

Minutes of the Planning Commission meeting held on Thursday, March 1, 2012 at 6:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Karen Daniels, Vice-Chair
Tim Taylor
Phil Markham
Martin Buchert
Tim Tingey, Administrative Development Services Director
Chad Wilkinson, Community & Economic Development
Manager
Ray Christensen, Senior Planner
G.L. Critchfield, Deputy City Attorney
Citizens

Excused: Jim Harland, Chairman
Ray Black

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.

Karen Daniels opened the meeting and welcomed those present. She reviewed the public meeting rules and procedures.

Ms. Daniels announced that the Wagstaff Crane Services agenda item has been withdrawn from this meeting and a future review date has not yet been determined.

APPROVAL OF MINUTES

Ms. Daniels asked for additions or corrections to the minutes of February 2, 2012. Mr. Buchert made a motion to approve the minutes as written. Seconded by Mr. Markham.

A voice vote was taken. Motion passed, 4-0.

CONFLICT OF INTEREST

Phil Markham disclosed that he is employed by a sanitation services provider in the valley and may be in a competitive situation with the applicant WSI of Utah. He stated that this will not influence his decision making on the item.

APPROVAL OF FINDINGS OF FACT

Mr. Taylor made a motion to approve the Findings of Fact from the February 16, 2011 meeting for Conditional Use Permits for GSA Sales, M G Auto Sales, Johnson Self-Storage, and Intermountain Instacare Seconded by Mr. Buchert.

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

The meeting was opened for Public Hearing on the following item.

MICHAEL PAUL PHOTOGRAPHY – 4973 South State Street – Project #12-20

Michael Olson was the applicant present to represent this request. Chad Wilkinson reviewed the location and request for a Certificate of Appropriateness for exterior façade changes to the significant historic “First Iris Theater” building located in the Murray City Center District at the property addressed 4973 South State Street. Municipal Code Section 17.170.050 outlines the process for review of applications located within the Murray City Center District (MCCD). Major Alterations and new construction within the MCCD requires the issuance of a Certificate of Appropriateness by the Planning Commission after the project receives review and recommendation from the Design Review Committee. A public hearing is required prior to issuance or denial of the Certificate of Appropriateness. The applicant is requesting Certificate of Appropriateness approval for exterior façade changes to the existing significant historic building which was constructed in 1915. The building is identified as the “First Iris Theater” and is designated as a significant historic structure in the Murray City Center District. Photos taken from approximately 1930, 1990 and 2007 were shown on the façade of the building showing the historic appearance. The applicant has made changes to the façade of the existing building without first obtaining Murray City approval for a Certificate of Appropriateness and without a building permit. The applicant stated they were making changes due to repair of drywall compound which had been cracking and falling off. Section 17.170.050 2. b. requires the Design Review Committee to review major modifications to significant buildings including changes to the building façade. The proposed modification includes repair of the existing stucco elements on the front of the building and a change in color to a light tan for the exterior wall with a darker brown color for the columns. Before the changes were made, the front of the building had columns which extended above the parapet wall. The center portion of the front of the building extended higher than the sides consistent with the historic appearance of the building. The building has been modified to add a cornice feature across the front of the building. While the color of the building has been modified over the years, it appears that the architectural design has remained fairly consistent. Awnings appear to have been added in the past, but do not appear to have always been a feature on the building. The proposed change in color is consistent with the design guidelines, which encourage the use of muted colors and earth tones for primary building materials. However, the proposed cornice feature does not appear to be consistent with the historic design of the building. The MCCD design guidelines for significant historic buildings recommend that generally deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement, the new feature will match the old in design, color, texture, and other visual qualities and, where practical, in materials. The Murray City Center District was adopted by the City Council in March of 2011. The district is regulated by Section 17.170 of the Murray City Zoning Ordinance which requires that the planning commission shall review the plans for conformance with the requirements of this title and the MCCD design guidelines that have been adopted by the Murray City Council. The city shall determine the following before approval is given:

- (1) The project is in general conformance with the Murray City general plan.

- (2) The project is in general conformance with the specific area plan, if any, adopted for the area.
- (3) The project conforms to the requirements of the applicable sections of the land use ordinance.
- (4) The project does not jeopardize the health, safety, or welfare of the public.
- (5) The project conforms to the applicable standards outlined in the MCCD design review guidelines.

The Design Review Committee reviewed the project on February 23, 2012. The committee recommended approval of the Certificate of Appropriateness subject to the proposed modifications and subject to the following condition:

- (1) Include changes to the building façade with extensions of the columns above the cornice to be more consistent with the historic appearance.

Phone calls have been received expressing concern for this project that the project does not have City approval of a Certificate of Appropriateness.

Based on analysis of the architectural changes to the existing building façade and review of the design guidelines, staff recommends that the change in colors complies with the design guidelines; however staff recommends denial of the structural changes to the building. The MCCD design guidelines for significant historic buildings recommend that generally, deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement, the new feature will match the old in design, color, texture, and other visual qualities and, where practical, in materials. Staff recommends that the upper portion of the façade of the building be modified in order to return the building to a design that is more consistent with the historic architectural style of the building. If the commission requires the façade to be restored, staff asks that the Planning Commission give authority for staff to be able to work with the applicant on colors and restoring the façade.

Mr. Markham asked for clarification on what is meant by returning the façade to its original condition. Mr. Wilkinson responded that the recommendation is the façade be returned to the condition that it was prior to this recent remodel.

Mr. Buchert asked if the center portions of the cornice were raised in addition to the two outside portions to match the height of the center portion. Mr. Wilkinson responded that it appears to have matched the inside portions.

Mr. Buchert noted that the photos shown were from the 1930's, 1990 and 2007 and showed more than one change. He asked if the goal of the ordinance is to restore structure to its historic character/time period. Mr. Wilkinson responded that there is some discretion on this issue and part of this request is to determine what is consistent with the historical design of the building. The awnings are one example where they did not exist in the 1930's, but did in later years. Mr. Wilkinson clarified

that the upper portion of the façade which is an art deco style needs to be carried forward and maintained because of the historical value of the building for the city.

Mr. Markham asked what the city's historical committee, and in particular Mary Ann Kirk, have indicated with regards to this application. Mr. Wilkinson responded that Mary Ann Kirk is aware of Staff's recommendation and that she was concerned with the recent façade renovation.

Mr. Taylor asked if the building plans have been reviewed by the City. Mr. Wilkinson stated that a building permit is required for this type of modification; however the owner of this property never applied for one. Therefore, the City has not seen any building plans.

Michael Olson, 4973 South State Street, stated he purchased this building 20 years ago at which time was a hot pink colored building. He indicated that when he purchased the building there was a note from the City indicating that the city was not in favor of the hot pink color. If the owner would be willing to change the hot pink, the City would be willing to assist in funding. He stated that when he inquired with the City on this regard he was informed that the funds were no longer available. So 19 years ago he changed it from the hot pink to the beige and green that it is now. Through the years it has become weathered, so he thought it was time to give it a facelift. He apologizes that he did not obtain any permits and go through the proper steps to do the work. Missionary Depot has moved in on the ground floor, so that was another reason for the facelift. In the 19 years he has been there, they haven't heard anything from the City and haven't been offered any help. Everything north of his building received a renovation with paving brick which they did not receive. The City did pull out their fruit tree, but other than that, he feels abandoned by the historical district. He reiterated that he is a small one man business. Since the 1998 crash business hasn't been good and he tried to do one last push by putting money into a facelift to the front of the building. To tear that all out and go "backwards" would present a hardship on him as well as detract business from Missionary Depot to have the front all torn up. He is the only photographer left in Murray City and is asking for some leniency in considering a business trying to make it there as oppose to the building appearance itself. Since the Design Review Committee met on February, 23, 2012 he has not received any correspondence on what he needs to do. He said that financially he would be able to extend the pillars, but he doesn't feel like he can tear them completely down. Ms. Daniels asked Mr. Olsen if he has ever contacted the City for help. He said that he hasn't talked to anyone at the City since the issue over the hot pink color of the building. At that time the City told him that there were no funds available to help him. He made note that the Desert Star and all the other buildings on the block have been given funds, but he feels that his building has been overlooked. He feels that if his building is part of the historic district and there have been improvements made to and around surrounding buildings. He doesn't understand why he has not been offered funds to improve his building.

Mr. Buchert asked when Mr. Olsen took the awnings down. Mr. Olsen made note that the awnings came down in order to do the stuccoing and in the course of that, they were ripped and torn. The plan is to put something on the top windows to keep the sun out. Mr. Buchert pointed out that the awnings are not part of the original

architecture and historical character of the building as it was designed and built. Mr. Buchert also pointed out that he was looking at photos from 1990's and 2007 which shows the applied column looking elements on the frontage of the building. Originally the architecture style depicted fluting as oppose to columns. He wanted to know when that fluting was taken down and columns put up. Mr. Olsen stated that the columns were put up during the re-facing improvements that he has done. He had a professional tell him that there were cracks where moisture was getting into the cracks and the best way to repair that would be to seal those cracks up. Mr. Buchert then asked what happened to the stepping of the façade. He noted that the front of the building is now uniform and a cornice has been added with angular elements. Mr. Olsen told Mr. Buchert that the professional he worked with told him that creating an even height would help support the pillars. Mr. Olsen also noted that the tops of the pillars were Styrofoam and if need be he could replace those. The board members at Design Review Committee meeting on February 23, 2012 suggested that Mr. Olsen continue the columns upward. He feels like he could do that, but doesn't feel that tearing down the whole thing if feasible. Mr. Olsen stated that he thought that everything that he was doing was simply cosmetic and he didn't know that he needed a permit to do any of it. In the future he doesn't see a problem working towards finding funds and restoring the frontage to its original state, but right now he is a small business and over budget. Something like this could put them out of business.

Ms. Daniels asked Mr. Wilkinson if the applicant worked with the City, would there be funds available to help him return the façade back to its original historic architecture. Mr. Wilkinson deferred the question to Tim Tingey. Ms. Daniels then asked if the Certificate of Appropriateness was denied, could he wait for the funds, get the building permit and move forward from there without affecting his business license. Mr. Wilkinson responded by saying that the City was trying to work through the process and would like to continue to work with the applicant to return the façade back to its original state. During this time the City is not revoking any business license. Mr. Markham wanted to know the time frame they would be given to pursue funding while they worked through to compliance. Mr. Wilkinson stated that there could be some flexibility. The commission can put a deadline on it if they so desire, but because this re-facing was done without going through the proper procedures and is not in compliance right now, there needs to be a sense of urgency put on this.

Mr. Buchert asked Mr. Tim Tingey, Director of Administrative and Development Services and Redevelopment Agency Executive Director, if funding could become available to the applicant in assisting with the improvements, so that he can come into compliance. Mr. Tingey stated that in the past the City had budgeted for funds through the general funds budget for economic development project in a variety of locations. Those funds were eliminated by the City Council a number of years ago, however, there is limited funding available for special issues. The applicant would need to go through the Redevelopment Agency where they both would sit down and discuss cost. Often times the funding occurs through a reimbursement process, where the costs are fronted by the applicant.

The meeting was opened for public comment.

Josh Yost, 4616 South Atwood Boulevard, indicated that he was one of the people that called the changes to Staff's attention. He commends Staff for the job they do in adhering to the guidelines that have been established and adopted in historic preservation. Mr. Yost made mention that there are a number of programs made available that the applicant could contact for help in funding such as; the Murray City Redevelopment Agency and/or the Federal Historical Tax Credit program which offers 20% to offset his taxes on the earnings from the lease space which in turn can be syndicated initially to get capital to start a project. Mr. Yost finds it odd that it wouldn't occur to either the applicant or the contractor that he is working with to obtain a building permit. The work that he witnessed being done consisted of; pilasters being plastered over, the cracking paint not being removed to ensure a proper adhesion, the tops of the pilasters that projected above the parapet wall were demolished and removed prior to the installation of the concrete block infill on the outer bays of the building. Mr. Yost encourages the Planning Commission to support returning the building to its historic state it was in prior to the changes that have been made. Mr. Yost also pointed out that the Missionary Depot sign is not in compliance with the Murray City Center Design Guidelines, which prohibits back-lit cabinet signs. He asked the commission to consider the non-compliance with the tenants sign as well.

The public comment portion of the meeting was closed.

Mr. Buchert asked Mr. Wilkinson to clarify the responsibilities of the Planning Commission's decision in this meeting. Mr. Wilkinson responded by letting Mr. Buchert know the decision that he and the rest of the commission needs to make is to determine whether or not the change that the applicant has already made to the façade of his building is appropriate and in compliance with the design guidelines that have been outlined. Mr. Wilkinson also suggested that the commission can recommend a time frame that they deem appropriate to bring the building into compliance if they so choose. Funding will be an independent issue.

Mr. Taylor added that the objective as the Planning Commission is to determine whether the modifications that have been made are consistent with the historic design of the building, so the end result will either be an approval or denial of the Certificate of Appropriateness. If approved, they are able attach conditions. Mr. Wilkinson stated that there has been a two part recommendation made by Staff; 1 – the Certificate of Appropriateness be denied 2 – since the modifications made by the applicant do not meet the design guidelines, the building should be restored to its original condition. To bring it back to its original condition, the applicant would need to work with Staff and the History Advisory Board. Mr. Taylor asked if applicant were to meet those conditions, would the issue then come back to the Planning Commission. Mr. Wilkinson recommends that the Planning Commission authorizes Staff and the applicant to work together to get the restoration done correctly under the consultation of the History Advisory Board without having to come back to the Planning Commission unless they would like to see the issue again. Mr. Wilkinson again reiterated that Staff is recommending denial of the proposal and modifications be made in order to return the building to a design that is more consistent with the historic architectural style of the building.

Mr. Markham made a motion to deny a Certificate of Appropriateness for the property addressed 4973 South State Street and recommend that the upper portion of the façade of the building be modified in order to return the building to a design that is more consistent with the historic architectural style of the building. In addition, to authorize Staff to work with the applicant and Historical Advisory Board in order to come up with a solution that works in the best interest of all parties.

Mr. Buchert seconded the motion.

Mr. Taylor asked for clarification on the motion. By denying the Certificate of Appropriateness, would they also be denying the applicant the ability to work with Staff to bring the building to where it needs to be?

Mr. Wilkinson stated that it might be best if they include an approval for the Certificate of Appropriateness for the color, with conditions. Those conditions being that they work with Staff and the Historical Advisory Board to return the building to a design that is more consistent with the historic architectural style of the building.

Mr. Markham asked to withdraw the motion. Mr. Buchert seconded the withdrawal.

Mr. Taylor made a motion of approval for a Certificate of Appropriateness to approve the colors proposed for the First Iris Theater building located in the Murray City Center District, property addressed 4973 South State Street, subject to the following conditions:

1. The changes to the façade made without the benefit of a permit are not approved.
2. Work with Community & Economic Development staff on the façade of the building to be modified in order to return the building to a design that is more consistent with the historic architectural style of the building.
3. The change in colors complies with the design guidelines.
4. Return fluting to historic appearance.

Mr. Markham seconded the motion

Call vote recorded by Ray Christensen.

A _____ Karen Daniels

A _____ Phil Markham

A _____ Martin Buchert

A _____ Tim Taylor

Motion passed, 4-0.

WAGSTAFF CRANE SERVICE – 4594 South Cherry Street – Project #12-17

This item was withdrawn from the agenda and will not be discussed.

WSI OF UTAH, LLC – 4195 South 500 West #23 – Project 12-18

Robert & Kristine Watson are the applicants present to represent this request. Ray Christensen reviewed the location and request. The Murray Land Use Ordinance was recently amended to allow a recycling use in the M-G-C zone. The applicant is requesting a Conditional Use Permit for a recycling business use mainly for sorting paper, cardboard, and plastics to be delivered to larger material recycling facilities. This recycle business is to be located in unit #23 which is part of a larger building shared with other business uses. The recycle materials will need to be located inside the building in order to preserve parking. The parking stalls for these units are shared parking stalls for the various businesses uses on this property. Parking stalls are not permitted in front of an overhead door use for access into the building. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval subject to conditions.

1. The project shall meet all applicable building code standards and shall provide plans for review and approval.
2. The project shall meet all current fire codes.
3. Use of any exterior trash container shall be screened as required by Section 17.76.170.
4. Recycling materials shall not be stored outside of the building.
5. Parking stalls shall be striped to comply with Municipal Code 17.72.

Mr. Taylor asked if the requirement on striping for the parking stalls is a requirement for the entire development or just for the applicant's building. Mr. Christensen responded by saying there are multiple businesses at this property and condition #3 does require the entire property be up to code on the striping for parking stalls. In the application materials, the owner has signed a statement that he will bring up any deficiencies in order to bring them up to standards.

Robert and Kristine Watson, 702 West Germana Avenue, stated that they have read the conditions and are able to comply with them. Mr. Watson thanked the City and Planning Commission for all the work they have done. He made mention that he is looking to partner with companies much like the one that Mr. Markham works for, because it not only helps multiple family communities, but the waste management companies by helping them balance their loads. 41% of landfills are filled with cardboard and paper and their company is working to decrease that amount. The secondary material that will be collected is scrap metal from smaller clients.

Ms. Daniels asked how big the trailers will be that are hauling the materials in. Mr. Watson explained that there are two operations of this type of business. The MRF's (Material Recycling Facility's) are huge facilities and have thousands of square feet.

The business the applicant will be running is considered a SMRF (Small Material Recycling Facility) with only 900 sq.ft.. If they get more materials than they can handle, they have made arrangements with Rocky Mountain Recycle to take the overflow. That way there will never be any clutter.

Mr. Taylor wanted to know if there was any State licensing that was required if they get any hazardous material. Mr. Watson made note that they will not be working with any hazardous materials. There is an extensive and strict educational process with all their clients on what materials they will take and what they won't. They provide a 41 quart clear plastic liner when they do door to door service pick-ups. The materials are then examined. If there is any form of contamination or anything of a hazmat nature it gets discarded. Their business license was obtained through all the proper channels on the State and local levels.

Mr. Markham asked what the turnaround time would be for materials that they take in. Mr. Watson stated that turnaround time is less than a week. Mr. Markham made mention that his concern wasn't with the business itself, but rather the facility and ventilation itself as it is located in an older building. Mr. Watson stated that their particular unit has an exhaust fan; in addition to that it has radiant heat. Mr. Markham asked Mr. Watson if he was aware that his business was not part of Murray Sewer and Water. Mr. Watson said he was aware of that.

Mr. Buchert asked when glass will be considered acceptable as a recyclable material. Mr. Watson said that although they will not be taking glass, there are MRF's that do.

The meeting was opened to public comment. There was no public comment made.

Mr. Buchert made a motion to approve the Conditional Use Permit for recycling use, property addressed 4195 South 500 West #23 subject to the following conditions;

1. The project shall meet all applicable building code standards and shall provide plans for review and approval.
2. The project shall meet all current fire codes.
3. Use of any exterior trash container shall be screened as required by Section 17.76.170.
4. Recycling materials shall not be stored outside of the building.
5. Parking stalls shall be striped to comply with Municipal Code 17.72.

Mr. Taylor seconded the motion.

Call vote recorded by Ray Christensen.

A _____ Karen Daniels

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A _____ Phil Markham

A _____ Martin Buchert

A _____ Tim Taylor

Motion passed, 4-0.

OTHER BUSINESS:

Mr. Wilkinson gave a reminder of the upcoming Planning Commission Training retreat being held on Thursday, March 8, 2012 at the Public Services Building conference room.

Meeting adjourned.

Chad Wilkinson, Manager
Community & Economic Development