iron fencing along 4700 South. However, his main concern is to have sufficient vegetation, mostly in the form of columnar trees along the east boundary.

3.8.6 Mr. Spung said the landscaping is in a 5' wide strip, which is not wide enough to be good for a maturing tree, even though it would look nice aesthetically. He would like the applicant to address that. Mr. Smith came forward and said through his personal experience it is a fact that good trees and good fences make good neighbors. However, growing trees takes a long time but he did feel provides a good sound barrier. Also that the landscape strip width could be workable. Commissioner Quigley added that his son did exactly what has been suggested on his own property and found it to work nicely. Commissioner Quigley's main point was he would like to see columnar trees added and less Russian Sage shrubs included. 

3.9

MOTION: Commissioner Quigley -  I would move that we approve File #48C21, a preliminary non-administrative conditional use permit and site plan to construct a new carwash facility at 4681 South Redwood Road in Taylorsville, Utah as identified in Exhibit F subject to the Findings outlined in the staff report and would add that staff works with the applicant to improve or increase the vegetation along the east wall that would provide some trees with the minimum height of 8' and would be columnar in nature and in accordance with other Taylorsville ordinances and secondly I would propose that upon final approval that it comes back to the Planning Commission so that we can look at it rather than just go to staff or the director for approval.

SECOND: Commissioner Willardson.

DISCUSSION: Commissioner McElreath – I have discussion on the last part. Bringing it back here seems like it could slow them down. **Commissioner Quigley** – I don't see how it could slow them down. They have to tear down a building – and we don't know if they have actually bought the land yet or secured the lease. (To Mr. Smith) You are in the preliminary stages, right? **Mr. Smith** – Yes and no. We are not buying it as the current owner is going to retain ownership. We are looking to . . . when is the soonest Planning Commission we could make, if we can figure something out, which I think we can. **Commissioner Quigley** – Have you signed a letter of intent with them or signed a lease? **Mr. Smith** – A lease, which has been signed for seven or eight months now. If we can, we would like to come back to the Planning Commission before the end of February. **Mr. Spung** - The next Planning Commission meeting would be February 22nd, if it is ready. **Commissioner Quigley** – That *would* cause a delay then. **Mr. Smith** – For what it is worth, I would be okay with that. We could figure it out quickly and come back if you would like to be the final approving body for it rather than staff. **Commissioner Wendel** – Our motion has an amendment that would like this application come back to us for final approval. Does anybody have comments or if they would like to see that happen or have concerns about requiring that? **Commissioner Young** – I am not opposed to having it come back to us but does it not need to go to City Council for final approval? **Mr. Spung** – No. **Commissioner Quigley** – No, this is a conditional use permit. **Commissioner Young** – I just don't want to burden the business any further. **Commissioner Wendel** – Okay, so we have a motion and a second. **Mr. Spung** – If you want to include that the Planning Commission would be the final approval authority, you could just amend Condition #1 to say the Planning Commission will conduct the final review instead of the director. **Commissioner Quigley** – Yes, that is correct. **Commissioner Wendel** – You are okay amending that then? **Commissioner Quigley** – Yes. **Mr. Smith** – May I ask a clarifying question? Jim, with the Planning Commission being the final approving agency would it go back out for public hearing or would it not be a public hearing item? As long as we are just limiting the final approval to really the landscape plan on the east boundary line. Is that correct? **Mr. Spung** – That is correct. **Commissioner Wendel** – And that will give staff time to have a recommendation for you on a 6' to 8' wall depending on police department advice. Does that need to be in the motion or is it something staff is willing to do for the Commission? **Mr. Spung** said staff will work this out. **Commissioner Quigley** – I am willing to include that in the motion if that will help. I think it is a great idea but if staff can do that on their own, I am fine with that too. **Commissioner Wendel** – So we have a standing motion, you amended #1 to make sure that the Planning Commission has final approval. If you want to add the amendments for the police department recommendation on the height of the wall that would be great. **Commissioner Quigley** – We would like that added in and also the recommendation that there be some trees planted along the east wall that will give a minimum of 8' height and something that can be planted close enough together that it creates a hedge fairly quickly. I don't want them 10' apart. These columnar trees can be planted closer than that. So, the recommendation is that they will go work with staff and staff will bring some recommendations back to us on how to deal with those trees. I am not trying to dictate what tree or anything like that. 



Commissioner Wendel – I am going to summarize the motion. We have a motion to approve a preliminary non-administrative conditional use permit and preliminary site plan to construct a new

carwash at 4681 South Redwood Road in Taylorsville, Utah, File 48C21, based on the conditions and findings listed in the staff report. We would like to amend condition #1 which would bring the final approval back to the Planning Commission. We would like to add a condition in which trees will be added to the east side that would be a minimum of 8' in planting that would allow for additional sound mitigation over years. We would like to add that staff will consult with the police department regarding the safety recommendations they make regarding the height of the wall on the east side. Commissioner Quigley - Well said. Thank you.

SECOND: Commissioner Willardson.

VOTE: All Commissioners present voted in favor. Motion passes unanimously. Commissioner Wright was not present for this meeting. 

- 3.10 ADJOURNMENT: By motion of Commissioner McElreath and second by Commissioner Russell, the meeting was adjourned at 8:00 p.m.

These Minutes were prepared and presented by:


Jean Gallegos, Admin Asst/Recorder for the
Taylorsville City Planning Commission

Approved in meeting held on February 22, 2022