

Minutes of the Planning Commission meeting held on Thursday, November 17, 2011, at 6:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Tim Taylor, Chair
Jim Harland
Jeff Evans
Ray Black
Chad Wilkinson, Community & Economic Development
Manager
Ray Christensen, Senior Planner
Sheldon Howa – Planning Intern
G.L. Critchfield, Deputy City Attorney
Citizens

Excused: Karen Daniels, Vice-Chair
Kurtis Aoki
Sheri Van Bibber

The Staff Review meeting was held from 6:00 to 6:30 p.m. The Planning Commission members briefly reviewed the applications on the agenda. An audio recording of this is available at the Murray City Community and Economic Development Department.

Mr. Taylor opened the meeting and welcomed those present.

APPROVAL OF MINUTES

Mr. Jim Harland requested an update in the minutes of November 3, 2011 on page 3, and 5. In the minutes there was no mention of a public comment period offered for Conditional Use Permits on Samoa Ink Tattoos and Mountain Medical. An update has been made to mention that there was a public comment period offered and no comments were made. Mr. Taylor also wanted a change made on page 6 on the third line. The change was made from Mr. Taylor to Mr. Evans. Mr. Evans made a motion to approve the minutes of November 3, 2011 with the changes mentioned. Seconded by Mr. Black.

A voice vote was made. Motion passed 4-0.

CONFLICT OF INTEREST

There were no conflicts of interest for this agenda.

APPROVAL OF FINDINGS OF FACT

Mr. Harland made a motion to approve the Findings of Fact for Mountain Medical and Samoa Ink Tattoos. Seconded by Mr. Black.

A voice vote was made. Motion passed 4-0.

COLONIAL HOUSE – 491 West 5300 South – Project #11-104

Preston Fain was the applicant present to represent this request. Chad Wilkinson reviewed the location and request for Conditional Use Permit approval for an electronic message sign. Municipal Code Ordinance 17.48.200 allows electronic message center signs within the C-D-C zoning district subject to Conditional Use Permit approval. The property is located within the C-D-C zoning district on the southwest corner of 5300 South and Green Street. The applicant is requesting to install an electronic message board sign to replace an existing monument sign on the property. The sign is approximately 32 square feet in size and approximately 6 feet in height. The applicant has submitted an application for a variance to allow for a second sign on the site that was reviewed by the Board of Adjustments on November 14, 2011 and was approved. The approved variance modifies the required minimum separation of 200 feet from detached signs to 145 feet for this property. The proposed sign meets the required setback standards for monument signs in the C-D-C zoning district. The sign is setback 16 feet from 5300 South and 42 feet from Green Street. The sign is outside the required 25 foot vision clearance triangle at the street intersection and complies with the maximum height of 6 feet from top back of curb elevation. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval subject to conditions.

Mr. Fain, the owner of Fain Neon Sign Company, 2248 North 1450 East, Layton, stated that he is willing to abide by any rules that are needed in order to put up the sign. Mr. Taylor noted that after looking at the picture of the proposed sign, the electronic portion has been moved to the top of the sign, but the overall height of the sign is actually a little lower. Mr. Wilkinson stated that staff did not have a problem with the new design.

The meeting was opened for public comment. There were no comments made by the public.

Mr. Black made a motion to approve a Conditional Use Permit for an electric message sign on the property located at 491 West 5300 South subject to the following conditions:

1. The project shall meet all applicable building code standards.
2. The project shall meet all current fire codes.
3. The sign shall meet the applicable provisions of section 17.48.200 related to hours of operation, brightness of the sign, etc.

Mr. Evans seconded the motion.

Call vote recorded by Ray Christensen.

A _____ Jim Harland

A _____ Tim Taylor

A _____ Jeff Evans

A _____ Ray Black

Motion passed, 4-0.

UTAH CENTER FOR ORAL & FACIAL SURGERY – 6268 South 900 East – Project #11-107

Kevin Horn was the applicant present to represent this request. Ray Christensen reviewed the location and request for Conditional Use Permit approval. Municipal Code Ordinance 17.140.040 requires all commercial structures constructed within the R-N-B zone to receive Conditional Use Permit approval by the planning commission. Municipal Code Ordinance 17.140.020 allows a medical office as a permitted use in the R-N-B zone. The project is located at the west side of 900 East. The applicant is requesting Conditional Use Permit approval by the planning commission for a new medical building to be constructed at the property addressed 6268 South 900 East. The R-N-B zone requires new buildings to have a residential character defined by appropriate architectural style, texture, building materials, colors, and gable roof construction in order to provide a residential feel. The architectural style of the proposed building and plans submitted are compatible with the surrounding residential area. The applicant is requesting planning commission approval for a 30 foot high building which is the maximum height allowed for the R-N-B zone. A 6 foot high solid masonry wall and a 10 foot minimum depth of landscaping are required at the west side of the property adjoining the residential zone. The R-N-B zone requires a minimum of 15% of the site to be landscaped. The landscaping plan shows a total of 26% of the site to be landscaped. The buffer landscape area at the west side of the property has a 20 foot landscaping depth. A formal landscaping plan will need to be approved by the City Forester with application for a building permit. The information provided for the site indicates there are a total of 34 parking stalls provided on site with 31 parking stalls required. There are two disabled stalls shown on the site plan to meet ADA regulations. The building meets the minimum front yard, side yard, and rear yard setback requirements for the R-N-B zone. Access to the site is from a shared driveway off 900 East. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval for the Conditional Use Permit subject to conditions.

Kevin Horn of Horn & Partners Architecture, 3041 Oakwood Dr. Bountiful, stated they will meet the staff recommendations. He stated that the shared drive with the property to the south has an easement attached to it which will be kept the same for the entrance to the proposed medical office building. Mr. Horn also wanted to make sure that the approval also includes the 30 foot height. The second floor to the building is about half the square footage of the first floor and will most likely be used for a medical office space and when the calculation of the parking was done, that was taken into consideration. With the residential zone to the west, they have provided landscaping per the requirement. There is no residential to the north. Therefore, landscaping will be done to the requirements of that zoning.

Mr. Christensen pointed out that the 30 foot height isn't a variance, but is part of the Conditional Use Permit review which is under the Planning Commission's jurisdiction. Mr. Taylor asked Mr. Horn if he was raising the grade of the property. Mr. Taylor

responded that it will be raised slightly for drainage.

The meeting was opened for public comment.

Rosemary Jimenez, 6211 Glen Oaks Street, the neighbor directly behind the proposed building asked when the construction would start. She stated there is a tree in her yard that she needs removed prior to construction and would need to get the permission of the land owner to cross that property during removal of the tree. Mr. Taylor encouraged Ms. Jimenez to talk with the property owner.

Renee Justice, daughter of Ms. Jimenez, requested that while the building is under construction, there is consideration as to the amount of light pollution (i.e. security lighting) and make sure that it is directed towards the proposed building and not the residences 900 East. In addition, she would like the security fencing to be the same height as the other buildings in the area as well as constructed of the same material in order to stay consistent with the surroundings. In this case, the surrounding businesses have a masonry wall. There is an irrigation ditch that runs behind Ms. Jimenez's property that she hopes will be piped, as not to become a safety hazard. The proposed plan does not address this problem and looks as though it remains an open ditch. Ms. Justice asked about proposed signage. Mr. Evans responded that in an R-N-B zone the signage must be a monument sign and low to the ground. Lighting on the property has to follow specific rules, and is low intensity and is directed away from the residences.

Mr. Taylor pointed out that item #12 in the conditions addresses the lighting issue and must be followed. Ms. Justice then asked if they could specify what the business hours were going to be and where the electrical power connection will be.

Mr. Horn stated that the construction is anticipated to begin in the spring of 2012. The light pole fixture for the electrical draw is located on the west side of the property. He stated that the fencing details have not been determined at this time. Signage was not part of this submittal and is required to be addressed separately. Hours of operation are anticipated to run until 6:00pm, but should not exceed the typical hours of a medical office. The medical facility will comply with whatever hours the ordinance specifies. According to the survey, power and utilities are available on 900 East and will be provided from that location. Mr. Horn stated they will speak to the homeowner regarding the tree issue. In regards to the irrigation ditch, Mr. Horn said that they would look into that with their civil engineer as to what the requirements are. Mr. Christensen addressed the fencing by stating that where there is a difference in grade on two abutting properties, the height requirement of 6 feet can be measured from the higher grade. If the fence is more than 6 feet from grade, a variance will then need to be approved by the Board of Adjustment.

The public comment portion of the meeting was closed.

Mr. Evans made a motion to approve a Conditional Use Permit for the Utah Center for Oral & Facial Surgery located at 6268 South 900 East in the R-N-B zone, subject to the following conditions:

1. The project shall meet all applicable building code standards. The applicant shall provide plans stamped and sealed by appropriate design professionals to include soils report at time of submittal for a building permit.
2. The project shall meet all current fire codes.
3. A formal landscaping plan, meeting the requirements of Chapter 17.68 of the Murray Municipal Code, shall be submitted and approved by the Murray City Forester and shall be installed as approved prior to occupancy.
4. Any use of trash containers shall be screened as required by Section 17.76.170.
5. A 6 foot high solid masonry wall is required to be installed at the west side of the property adjoining the residential zone to comply with fence code.
6. Adequate parking shall be provided on the site for the business uses to meet Municipal Code 17.72.
7. Repair or replace of any damaged sidewalk, and curb & gutter along the property frontage.
8. Comply with all Murray Water and Sewer Department requirements.
9. Comply with Murray Power department requirements.
10. A formal drainage plan is required for approval by the Murray City Engineer.
11. UDOT approval is required for any drive access changes on 900 East Street. The applicant shall provide the City a copy of the shared drive access agreement with permit application for the project.
12. Exterior lighting shall be shielded and be directed down and away from the residential zone properties to the west.

Mr. Harland seconded the motion.

Call vote recorded by Ray Christensen.

A _____ Jim Harland

A _____ Tim Taylor

A _____ Jeff Evans

A _____ Ray Black

Motion passed, 4-0.

Other Business - Landscape Ordinance Discussion

Chad Wilkinson, Manager of Community Development addressed four complaints

made in 2010 regarding residential landscaping standards:

1. Certain sections of the residential code that were not clear, particularly the issue of planter strips.
2. The next complaint was in regards to the industrial zoning district. Several property owners have requested to use xeriscaping as an alternative to lawn and trees.
3. Consistency relating to the landscape ordinance through interpretation and enforcement.
4. Reorganization within the city has changed the personnel that are available to be involved in the approval and enforcement of landscaping ordinances.

Mr. Wilkinson said that these issues have prompted staff to have a discussion on proposing some changes in the Landscaping Ordinance. Mr. Wilkinson introduced Sheldon Howa, Intern with the Community & Economic Division, and a student at the University of Utah. Mr. Howa presented the proposal for the commercial aspect of the Landscape Amendment. In that proposal there would be a minimum standard for the number of trees per landscaping. The proposal would be for a minimum of 1 tree per 500 square feet as well as 5, five-gallon shrubs and 10, one-gallon shrubs per 1000 square feet of landscaping. This will provide developers, property owners and Murray City a guideline when designing plans along frontages. A sample rendering was shown for a property that had 271 feet of street frontage along one side and 41, 85 and 22 (minus the curb cuts) along the other. Mr. Howa explained requirements for size and number of trees. Under the new Landscaping Ordinance proposal this particular site would require 9 street trees, 20, five gallon shrubs and 40, one gallon shrubs, planted in either a linear fashion or in a grouping. This form of landscaping will provide a buffer between the buildings and the street and provide some consistency throughout the city. Examples were shown of both Murray City and surrounding areas, including some xeriscaping.

Mr. Harland asked if the xeriscaping option was only for the M-G-C. Mr. Wilkinson responded by saying that the proposal is for all zoning areas. Mr. Harland asked if there were any criteria to be followed with the xeriscaping to which Mr. Wilkinson responded by saying that there really isn't any guidance on the xeriscaping at this point. Mr. Harland asked if there was any kind of enforcement for when landscaping dies and what tools are in place to make sure that there is enforcement. Mr. Wilkinson responded that the enforcement comes when there is an application for a building permit, business license application or a neighbor complaint. At that time, landscaping issues must be corrected. This proposal is really about addressing the varied discretion in the landscaping code and promoting some consistency.

Mr. Christensen commented on the residential and park strip areas. Examples of different residential properties were shown to the commission. He commented that it would be nice to give property owners some flexibility on what they are allowed to do with landscaping, but there is too much inconsistency when that is done. Examples of park strips were shown. Because there was a complaint on a property, staff has opened the review on residential landscaping and what is appropriate and what is not. Current code only deals with trees, but doesn't specify what is to be put in park strips. The ordinance that is being proposed would require similar landscaping materials that

are used on their residential property. It was suggested that 85% of the park strip would be landscaped and the rest could be rocks or other materials instead of just paving or solid rocks. Current code for residential requires that a new home owner would have to put the front yard in within one year of occupancy, but there are no specific ordinances to specify how many trees or plant material they need to use or even limiting how much concrete, rock or asphalt are allowed.

Mr. Wilkinson clarified that the xeriscaping is specific to the M-G-C zone and is where Staff would like to expand on that type of landscaping. The proposal is asking if the commission would want to consider that as an option for the industrial areas as well as other areas. The proposed ordinance is for the C-D-C zones and talks about xeriscaping as an option along with the minimum number of trees and shrubs per square foot. Mr. Wilkinson asked for feedback.

Mr. Taylor suggested including a weed blocking tarp or barrier would be appropriate. Mr. Harland commented that it seems years after someone has put in xeriscaping, it turns into a weed patch. He commented that he feels xeriscaping would be good to have as an option and very appropriate, but having a follow up is the key to its success. At this point the City is not prepared to monitor that. The city has hired a Forester that handles tree trimming, but it is unclear if he has the expertise in handling the landscaping architecture and horticultural aspects of enforcing the code. Mr. Wilkinson brought up that allowing the xeriscaping option in the proposed commercial ordinance would simplify enforcement and plan review. The proposal would provide a guideline for final inspection. Some cities have their landscaping plans drawn up by a Landscape Architect that certifies that the project will meet all the requirements. This would add some costs to the applicant, but it's another option. Murray is "Tree City USA" and over the years there has been a decline in the number of trees that are required per our current code. In this proposal there are minimums set for number of trees in commercial zones. The commission indicated they are in favor of having a minimum as well as allowing an option for xeriscaping with guidelines.

Mr. Harland asked if the City Council enacted this ordinance, would everyone else be grandfathered in. That would be a good question for the residential properties. However, when it comes to the park strips which are City right of way, the City does have the ability to regulate those in areas of design, plant selection and enforcement. With this proposal if there was an expansion or anything that would require a building permit, the property owner would be required to follow code or have a certain period of time to do so. Mr. Harland then brought up a scenario; if the City is responsible for a park strip and large boulders were part of the landscape, a car runs into one and the person(s) is either severely injured or killed. Would there be a safety or liability issue for the City? Mr. Wilkinson responded by saying that it is a very important issue to look at and should be taken into consideration. Mr. Wilkinson added that the next step in this process will be to go to the Shade Tree Commission and get their recommendation as well as putting together a stake holder task force group with landscaping professionals to provide some opinions. One way to address that would be to give a palate of typical things to do with xeriscaping. Another way to address it would be to establish "X" number of coverage or get a landscape architect certification letter stating that it has been designed according to code and it will work. Mr. Evans mentioned looking into issues such as drainage or even taking a look at how St.

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George or some of the suburbs of Phoenix handle their xeriscaping design. Mr. Harland agreed that having a Landscaping Architect is a good idea for the sizable projects. Mr. Wilkinson concluded in saying that the by January or February of 2012 these items talked about will be brought up in a proposed ordinance for the Commissions consideration. Mr. Harland suggested that they include some citizens in any task force that may be set up.

Meeting adjourned.

Chad Wilkinson, Manager
Community & Economic Development