

Minutes of the Planning Commission meeting held on Thursday, August 2, 2012 at 6:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Jim Harland, Chair
Karen Daniels, Vice-Chair
Ray Black
Tim Taylor
Phil Markham
Vicki Mackay
Scot Woodbury
Tim Tingey, Administrative & Development Services Director
Chad Wilkinson, Division Manager
Ray Christensen, Senior Planner
G.L. Critchfield, City Attorney
Citizens

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.

Jim Harland opened the meeting and welcomed those present. He reviewed the public meeting rules and procedures.

APPROVAL OF MINUTES

Mr. Harland asked for additions or corrections to the minutes of July 5, 2012. Ms. Daniels made a motion to approve the minutes of July 5, 2012 as written. Ray Black seconded the motion.

A voice vote was taken. Motion passed, 7-0.

CONFLICT OF INTEREST

There were no conflicts of interest for this agenda.

APPROVAL OF FINDINGS OF FACT

Mr. Markham made a motion to approve the Findings of Fact for a Conditional Use Permit for Bear Creek Fencing for the property addressed 6567 South Cottonwood Street. Seconded by Ms. Daniels.

A voice vote was made. Motion passed 7-0.

P. S. AUTO SALES – 4195 South 500 West #66 – Project #12-94

Payam Saberin was the applicant present to represent this request. Ray Christensen reviewed the location and request for a Conditional Use Permit for auto sales at the property addressed 4195 South 500 West #66, which was previously used for car auto body and paint. Municipal Code Ordinance 17.152.030 allows auto sales within the M-G-C zoning district subject to Conditional Use Permit approval. The existing building is to be used for office, showroom and storage. The floor plan shows the

building contains 900 square feet of floor space which will require four parking stalls, including one disabled stall. Adequate paved and striped parking stalls shall be provided to comply with the parking regulations, including a 16 foot wide disabled stall with sign posted, to meet Municipal Code Chapter 17.72.070. The City Fire Marshal requires that the building only be used for car sales. No other use is permitted. Auto repair will require additional requirements in order to meet building and fire code requirements. Additionally a building permit is required for a cut through any wall. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval subject to conditions.

Payam Saberin, 4195 South 500 West #66 mentioned that he will be leasing this space. He stated that he applied for a dealer's license and anticipates to sell approximately 3 cars a month. He has 3-4 cars displayed outside and 2 cars inside with a small office.

Mr. Harland asked Mr. Saberin if he was aware that mechanical work is prohibited at that site. Mr. Saberin responded in the affirmative. Mr. Harland asked if he is able to comply with the four conditions set forth by staff. Mr. Saberin reviewed the conditions and agreed to comply.

The meeting was opened for public comment. No comments were made by the public and the public comment period was closed.

Mr. Black made a motion to grant a Conditional Use Permit for P. S. Auto Sales located at 4195 South 500 West #66 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. Adequate parking shall be provided and striped on the site to meet parking ordinance regulations found in Chapter 17.72, including a disabled stall to meet ADA regulations. Four exterior parking stalls will need to be designated on the site for customers and employees and not be used for display of vehicles for sale.
4. The trash container shall be screened as required by Section 17.76.170.

Ms. Daniels seconded the motion.

Call vote recorded by Mr. Wilkinson.

A _____ Jim Harland
A _____ Karen Daniels
A _____ Ray Black
A _____ Phil Markham
A _____ Vicki Mackay
A _____ Scot Woodbury

A _____ Tim Taylor

Motion passed, 7-0.

LANDSCAPING ORDINANCE AMENDMENT – Project #11-28

Chad Wilkinson reviewed the proposed draft landscaping ordinance with the recommended changes of the Planning Commission from the previous meeting held on July 19, 2012. The proposed amendment would change the existing landscape ordinance found in chapter 17.68. One of the main reasons that staff recommends updating the landscape code is to increase consistency. Current standards require a minimum percentage of lawn with the remaining area consisting of an “effective combination of trees, shrubs and groundcover.” It is difficult to interpret what constitutes “an effective combination” and to remain consistent in interpretation. In addition, requests have been made by applicants to consider xeriscaping and to limit turf/lawn. In response to increasing demands on a limited water supply, staff is recommending that other options be considered in addition to lawn/turf. Lawn will still be allowed but will be an option rather than mandated. Staff is also seeking clarification on requirements for residential park strips as a result of recent complaints from residents. Because the proposed ordinance will impact a large number of city residents and businesses, staff brought forward the changes in two separate meetings for consideration. The landscape ordinance text amendment was presented in two stages for discussion at Planning Commission meetings. On July 5, 2012 the commercial, industrial and multifamily section of the landscape code was presented for discussion. The feedback received has been incorporated into the amendment. Staff had also requested comments from the Shade Tree Commission and a local landscape architect. The proposed text reflects those comments. On July 19, 2012 the residential component of the amendment was presented to the Planning Commission as a discussion item. Staff received feedback from the commissioners, and this proposed ordinance reflects those comments.

Some of the proposed changes include:

Commercial/Industrial/Multifamily:

Switch from a minimum percentage of turf or lawn to a specific number of trees/shrubs and groundcover— Changing the requirement from a percentage of turf and lawn to a specific number of plants will make it clear to the applicant what is required, and make it easier for staff to be consistent with all applicants.

Allow ground cover in addition to turf/sod—Allowing the option for ground cover instead of turf/sod will address a concern raised by applicants to allow water efficient alternatives. Some ground covers require much less water to sustain and require less maintenance.

Requiring interior parking lot landscaping if the parking lot requires fifty (50) or more parking spaces— Staff feels that this requirement (in addition to the minimum distance requirement for landscaping from parking) will do even more to reduce the visual impact of parking and pavement. Adding a requirement for landscaping within

parking lots will reduce the visual impact of parking and pavement.

Residential:

A switch from a general requirement for trees in the park strip to a specific number of trees— The subdivision ordinance has a requirement for 1 tree per 30 feet on center, and clarifying the requirement for all single family residential lots will increase consistency. This change will also provide consistency within the subdivision ordinance.

Allow the park strip to be covered up to 25% by an impervious surface—This will allow for things such as extensions of the entry sidewalk or decorative stone pavers allowing pedestrian access from the street to the front entry.

Specify prohibited materials in the park strip—Certain materials and plant species are not appropriate for the park strip. These material include, but are not limed to; asphalt and concrete with the exception of 25% concrete pavers providing access for a car or connection to a sidewalk on the property, thorn bearing plants with some exceptions with city approval, ground cover/shrubs that exceed 18 inches in height, retaining walls or fences, materials within the site distance triangles at intersections, rock materials.

Mr. Wilkinson clarified that there are several sections in the code, specifically different zoning sections that have different landscape standards. He stated that a summary table would be included for each zone. Enforcement is still an issue and the city will continue to enforce the best they can. Public rights-of-way still must be discussed with the City Council. Staff recommends that the planning commission review the proposed changes to the ordinance and provide a recommendation of approval to the City Council.

The meeting was opened for public comment. No comments were made by the public and the public comment period was closed.

Ms. Mackay noted that the vegetation cannot be more than 18 inches tall, but some of the landscaping materials that are used tend to grow taller once planted. Mr. Wilkinson stated that plant materials in the residential park strips would not be allowed that are taller than 18 inches. Only plants that are 18 inches at maturity are allowed.

With regards to the proposed landscaping ordinance changes from staff, Mr. Taylor commented that item "B" on page 2 and "C" on page 3, and that number "1" under both "B" and "C" should read the same. Mr. Wilkinson made note that there is more detail required at the building permit stage therefore those two are different and need to be worded as specified.

Ms. Daniels suggested that they read consistently and if there are additions, those additions are made to the end of the paragraph. Mr. Harland noted that it is more of a readability issue. Mr. Taylor then brought up the same issue for item "B-2" on page 2 and item "C-2" on page 3 to make them consistent. Mr. Wilkinson stated that those can be reviewed and possibly changed to make them more consistent.

Mr. Taylor also noted that on item "B-7" on page 3 and item "C-5" with regards to berms should read the same. Mr. Wilkinson addressed the commission by asking them to look over the proposed landscaping ordinance and make the changes that they feel make it most consistent. Mr. Taylor brought up other items such as; addressing an irrigation plan, wording in "C-9" and adding "8%" in "C-10".

Mr. Taylor also noted item "E-4" the term "wire baskets" was used. He stated that typically the baskets are plastic, therefore the wording should read similar to; "non-biodegradable root ball containers". On page 10, under the Single Family Residential Landscaping item "C" Mr. Taylor noticed that states that using xeriscaping materials are okay where it states that the same types of material are not allowed to use in park strips. His thought is that the xeriscaping should be carried out to the park strip as well. Mr. Wilkinson stated that the reason it will not be allowed in the park strip is to prevent those materials (i.e. rock, gravel) from spilling out into the street.

Mr. Markham commented that he would like to see xeriscaping be allowed in the park strips simply because it is such a difficult area to maintain. Mr. Taylor reiterated that the reason they didn't want xeriscaping allowed in the residential park strip was because the rest of the yard wasn't xeriscaped and it looked inconsistent. Mr. Wilkinson stated that rock was specifically mentioned, but does not mean that other materials could not be used for xeriscaping.

Mr. Harland stated that there is a website from Utah State University Extension Office which has standards for tree planting and horticultural practices. Mr. Taylor asked if there should be something added about the use of bark or wood mulches in the park strips. Mr. Markham pointed out that those types of materials usually block storm drainages. Mr. Wilkinson stated that organic material has not been included.

Mr. Taylor suggested the word "rock" in "F-6" be changed to read; "Boulders, Gravel and Rock in Park Strips" and to add "except for Flagstone or similar paving materials."

Mr. Taylor expressed concern for the planning commission to approve something the proposed language before they make a positive recommendation, i.e. assuming those changes have been made before it is presented to the City Council. Mr. Wilkinson stated that if the Planning Commission would like to continue the discussion to another night that could be accommodated. Mr. Taylor made note that the suggested changes he proposed to items "B" and "C" would just be the wording and he feels comfortable having staff make those changes. Mr. Markham concurred.

Mr. Harland stated that when the ordinance is presented to the City Council there needs to be awareness about education within the community on the changes, there needs to be an attitude about beautification throughout the city; and why it is important and to have consistency and ways in which this new ordinance will be enforced.

Mr. Woodbury asked if "grandfathering" would be part of the new ordinance. Mr. Wilkinson responded that the issue of "grandfathering" is still not clear. Areas this would affect are existing subdivisions that were approved either by the county or

under a different city standard that do not have park strips. Those properties would be considered non-conforming. The city needs to be aware that these are in the city's right-of-way and those park strips need to be fixed. Mr. Harland commented that it will take time to get existing properties into compliance. Mr. Wilkinson clarified that adopting this ordinance doesn't mean whatever is on the ground today is legal and that the ordinance needs to clarify what the standard is. Each situation will need to be looked at individually to determine whether it is legal non-conforming.

Ray Black was excused from the meeting.

Ms. Mackay asked for clarification if the word "rock" was going to be placed somewhere in section "F-6". Mr. Wilkinson responded that staff will add the word "rock" in addition to boulders and gravel.

The meeting was opened for public comment.

Jim Hendrickson from the Beautification and Shade Tree Commission was in the audience and stated that he thought this proposal sounded great.

The public comment period was closed.

Mr. Taylor made a motion to send a recommendation of approval to the City Council for the Landscape Ordinance Amendment with the following changes:

1. Pages 2 of 12 and 3 of 12, staff will need to rewrite items B & C to make them more consistent with each other.
2. Page 5 of 12, change wording in number 4 from "wire baskets" to "non-biodegradable".
3. Page 12 of 12, change number 6 from "Boulders and Gravel in Park Strips" to "boulders, gravel and rock" and should add "with the exception of flagstone or similar paver materials".
4. Page 10 of 12, item D change wording to "pavers and/or other similar materials".
5. Any typographical errors in text.

Mr. Woodbury seconded the motion.

Call vote recorded by Mr. Wilkinson.

A _____ Jim Harland
A _____ Karen Daniels
- _____ Ray Black
A _____ Phil Markham
A _____ Vicki Mackay
A _____ Scot Woodbury

Planning Commission Meeting

August 2, 2012

Page 7

A _____ Tim Taylor

Motion passed, 6-0.

OTHER BUSINESS

Mr. Wilkinson put out a formal invitation for all committee members to attend the annual Utah Chapter of the Planning Association Conference on October 4-5, 2012 in Provo, UT. Mr. Wilkinson asked for an R.S. V.P. to the Community & Economic Development department. There will be a special training session on Friday morning.

Meeting adjourned.

Chad Wilkinson, Manager
Community & Economic Development