

Minutes of the Planning Commission meeting held on Thursday, November 15, 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
Tim Taylor
Ray Black
Phil Markham
Vicki Mackay
Scot Woodbury
Chad Wilkinson, Division Manager
Ray Christensen, Senior Planner
Joshua Beach, Assistant 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. Mr. Harland did make note that items #10 & #11 on this agenda will be switched in the order heard this evening.

APPROVAL OF MINUTES

Mr. Harland asked for additions or corrections to the minutes of October 18, 2012. Mr. Taylor made a motion to approve the minutes of October 18, 2012 as written. Ms. Daniels 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

Ms. Daniels made a motion to approve the Findings of Fact for Conditional Use Permits for D. Russell Construction Company, Seastone Cabinets, Pure Workout, Birkhill Apartments, Medistar Corporation, Goodwill, Quix Auto Sales and Red Sky Development. Seconded by Mr. Taylor.

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

CHRISTENSEN IMPORTS – 46 East Auto Blvd. – Project # 12-132

Scott Christensen was the applicant present to represent this request for a Conditional Use Permit for auto sales within the existing building. Ray Christensen reviewed the location and request at the property addressed 46 East Auto Blvd. Municipal Code Ordinance 17.160.030 allows motor vehicle sales within the C-D-C zoning district subject to Conditional Use Permit approval. The applicant indicated the

vehicles for sale will be parked inside the building. The west portion of the building will be used for washing and detailing vehicles associated with this car sales business. The site plan show five parking stalls, including one disabled stall on the property which complies with the minimum required parking stalls. The building complies with the required setbacks for the C-D-C zone. The site is landscaped and complies with the landscaping requirements at the time of construction of the building. Access to the property is from Auto Blvd. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval subject to conditions.

Scott Christensen, 2836 East 5495 South, stated he did not have any comments or concerns. Mr. Harland asked if he has had the chance to review the four conditions of approval and if he is able to comply. Mr. Christensen responded in the affirmative.

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 approve a Conditional Use Permit for Christensen Auto Sales located within the existing building at the property addressed 46 East Auto Blvd., subject to the following conditions:

1. The project shall meet all applicable building code standards. The building is not approved for auto repair work.
2. The project shall meet all current fire codes.
3. Adequate parking stalls shall be paved and striped, including one disabled stall with signs posted, to comply with parking code.
4. Comply with Murray Power Department and Water and Sewer Department requirements.

Mr. Markham seconded the motion.

Call vote recorded by Mr. Christensen.

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

Motion passed, 7-0.

THE TUTORING CENTER – 5642 South 900 East #2 – Project # 12-135

James Taylor, the applicant, was not present to represent this request. Ray Christensen reviewed the location and request for a Conditional Use Permit for a tutoring education business located in the 9th Street Marketplace Unit #2. Municipal Code Ordinance 17.160.030 allows tutoring education use within the C-D-C zoning district subject to Conditional Use Permit approval. The applicant has provided a letter describing the business which will have four to six staff instructors, will be limited to less than 50 students per week and average six students at any one time. The hours of operation are between 3:30 p.m. to 7:30 p.m. Monday to Friday. The site has adequate parking for the proposed business use in this shopping center. The shopping center has open parking that is shared with various business uses on site. The parking requirement for the education use, with an average of six students at a time and six staff, equates to about 12 parking stalls total needed, which can be accommodated by the existing parking on site. The building complies with the required setback for the C-D-C zone. The site is landscaped to comply with the landscaping requirements at the time the development was constructed. Access to the site is from 900 East Street and 5600 South Street. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval subject to conditions.

The applicant, Mr. James Taylor was not present but requested prior that the item still be addressed on the agenda.

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

Mr. Woodbury made a motion to approve a Conditional Use Permit for The Tutoring Center, a tutoring education business at the property addressed 5642 South 900 East #2, subject to the following conditions:

1. The project shall meet all applicable building code standards. The applicant shall provide plans for review and approval for any building remodeling to include code analysis and egress plan.
2. The project shall comply with current fire codes.
3. The applicant shall comply with business license requirements.

Ms. Daniels seconded the motion.

Call vote recorded by Mr. Christensen.

A _____ Jim Harland
A _____ Karen Daniels
A _____ Ray Black
A _____ Tim Taylor
A _____ Phil Markham
A _____ Vicki Mackay

A _____ Scot Woodbury

Motion passed, 7-0.

MURRAY SCHOOL DISTRICT – 178 East 5300 South – Project #12-137

Representatives of Murray School District are requesting a Conditional Use Permit for a new junior high school located east of the existing junior high school. Ray Christensen reviewed the location(s) and request at the properties addressed 5325, 5341, 5343, 5350, 5353, 5360, 5363, 5370, 5373, 5379, 5380, 5387, 5390, 5395, 5400, 5408, 5410, 5412, 5439 South Hillside Drive, 126, 184, 238, 240, 242 East 5300 South. Municipal Code Ordinance 17.160.030 and 17.100.030 allows a junior high school use within the C-D-C and R-1-8 zoning districts subject to Conditional Use Permit approval. Information provided by the applicant indicates the school will contain 165,000 sq. ft. on 15 acres. A portion of Hillside Drive will need to be vacated with approval by the Murray City Council for the location of the new junior high school development. There is a petition to the Murray City Council to vacate a portion of Hillside Drive from 5300 South to 5439 South. The applicant will need to vacate and amend areas in the existing residential subdivisions and combine properties before the construction of the new junior high school. A traffic study was conducted by Fehr & Peers for the new junior high school with recommendations. The site plan shows new parking lots to the south of 5300 South and east of the new junior high school. The parking regulation for schools requires one parking space for each employee which will require 40 parking stalls. The school has an auditorium and gymnasium which will contain 1,025 seats which will require 102.5 stalls. The applicant is providing one parking stall per two classrooms for 17.5 parking stalls. A total of 160 parking stalls are required for the site. The site plan shows 261 total parking stalls which complies with the parking ordinance requirements. Seven disabled parking stalls will need to be provided to comply with ADA regulations. The proposed site plan for the new building complies with the zoning setback regulation subject to vacating Hillside Drive and vacating and amending subdivisions. The applicant has provided a preliminary landscape plan showing areas of vegetation, lawn, trees, and shrubs. A final landscaping plan will need to be approved by City officials to comply with landscaping regulations. Access to the properties is from 5300 South Street, Hillside Drive and 5460 South. Based on the information presented in this report, application materials submitted and the site review, staff recommends conditional use permit approval subject to conditions.

Mr. Wilkinson stated that there has been a full traffic study submitted for this project. Mr. Wilkinson stated that this meeting is not to make a decision on either the subdivision amendments or the vacation of the street. The vacation of the street will go to the City Council on a future date and the subdivision amendment will come back to the Planning Commission for review. State law limits what a city can review in relation to Conditional Use Permits for schools as it is an allowed use. The decision at this meeting is not to determine whether or not this is a permitted use, but mitigating potential impacts to adjoining property owners.

Pat O'Hara, Director of Support Services for the Murray School District, indicated he has had an opportunity to review the 9 conditions of approval and is able to comply

with them. Mr. O'Hara stated that he wanted to assure the members of the Planning Commission that not only does the School District have the interest of the students at heart, but the community as well. They are doing everything they can to work with all the city agencies involved to make sure this project is done right. When the School Board decided to replace the existing junior high, their primary goal was safety for the kids. At the same time, 8 properties on Hillside Drive were available, so the idea of moving the new school off of State Street became a possibility. He feels the architect has a beautiful campus in mind and Murray City should be proud of the project. Their goal is to meet the City Staff and Council's expectations. Mr. O'Hara also stated they are working closely with Murray City's Engineering Department and Planning Division. He is fully aware there will be an impact on closing Hillside Drive and are working to mitigate those effects.

Richard Judkins, 336 South 400 West, stated he is representing Naylor, Wentworth and Lund Architects. Mr. Judkins stated they have incorporated the traffic study recommendations and have made modifications in their plans, including the bus drop off and a parent drop off lane. They have been working with the School District and the neighbors to make sure the landscaping goes all the way up to the residential properties and are to their satisfaction. They are also discussing fencing. The School District would prefer chain link fencing with additional landscaping. There are instances where it may warrant a solid fence, but those instances will be reviewed on an individual basis.

Mr. Taylor wanted to know if the existing pedestrian walk over State Street will remain. Mr. Judkins stated that structure will remain as there will still be pedestrian traffic from the Jr. High to the High School.

The meeting was opened for public comment.

Mr. Harland made mention of two items that were received by email. The first was an email from Trae Stokes, Murray City Engineer, commenting on the land disturbance permit that is required, which had been included and addressed in the conditions for approval. The second item is an email received November 13, 2012 from Jamee Christensen commenting on the service delivery entrance on the southeast corner of the property at Hillside Drive and 235 East Street. The email questions why the service entrance was positioned in their neighborhood instead of the main entrance on 5300 South Street. After attending several meetings on this project and asking the same question, Jamee Christensen responded that they have not received a direct answer nor do they have a sense of any willingness to move the entrance.

Nick Skene, 315 Hillside Drive, state he is a neighbor that will be living next to the service entrance. He made note the School District has mentioned they will would be willing to build a wall to separate his driveway from the service entrance. Mr. Skene wants to make sure the distance from the service entrance to his driveway is far enough so that he has access to his property. He stated that as long as there is some sort of separation, he is fine with the service entrance being placed there. One of his concerns will be windows that will look onto his property and the invasion of privacy.

Sherryle Land, 5450 South 235 East, stated that she lives in the condos on the

southeastern corner of the site. She expressed concern about the parent drop-off located in the rear of her condo complex. She questioned why the School District didn't take that property as well. She commented that she feels like the property she lives at is surrounded by traffic.

Jason Boe, Hillside Apartments located at 5473 South Hillside Drive, stated he owns property in the neighborhood. Mr. Boe asked if the Hillside Park will be eliminated. Mr. Judkins noted where Hillside Drive will be closed on the map.

Sarah Cook, 5465 South 235 East, stated she is a neighbor in the area. Ms. Cook asked when and how long this project will be going on and what will be happening to the LDS Seminary located on State Street. In addition, she asked if the drop off on the north side of the property will remain and if so, will it be widened?

The public comment portion of the meeting was closed.

In addressing Mr. Skene's question regarding the service entrance, Mr. Judkins commented the service entrance will be in the back of the school as will the kitchen, so it isn't possible to have the delivery entrance at the front of the school. The access point will be worked out through the engineering department to ensure proper separation. The plan presented is a preliminary plan and the finer details will be worked out.

Mr. Harland asked if there will be additional public meetings to show the plans as they evolve. Mr. Black asked if they are considering a screening wall. Mr. Judkins commented that they will have a solid wall at the service entrance and that would be the best scenario. He did mention they do not like to build long solid walls as they are magnets for graffiti. Mr. Judkins also addressed the issues of privacy and windows facing residential properties by stating, the south end of the building is a classroom wing, so there will be windows facing south, but there will not be any windows looking directly east. Natural light is important to the educational occupancy of the building. He did state they would be able to work with the landscaping that will help screen any residential properties.

In addressing Ms. Land's concern regarding drop-off locations, Mr. Judkins noted in order to keep the traffic down and flowing, having multiple points for drop-offs is necessary to help bring traffic to a better flow. Mr. Judkins stated there will be "no parking" and "no standing" signs posted in those areas. The location of the drop off on 5480 South will be landscaped heavily and increased space of up to 25 ft. He stated that the president of the condo association where Ms. Land lives has some landscaping background, so they have agreed to keep him in the loop and discuss the landscaping going in. Mr. Judkins stated they have the opportunity to screen this area appropriately to make the drop-offs pleasant and functional.

Mr. Judkins addressed Ms. Cook's question regarding the LDS Seminary. Mr. Judkins noted the LDS Church is aware of this project and has been given the site plan. The school district is not in control of the seminary, so it will be completely up to the Church as to what happens to the seminary.

Mr. Judkins made note there are currently 4 buses that come once in the morning and once in the afternoon. Keeping the bus drop-off separate from the parent's drop-off is critical in making this a successful school site. This location is the best in minimizing the impact on the area.

Mr. Judkins addressed the time frame on the project by stating the demolition should start around March 1st and the rest of the project should start somewhere in June. Construction is slated to last somewhere around two years with the opening date scheduled for the 2015 school year.

Mr. Taylor expressed concern in regards to the crossing location that is proposed on the west side of the main entrance. The traffic study showed the left lane coming out of the main access will be a difficult movement to make. He did not see anything in regards to the signal in the traffic study that would control the pedestrian crossing and/or how that would affect people's ability to make a left turn out. The challenge with this is traffic east bound and west bound on 5300 South Street will have a light, so they will be able to see when pedestrians are crossing, but traffic coming out of the driveway won't be able to see a light. Mr. Taylor stated that it is probably worth a more in depth study on the traffic that will be coming out of Murray Park Lane and the traffic that the new project across 5300 South (the old Take Five) will bring to that area.

Mr. O'Hara stated that this issue has been taken into consideration. Trae Stokes with the Murray City Engineering Department, the school boards, engineers and Mr. Judkins has an understanding among themselves that the final treatment for that particular crosswalk will be a Hawk Light System or something similar with additional signage. Mr. Taylor asked if that is a fixed location. Mr. O'Hara stated unless a better location is brought up by the engineers, it is staying where it is. Mr. Taylor expressed concern with that.

Mr. Black made a motion to approve a Conditional Use Permit for a new junior high school located east of the existing junior high school at the properties addressed; 5325, 5341, 5343, 5350, 5353, 5360, 5363, 5370, 5373, 5379, 5380, 5387, 5390, 5395, 5400, 5408, 5410, 5412, 5439 South Hillside Drive, 126, 184, 238, 240, 242 East 5300 South, subject to the following conditions:

Ms. Daniels seconded the motion, changing the address stated; 5371 to 5373 South Hill Drive and 183 to 184 East 5300 South.

1. The project shall meet all applicable building code standards. The Murray City Building Division shall require a copy of each inspection certificate, on a monthly basis, during construction of the school building.
2. The project shall comply with 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 officials and installed as approved prior to occupancy.

4. The trash containers shall be screened as required by Section 17.76.170.
5. Comply with Murray Power Department requirements including power line relocations and easements.
6. Meet all Murray City and State regulations including permit requirements.
7. Adequate parking stalls shall be paved and striped, including seven disabled stalls, to comply with zoning ordinance requirements.
8. The Murray City Engineer noted the following requirements for the project:
 - a) Petition the Murray City Council to vacate a portion of Hillside Drive from 5300 South to 5439 South.
 - b) Vacate/Amend the Hillside 1st Amended subdivision plat and Hillside Drive subdivision plat to accommodate the new school site.
 - c) Amend Hillside Heights subdivision plat and Alpine Gardens subdivision plat to accommodate the new school site.
 - d) Meet City subdivision requirements.
 - e) Relocate or abandon all utilities in Hillside Drive as required by utility providers. Provide concurrence letters or agreements.
 - f) Meet city storm drainage requirements.
 - g) Repair or replace damaged sidewalk and curb and gutter along 5300 South, 235 East and 5460 South frontages.
 - h) Implement the Fehr & Peers Traffic Impact Statement site recommendations including the 5300 South crosswalk upgrades.
 - i) Adjust the bus drop-off lane widths and configuration on 5460 South to allow bus ingress and egress with on-street parking allowed along the south side of 5460 South.
9. Comply with Murray Water & Sewer Department requirements including water and sewer line locations and relocations.

Call vote recorded by Mr. Wilkinson.

A ___ Jim Harland
A ___ Karen Daniels
A ___ Ray Black
A ___ Tim Taylor
A ___ Phil Markham
A ___ Vicki Mackay
A ___ Scot Woodbury

Motion passed, 7-0.

STATE AND VINE HOTEL – 4909-4915 South State Street – Project #12-117

Andrew Bollschweiler was the applicant present to represent this request on behalf of State and Vine, LLC. Chad Wilkinson reviewed the location and request for a

Certificate of Appropriateness for a hotel and retail development for the property addressed 4909-4915 South State Street. Municipal Code Section 17.170.050 outlines the process for review of applications located within the Murray City Center District (MCCD). 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. Municipal Code Ordinance 17.170.080 allows a hotel and retail use within the MCCD zoning district subject to Certificate of Appropriateness approval. The applicant originally proposed construction of a 123 room hotel and retail development. A few changes have been proposed by the applicant subsequent to the Design Review committee meeting. Most notably the hotel has been reduced to 117 units and the retail square footage has been slightly increased. The building has been modified to remove the rooms above the porte-cochere and replace it with a freestanding porte-cochere structure. The hotel will replace an existing strip mall and former convenience store. The development will consist of a four story building with retail space located on the ground floor and hotel rooms above. The net retail space will be approximately 10,500 sq. ft. A summary of the building and site design elements are included below. The proposed building will front on both State and Vine Streets as required by the MCCD ordinance. The building will be approximately 60 ft. in height with some architectural features extending to 66 ft. The Code requires a minimum height of 40 ft. or 4 stories. The MCCD ordinance has no height restrictions for buildings located more than 150 ft. from residentially zoned properties. The building is located approximately 260 ft. from the nearest residentially zoned properties to the east. The exterior façade will be a combination of EIFS material and cementitious siding along with fenestration. Main colors include dark brown and light beige. Trim will consist of aluminum banding in both silver and green. The MCCD Design Guidelines call for the use of muted colors and earth tones for primary building colors and the use of compatible vibrant colors as accents. The proposed color scheme is consistent with the guidelines. The retail areas will consist of aluminum-framed windowed store fronts surrounded by a dark brown stone tile. The stone tile meets the standards of the MCCD which requires that the building meet the ground with a base architectural element to connect the building to the landscape. The building has entries on both streets as required for corner lots in the MCCD. Most entries appear to be covered by the cantilevered portion of the upper floors or appear to be recessed. Any entries that are not located under the upper floors or that are not recessed will need to be covered by a canopy or awning as required by ordinance. The proposed porte-cochere structure will need to be constructed of materials and colors that are consistent with the main building. Parking is located to the side and rear of the building as required by the MCCD standards. The lighting standards of the code require that lighting be shielded and additional detail on lighting for the site will be required prior to permit for the site. A minimum 10 ft. of landscaping will be required where parking abuts Vine Street. The code requires one parking space per unit for the hotel use and 1 space per 500 sq. ft. for the retail area. Required parking for the site is summarized below:

Required

- Retail: 10,500 sq.ft. @ 1 space/500 sq. ft. = 21 spaces
- Hotel: 117 units @ 1 space per unit = 117 spaces
- Reduction of 1 space based on bicycle parking

- Total: 138 spaces required

Provided spaces: 126 off-street, 8 on-street = 134 spaces provided

The site plan does not contain the minimum parking spaces required for each of the uses when calculated independently. The MCCD ordinance allows for the use of joint parking based on an analysis of the peak parking times for the individual uses. In order to use this provision, the applicant is required to submit a joint parking analysis prepared in accordance with section 17.170.140.B.3. The ordinance requires that this information be submitted to the planning commission for their review. The Code requires that 80 percent of the building be within 25 ft. of the back face of curb. The submitted plan shows 25-ft. setbacks from back face of curb along State Street with 20-22-ft. setbacks along Vine Street which adheres to ordinance standards. Landscaping is proposed along both frontages between the building and sidewalk. In addition, the Vine Street frontage will be widened to include the required 12 ft. pedestrian sidewalk including the 8 ft. pedestrian area and 4 ft. furnishing or landscape strip. Dedication will be required for sidewalk areas as needed to accommodate the required improvements. Interior landscaping is provided within the parking area at the rear of the building. The design guidelines encourage the use of landscaping in the parking area, both to break up large paved areas and to provide opportunities for integrated storm water and runoff pretreatment. The MCCD standards include requirements to pre-treat storm water runoff and the applicant is encouraged to integrate storm water treatment within the landscape areas. A back-up generator has been indicated on the revised plans along the Vine Street frontage. Based on the standards of the Code, the generator will be required to be relocated or appropriately screened. The development will take access from existing driveways on State and Vine Street. Proposed access will require some reconfigurations of driveways along State Street including abandoning the southern driveway and widening the northern driveway. Both of these revisions will require approval from the Utah Department of Transportation. The development also includes the widening of Court Avenue, a public right of way that runs to the north of the site. The applicant proposes to dedicate 12 ft. of additional right of way to provide a 24 ft. wide access along the north property line. The applicant proposes to widen the western driveway on Vine Street to the maximum allowable width of 50 ft. and to eliminate the eastern driveway. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval of the Certificate of Appropriateness subject to conditions.

Mr. Taylor made note that his concern with the parking is related to the potential patrons of the two surrounding theatres. Mr. Wilkinson stated the parking area is specifically to be used for the hotel and connected businesses.

Andrew Bollschweiler with AeUrbia Architects, 2875 South Decker Lake Drive, stated they have read the conditions of approval and are able to comply with all conditions.

Mr. Wilkinson made note there was an email sent in from Jason Boe, a neighboring property owner, which was received prior to the last meeting and has been included in the packet for the commission members.

Mr. Black asked Mr. Bollschweiler when they anticipate starting the project. Mr. Bollschweiler's response was March of 2013. Mr. Black asked how long the project will take. Mr. Bollschweiler could not give a definitive answer, but estimated 8 months.

The meeting was opened for public comment.

Jason Boe, 4901 South State Street, state he is the owner of the retail strip to the north and the author of the email that was sent in. Mr. Boe commented that he feels the minimal parking required for the hotel is not enough. Mr. Boe made note the theatre next to the property always has overflowed parking in their lot. Mr. Boe expressed concern that a project like this will affect his tenants negatively with access and visibility being limited. With that, he feels he will end up losing tenants. He asked that the developer be sensitive to his tenants and help them anyway they can. Mr. Boe wants to see the construction access/staging east of the project and off of Vine Street. He also feels that after the completion of this project, Court Avenue will need to be resurfaced after dealing with the construction traffic and debris. Mr. Boe would also like to see some sort of monument or pole sign on his property. He feels the project is nice looking and is happy to have them in the neighborhood.

The public comment portion of the meeting was closed.

Shane Smoot 2180 South 1300 East, state he is representing Nova Source, the developer of the project. He indicated that regarding Mr. Bow's request of construction access and staging taking place on Vine Street is logical and will likely happen. He clarified that does not mean they will foreclose the idea of using Court Avenue. In regards to parking, Mr. Smoot, stated that if all the uses were to be considered independently it would require 137 parking stalls and they are providing 134 parking stalls. The Code and hotel brand they are building for would like them to provide 1 parking stall per room, which is in this project would be 117 parking stalls. The peak time would be 9:00pm to 9:00am, where most of the other surrounding uses wouldn't be open. Western States Lodging will be the managing company for this property and through their experience thinks there is more than adequate parking available. In regards to sensitivity towards the tenants, Mr. Smoot noted that Hogan and Associates, one of the partners and owners on this project, will be very sensitive in limiting the amount of impact to those tenants. In addition, the project will be adding an additional 12 ft. to Court Avenue, widening the access along State Street.

Mr. Markham made a motion to approve a Certificate of Appropriateness for a hotel and retail development for the property addressed 4909-4915 South State Street, subject to the following conditions:

1. The project shall meet all applicable building code standards.
2. Provide a stamped and sealed soils report from a geo-technical engineer at time of submittal for a building permit.
3. Provide plans stamped and sealed by appropriate design professionals to include code analysis and egress plan.

4. Pedestrian protections shall be required per IBC section 3306.
5. The project shall meet all current fire codes.
6. A formal landscaping plan meeting the requirements of Chapter 17.68 and 17.170.160 of the Murray Municipal Code shall be submitted and approved by Murray City and installed as approved prior to occupancy. A minimum 10 ft. of landscaping shall be required between parking spaces and Vine Street.
7. A lighting plan will be required to be submitted and approved prior to building permit issuance. In accordance with the MCCD Standards, exterior lighting and parking lot lighting must be shielded and not spill onto adjacent properties.
8. The applicant shall comply with the specific materials and colors presented for review and approval by the Design Review Committee and Planning Commission.
9. The applicant shall provide details on the screening of trash receptacles and any exterior mechanical equipment. Screening shall be of compatible materials with the main structure. The back –up generator along Vine Street shall either be relocated or screened with compatible materials.
10. Provide street furnishings in compliance with the design guidelines.
11. All entrances shall be covered or recessed in accordance with section 17.170.110.
12. Meet UDOT requirements for State Street access changes.
13. Adjust site plan to allow for Vine Street frontage improvements as per MCCD Design Guidelines.
14. Dedicate the proposed additional right of way along Court Avenue. Dedication of additional public right of way shall be required if necessary to accommodate sidewalk and frontage improvements along Vine Street.
15. Meet City storm drainage requirements.
16. Obtain a City Land Disturbance Permit (LDP) prior to beginning any site work.
17. Relocate overhead power lines and comply with all Murray Power requirements.
18. Relocate the existing sewer line and comply with all Murray Water and Sewer requirements.
19. The development shall comply with all sustainability standards of the MCCD ordinance including the use of water sense plumbing fixtures, storm water pretreatment, etc.

20. A joint parking analysis shall be submitted to the Planning Commission for review and approval, or additional parking shall be provided to meet the minimum standards of the Code.

Mr. Taylor seconded the motion.

Call vote recorded by Mr. Wilkinson.

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

Motion passed, 7-0.

KEYBANK – 5101 South State Street – Project #12-133

Jim Sorrine was the applicant requesting a Certificate of Appropriateness for the existing Key Bank. Joshua Beach reviewed the proposal for site plan approval for modifications to site parking and landscaping and to upgrade the paint and finish of the building. Municipal Code Section 17.170.050 outlines the process for review of applications located within the Murray City Center District (MCCD). Major modifications within the MCCD require 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 property consists of a one-story building that includes three drive-thru lanes that exit onto State Street. The applicant is planning to make changes to the parking and landscaping and minor exterior façade changes. The exterior of the existing building is constructed with light tan color brick materials. The applicant is planning to make exterior façade changes to the building with new paint, drive thru columns and signage. The applicant proposes to install prefabricated column covers. The main color will be light brown. Trim will consist of light beige and red which will be the trim along the top of the building and the canopy, and red along the canopy and drive thru columns. The MCCD Design Guidelines call for the use of muted colors and earth tones for primary building colors and the use of compatible vibrant colors as accents. The proposed color scheme is consistent with the guidelines. The applicant has some signage changes indicated on the plans but will apply for these changes under a separate permit. The plans show the changes on the building elevation provided. See the attached plans and photos of the building. The landscaping standards for the MCCD call for water conserving landscaping design with use of indigenous species of trees and shrubs. The applicant is installing additional landscaping to the east side of the building to comply with Murray City Municipal Code section 17.68 and MCCD code regulations. The landscape requirements for this area were triggered because of the parking layout changes that are indicated on the plans provided. A landscaping plan has been

submitted for the site with the application materials. It appears that landscaping was a requirement along Myrtle Street in the past and staff recommends installing this frontage landscaping to provide buffering of parking along the public street. The plans show the drive accesses to the parking lot are from State Street and Myrtle Street. County records indicate that they have 6,681 sq. ft. of office space. Murray City Municipal Code requires 1 parking space for every 250 sq. ft. The property is required to have 27 parking stalls. The site plan shows 30 parking stalls total provided including 2 handicap accessible parking stalls with designated signs. The parking layout changes to the site include reconfiguring the parking located on the east side of the property. Eleven parking spaces will be placed along the east boundary of the property and four parking spaces including two handicap spaces will be placed along the east side of the building to allow for a 24 ft. access aisle between parking rows. The applicant is planning to reattach the existing light fixtures to the exterior of the building and the building elevations show the proposed lighting fixtures. Exterior lighting and parking lot lighting should be shielded and should not spill onto adjacent properties to comply with MCCD regulations. The existing building is legal non-conforming regarding the setback requirement at the State Street frontage in the MCCD zone. Access to the property is from Myrtle and State Street. Based on the information presented in this report, applications materials submitted and the site review, staff recommends approval subject to conditions.

Mr. Markham commented that this property has been subject to flooding in the past. He wanted to know if there was some way to mitigate the potential flooding damage. Mr. Beach made note there were no comments from the City Engineer in regards to that matter. Mr. Markham wanted it on the record that he feels it is important to mitigate sites that have had continual damage in the past. Mr. Wilkinson suggested that if this were a whole redevelopment of the site that issue might be something to take a look at, but since this is just a façade and parking change, it will not be a requirement.

Jim Sorrine, 36 South State Street, stated he is the facilities manager for Key Bank. Mr. Sorrine noted this will only be a cosmetic upgrade to the bank. He stated that one of the key components of this project is to provide a better ADA entrance. Regarding the flooding issue, there are pumps in place which the City has raised up.

Mr. Harland asked Mr. Sorrine if he has had an opportunity to review the conditions and if so, is he able to comply with them. Mr. Sorrine responded in the affirmative.

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

Mr. Taylor made a motion to approve a Certificate of Appropriateness for modifications to site parking and landscaping and to upgrade the paint and finish for an existing Key Bank at the property addressed 5101 South State Street, subject to the following conditions:

1. Exterior lighting and parking lot lighting should be shielded and should not spill onto adjacent properties.

2. The applicant shall provide details on the screening of trash receptacles and any exterior mechanical equipment. Screening shall be of compatible materials with the main structure.
3. Landscaping shall be installed along the Myrtle Street frontage within the existing curbed areas.

Mr. Black seconded the motion.

Call vote recorded by Mr. Wilkinson.

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

Motion passed, 7-0.

RIVERVIEW PLAZA – 625, 635, 645, 657, 671, 675, 677, 679, 689 West 5300 South
– Project # 12-130

Representatives of Riverview Plaza are the applicants requesting a Murray Zoning Map amendment from C-N-C (Commercial Neighborhood Conditional) to C-D-C (Commercial Development Commercial). Chad Wilkinson reviewed the request and location for the properties addressed 625, 635, 645, 657, 671, 675, 677, 679 & 689 West 5300 South. Mr. Wilkinson stated that there was a discrepancy with incorrect sidwell numbers on the original application. Because of the incorrect numbers the computer kicked out several locations (5916, 5986 South 610 West) which are not involved with this application. The addresses listed on the agenda are correct. The site has various businesses including a Smiths grocery store, restaurants, office uses and retail sales businesses. One reason the applicant is requesting the zone change is the C-D-C zone allows an electronic message sign with Conditional Use Permit approval and the C-N-C zone does not. The zone change request is consistent with the Murray General Plan which calls for these properties change to Commercial Retail. The existing C-N-C zone is designed to promote a combination of retail, office, and service businesses to serve the needs of the area residents. The businesses in the C-N-C zoning designation are more neighborhood oriented and the zone does not allow all of the various uses allowed in the C-D-C zone. The C-D-C zone allows many of the same uses as the C-N-C zone and a broader mix of business uses, commercial, entertainment, and related activities. Other types of uses allowed in the C-D-C zone with Conditional Use Permit approval, but not in the C-N-C zone, are automobile sales, auto repair, hotels, and self-storage units. An electronic message sign use is allowed with Conditional Use Permit approval by the planning commission.

Based on the above findings, staff recommends that the Planning Commission forward a recommendation of approval to the City Council for the requested Zone Map Amendment from C-N-C to C-D-C.

Joshua Peterson, 625 West 5300 South, works for Focus Design Development Solutions and is the Project Manager for this project. Mr. Peterson stated that his company is currently in the process of remodeling the shopping center. There has been difficulty with some of the tenants being able to attract enough business to stay in business as the store front visibility is poor. Because of that, they have wanted to do something with the signage, but have been unable to in the C-N-C zoning.

The meeting was opened for public comment.

DeAnn Lee, 676 West 5465 South, stated she is a resident to the rear of Smith's. She stated that she has done research and found that with Conditional Use Permits businesses such as liquor stores, car lots, pawn shops and escorts services could eventually be put into this shopping center. Ms. Lee stated the residential area already experiences lighting spilling over from the shopping center and feels that the addition of more signage would complicate the matter. She also commented that through some research she found, the existing grocery store isn't even a permitted use. She commented that the garbage for Smith's isn't contained within a wall enclosure. Her concern was how changing the zoning was going to affect the residential neighborhood.

The public comment portion of the meeting was closed.

Mr. Peterson made note that the code is the same in both zoning designations for the height of the sign, so the height will not change. The sign will be in the same location (5300 South) that it is currently in, but will advertise for the businesses that front 700 West as well. The garbage containers that his company is using during the remodeling process are in enclosures. He does not represent Smith's; therefore he is unable to comment on their garbage situation. Mr. Harland asked Mr. Peterson to address the traffic flow. Mr. Peterson stated the same businesses will be there, but they are hoping to generate more exposure with the new sign. There will be nothing different about the traffic pattern.

Ms. Daniels made a motion to forward a recommendation of approval to the City Council for the requested Zone Map Amendment from C-N-C to C-D-C for the properties addressed 625, 635, 645, 657, 671, 675, 677, 679 & 689 West 5300 South. Mr. Woodbury seconded the motion.

Mr. Taylor asked Mr. Wilkinson if the uses change significantly with a zoning change. Mr. Wilkinson responded in the affirmative. However, some of those businesses would never be allowed simply because of distance requirements (i.e. sexually oriented businesses). Businesses such as automobile sales would be allowed with Conditional Use Permit approval. Grocery stores are allowed in either zoning designation.

Mr. Harland asked if the electronic message sign that may develop onto this property needs to still be approved. Mr. Wilkinson stated that will need to be reviewed by the Planning Commission. Mr. Markham asked if the sign would be a general advertising sign and not just dedicated to the tenants on the property. Mr. Wilkinson responded that the sign has to advertise on-premise businesses.

Call vote recorded by Mr. Wilkinson.

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

Motion passed, 7-0.

U.S. LINGUISTICS INSTITUTE – Ordinance Text Amendment to Allow L.U. 6830
Special Schooling and Training in the General Office Zone – Project #12-136

Narine Marden was the applicant present to represent this request. Joshua Beach reviewed the ordinance text amendment to add land use code 6830, Special Schooling and Training, to the G-O zoning district. The zoning ordinance currently does not allow for Special Training and Schooling in the G-O zone. The Murray City Standard Land Use Code does include a category of land uses under the heading of 6830: Special Training and Schooling related to special types of schools. The applicant has requested to include this group in order to provide language school opportunities in the G-O zone. Since the language school use is not allowed in the G-O zoning district, the city is unable to issue a business license at this time. It is unclear why language schools were not included as an allowed or conditional use in the G-O zone when the code was originally adopted. Land use codes “6820: University, college, junior college, and professional school education” and “6810: Nursery, primary and secondary education” are similar uses and are listed as conditional uses in the zone.

Staff feels that land use code 6833: Barber and Beauty Schools, which is part of 6830: Special Training and Schooling should not be permitted in the G-O zone because of the tendency for this type of use to generate conflicts related to parking and traffic. Often times the parking needs for these types of schools exceed the number of spaces required per our code and the parking spills over into the neighborhoods surrounding these types of uses. Staff feels that this will adversely affect surrounding residential areas.

Staff proposes land use code 6836: Driving Schools be permitted with the understanding that it will be for classroom instruction only. Staff does not feel that a driving course would be appropriate for this zoning designation because of its proximity to residential areas.

With the change to the request recommended by staff, the amendment is consistent with the Goals and Policies of "Chapter 8: Economic Development" of the General Plan. Specific goals and policies contained in Chapter 8 that are addressed by the proposed amendment include:

- Goal: To attract new businesses to Murray City
- Goal: Expand the types of businesses available in Murray City

Based on the above findings, staff recommends that the Planning Commission forward a recommendation of approval to the City Council for the requested amendment to the zoning ordinance. The amendment would allow land use group 6830: Special Training and Schooling (excepting land use code 6833 and restricting land use code 6836 as classroom instruction only) to be located in the G-O zoning district.

Narine Marden, 220 East 3900 South, is a co-owner of U.S. Linguistics Institute. The school has been in business since 2001 and would like to move locations due to a conflict of interest at their current location. Ms. Marden made a point of stating that international schools are important to the economy, because they bring business to local universities and colleges by supplying them with international students, which historically pay three times the tuition of a resident.

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

Mr. Woodbury made a motion to forward a recommendation of approval to the City Council for the requested amendment to the zoning ordinance. The amendment would allow land use group 6830: Special Training and Schooling (excepting land use code 6833 and restricting land use code 6836 as classroom instruction only) to be located in the G-O zoning district.

Ms. Daniels seconded the motion.

Call vote recorded by Mr. Wilkinson.

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

Motion passed, 7-0.

HARMONY HOME HEALTH, LLC - Sign Ordinance Text Amendment – G-O Zone – Project 12-131

Ben Hathaway was the applicant present to represent this request. Chad Wilkinson reviewed the request for an ordinance text amendment to the Murray Municipal Land Use Code Chapter 17.48.120(A), and 17.48.120(C) related to signage in the General Office (G-O) Zone. The proposed amendment would allow additional height and size for signs on G-O properties located adjacent to freeways. The amendment would allow for the height of signs adjacent to I-15 and I-215 to be determined by freeway grade rather than the adjacent sidewalk grade. The amendment would also increase the allowable size of signs in the G-O zone adjacent to freeways from 50 sq. ft. to 300 sq. ft. The purpose of the G-O zone, as defined in City Code, is to provide a buffer or transition area separating commercial and industrial uses from residential areas. Increased emphasis is given to buffering commercial uses from residential uses, neighborhood compatibility and reduction of size and height of signs in the G-O zone due to proximity and impact on the adjoining residential properties. The G-O zone limits building and sign height in order to be compatible with residential zoned properties in the area. The existing sign code regulation limits signs in the G-O zone to 15 ft. maximum height measured from the sidewalk grade to the top of the sign and allows for .5 sq. ft. of sign area per lineal foot of street frontage with a maximum area of 50 sq. ft. The applicant is proposing that the height for detached signs in the G-O zone located on properties adjacent to the freeway be determined by the freeway grade and that the maximum size of freeway adjacent signs in the G-O zone be increased to 300 sq. ft. Currently, the Code allows for freeway oriented signs in Commercial Development (C-D) and General Manufacturing (M-G) zoning districts to use the adjacent freeway grade to determine the maximum height of the sign. Where properties are lower than the freeway, the signs may be much higher than the adjacent local streets. The applicant has proposed this same standard for G-O zones located adjacent to the freeway. The applicant also proposes to increase the permitted sign size from 50 sq. ft. to 300 sq. ft. for signs adjacent to the freeway in the G-O zone. It should be noted that the standards for the C-D and M-G zones do not provide for an increase in square footage for freeway adjacent signs. The maximum sign size for detached signs in the C-D and M-G zones is the same for all properties in the City, whether or not they are adjacent to the freeway. G-O zoning occurs throughout the City in areas along 4500 South, 900 East, Winchester Street and VanWinkle Expressway. Because G-O zoning occurs on other high-volume and high speed roadways in Murray, it is difficult to justify an increase in sign size based solely on freeway adjacency. While a connection may reasonably be made for an increase of sign height adjacent to a freeway because of variations of freeway height caused by overpasses, on and off ramps, etc., staff does not find the same connection with regard to sign size. If speed and volume are used to determine sign size adjacent to freeways, other G-O property owners could argue that the speed or traffic volume of Van Winkle Expressway or 4500 South justifies additional sign height or size. The sign code currently allows for attached signage in the G-O zone with 2 sq. ft. of sign area for each lineal foot of building frontage with maximum sign area determined by building size. Depending on the size of the building, attached signage may currently exceed 50 sq. ft. This additional square footage for attached signage coupled with the allowed detached signs provides adequate signage while buffering residentially zoned properties. The standards of the Code are meant to distinguish the G-O zone

from other commercial zones and to provide a transitional standard. The look and impact of signage in the G-O zone should be different than commercial and manufacturing zones because the G-O zone purpose is to be a buffer and transition zone from the residentially zoned areas. The applicant also references portions of the Murray General Plan related to land use and economic development. The plan indicates that G-O areas should ensure a pleasing environment and the existing signage allowed in G-O zones contributes to the purpose of this zoning designation. Although the economic development sections of the General Plan promote enhancing commercial activity, the existing ordinance allows for multiple signage opportunities on a site and the existing square footage enhances the goal of creating a positive environment for business activity.

Based on the above information and findings, staff recommends that the Planning Commission forward a recommendation of denial for the proposed text amendments to the Murray City Council for Municipal Code Chapter 17.48.120(A), and 17.48.120(C).

Ms. Daniels stated that this property is located in the G-O zone. She asked Mr. Wilkinson if the area is more commercially based. Mr. Wilkinson stated the Murray City General Plan calls for that zone to remain office zoning. He stated that there is a mix of C-D-C and G-O in that area. That zoning came about through a large zone change process through the City. Further to the south of that zone is residential and staff feels it is important to keep that as a transition area and protect that neighborhood.

Mr. Markham asked if an electronic sign were to be located on the property, would it have to be specific to the applicant. Mr. Wilkinson stated the G-O zone does not allow electronic message boards and any sign that is located on G-O properties need to be on-premise. The city does not permit off premise advertising for new signage.

Ben Hathaway, 60 East South Temple, stated he is the attorney for Harmony Home Health, LLC. Harmony Home Health & Hospice is an in-home health care provider who for the last decade has been headquartered at 5650 South Green Street in a one story building. He stated that the Murray City's zoning map, it seems that the purpose of the G-O zone has been obliterated by the C-D-C re-zone in the middle of Green Street. Originally it was intended to buffer the residential area from commercial uses. Every piece of property along the I-15 corridor has a free-way oriented and viewed sign with the exception of Harmony Home Health's building. Mr. Hathaway questioned if the General Plan's purpose of providing a buffer has really been met. He indicated in his opinion the answer is no, because it's been obliterated by the re-zone. He stated that Harmony Home Health, LLC desires to have a positive recommendation from the planning commission for a text change. Two things must be present for this text change to apply; the property must be adjacent to a freeway and the sign must be freeway oriented. Murray Code states it is appropriate to adopt a text change if it conforms to the General Plan. Mr. Hathaway suggested that not only does it conform to the General Plan, but it actually enhances the goals of the General Plan as it relates particularly to freeway oriented signs within the G-O zone. Visible signage would 1) strengthen the City's medical related commercial activity to the public, 2) increase business for Harmony Home Health in turn generate more revenue for the

City, 3) increase the utilization of land in Murray City, 4) make the location more desirable for the applicant to remain there, 5) it would enable a sign to preserve what remains of this buffer zone. Mr. Hathaway went on to say that staff implied a sign could be larger than 50 ft. if it were attached to the building. Therefore, if Harmony were to prop a sign on top of its building that was in excess of 50 ft. or build 2-4 more stories onto their building and have their signage on top it, it would seem to impair the buffering even more in the G-O zone than it would to just have a sign there. Mr. Hathaway suggests that the purposes of the General Plan are met and enhanced by the text change. In comparing other G-O zones in Murray to the location of the applicants, all other areas have buildings that are higher than the freeway, therefore; there is no advantage for those properties to measure from the freeway grade.

Mr. Taylor made note that buildings that currently have attached building signage would also be allowed to have free a standing sign, based on the text change the applicant is proposing. Mr. Hathaway concurred, subject to approval.

Mr. Woodbury asked Mr. Wilkinson why staff wouldn't consider making a zone change from G-O to C-D-C. Mr. Wilkinson noted again that the General Plan does call for this area to be office and not commercially zoned. There are standards (i.e. review standards, use standards) in place that provide buffering and protection of those areas that go over and above visual standards. The review was focused on what the impacts to several properties in the G-O zone would have, not just this particular property. Mr. Hathaway stated that Harmony does not want to open the door to other uses, but desires to take advantage of its adjacency to I-15.

Ms. Mackay asked why it is so important to have a sign. Mr. Hathaway deferred the question to Dennis Stong.

Dennis Stong, 5650 Green Street, stated that having a sign helps a business establish a brand and gives the business legitimacy. When someone is choosing a health care provider they feel more secure when a company provides a strong and solid feel to it. A sign helps to give out that image. All of the businesses that are in that area and have signage have a good solid client base, Harmony does not. Mr. Stong asked Mr. Wilkinson what specific properties concern him that this would apply. Mr. Wilkinson stated staff is not implying that by changing the text this will affect a specific property. What he is saying is from a consistency standpoint, they need to look at all properties, not to just a specific property. It is too hard to distinguish how one property is different from another based on solely on those characteristics.

The comment was made that if all properties in the G-O zones had a road that was elevated like I-15 is, they would all be asking for the same thing.

Mr. Hathaway stated there are no other arterial roads in Murray City that have a 65 mph speed limit which is important when you are talking about size. What Mr. Stong is requesting is that he be given the same opportunity the other businesses along Green Street have. Mr. Hathaway asked that the Planning Commission send a positive recommendation of approval to the City Council for this text change.

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

and the public comment period was closed.

Mr. Black commented that signage is beneficial, but he recently dealt with finding a facility to care for his aging mother, but that his decision was not based upon driving down the street and looking for a sign. He stated that instead he went to physicians and friends in the medical field. In his opinion, no one is going to make a decision on using their facility based on seeing a sign from the freeway.

Mr. Woodbury asked why Harmony Home Health feels their business isn't doing as well as they think it could do if they were able to put up a larger sign. He stated that as a resident of Murray, bringing businesses into the city is a great thing, but it also needs to be done within the general context of the General Plan. Mr. Woodbury asked the applicant if he has had specific clients tell them they would not do business with them because they don't have a sign. Mr. Stong responded that he owns the building and has tried to lease space, but they are unable to put a "for lease" sign on the top of the building.

Paul Evans, 5650 Green Street, is the project manager at Harmony Home Health. He has been very involved in trying to get the building leased. There have been a number of inquiries through their brokerage firm that have looked at the building. However, the lack of visibility and recognition through a sign for that location has impacted their decision to relocate there. Addressing Mr. Black's comment, he feels it is important not to minimize the name/brand recognition. Their patients come primarily from recommendations, but none-the-less their name recognition in the community is very important to them. To have their name visible in that location would help people in locating them. Possible naiveté on their part, but one of the reasons that location was picked was they saw how all of the businesses along Green Street had signs and advertisements, so it seemed like a natural assumption they would be able to erect a sign in comparability to all the other businesses. They feel it is a very reasonable request to Murray City for them to be allowed to erect a sign. He asks the commission to forward a recommendation of approval to the City Council.

Ms. Daniels asked if Harmony has been in that same location for the 16 years they have been in Murray. Mr. Evans responded indicating that their first location was on Commerce Street and they purchased the building on Green Street 6-7 years ago. Ms. Daniels asked if this is the first time they have come forward to ask for a sign. Mr. Evans stated they applied a few years ago and were not successful at that point, so they have decided to come back and try once more.

Mr. Stong made note that years ago they leased a property along the freeway in Ogden and put up a sign. That sign made a huge impact. Within 18 months they tripled their business. Their referrals come from people that have had a great experience with them in the past, but when they are competing against very well established names, it helps to have the sign recognition letting everyone know they are there, professional, legitimate and ready to serve them. They have been trying to work with Murray City for quite some time on this matter.

Mr. Taylor expressed his concern with this proposed change that neighboring properties would then have the opportunity of increasing the number of signs along

the freeway frontage for businesses that already have signs, this could be detrimental for the applicant.

Ms. Daniels made a motion to forward a recommendation of denial to the City Council for the proposed text amendments to the Murray City Council for Municipal Code Chapter 17.48.120(A), and 17.48.120(C). Mr. Taylor seconded the motion.

Call vote recorded by Mr. Wilkinson.

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

Motion passed, 4-3 in favor of denial.

CONSTRUCTION BUSINESS HOME OCCUPATION – Home occupation Zoning Text
Amendment to section 17.24 – Project # 12-118

Murray City proposes an amendment to the Home Occupation standards to remove construction businesses from the list of prohibited uses and to provide additional standards for approval of these types of home based businesses. Mr. Wilkinson stated that the Murray City zoning ordinance allows for the establishment of home occupations as accessory uses in all residential zones subject to specific standards. Among the standards, certain uses are explicitly prohibited from being established as home occupations. In 2007, the City Council added construction businesses to the list of prohibited uses based on several problems with existing home based construction businesses. Concerns included storage of materials and large equipment on residential properties, mobilization of construction crews in residential neighborhoods, noise, hours of operation and other similar complaints. The City continues to receive requests for home occupation licenses for construction businesses, contractors and “handyman” services. The City Council has received recent requests from residents to allow construction businesses to be allowed. On August 21, 2012 the City Council directed staff to reconsider the prohibition of construction businesses as home occupations and to analyze whether additional standards could be developed to protect neighboring properties. The purpose of the Home Occupation standards as stated in Chapter 17.24 is to allow for certain income producing accessory uses in residential districts that are compatible with and not detrimental to the neighborhood in which they are located. The Code identifies that certain uses are not appropriate because of their tendency “to rapidly increase beyond the limits permitted for home occupations and thereby impair the use and value of the residentially zoned area.” In the past, several home based construction businesses have created neighbor concerns by storing equipment and materials on site and by mobilizing crews from their home early in the morning creating noise and parking concerns from neighbors. The home occupation standards currently limit the size and number of vehicles, number of employees, storage of materials and uses

that produce noises or fumes. However, these restrictions have not always prevented violations of the ordinance and have resulted in difficult code enforcement because of the nature of the uses to expand beyond the impacts typically associated with a residential use. If such uses are to be reconsidered for home occupations, additional neighborhood involvement should be considered to address potential impacts to the neighborhood. The proposed ordinance includes a public notice process for uses that have higher potential for neighborhood impact. The text also adds a new category of home occupation termed major home occupation. These major home occupations would include construction businesses and uses that have clients coming to the home. The proposed language would require signatures from neighboring property owners stating that they have no objections to the proposed use. In cases where the neighbors objected to the use, a public meeting could be requested at which the Planning Commission would consider the request. The proposed text provides for this process. An alternative to including a new process is to simply allow the use under the existing provisions of the Code. This is also a possibility, but would allow for uses to be established without public notice. In addition, the Commission may wish to consider any additional uses that should be specifically prohibited. Staff has proposed additional prohibited uses to address recent requests and to clarify whether some additional uses should be prohibited based on the characteristics of the use. Uses given for consideration include vehicle sales, sexually oriented businesses and limousine/taxi services. These are distinguished from Conditional Use Permits, because they don't run with the property and have to be renewed on an annual basis.

Based on the above findings, staff recommends that the Planning Commission forward a recommendation of approval to the City Council for the requested amendment to Chapter 17.24 related to home occupations.

Mr. Black gave an example of someone who was in the masonry business, has five trucks and is parking them all over the neighborhood; would there be an opportunity to address that within a year. Mr. Wilkinson responded in the affirmative. There are some contractors that work out of a small truck with very little impact on the neighborhood; the other side of that is the contractor who has large equipment and materials that they are storing on-site as well as mobilization of crews.

Mr. Markham asked if there have been any thoughts from staff regarding other occupations that would fall into this category. He also asked if there is an annual review of home occupations. Mr. Wilkinson noted there is an initial review, but an annual review would be something staff could consider. Mr. Markham asked if it is feasible for staff to do an annual review. Mr. Wilkinson made note that his department doesn't necessarily have the staffing to do that, but if the council directs staff to do so, they will make it work. There are currently businesses operating illegally which we send enforcement out on anyway. At least if they are legalized then there is the ability to require a permit and go through conditions of approval. Mr. Markham's major concern with making the change comes from the people that circumvent the process to set up shop in their house and then there are people who follow the rules and set up shop in the small business parks.

Mr. Woodbury asked if a neighbor made cabinets for him and he wanted to pay that neighbor, would that be prohibited. Mr. Wilkinson commented that this agenda item is

about people that are applying for a business license, not a neighbor that offers a service. He stated that a physical address is needed in order to obtain a business license, so when a contractor comes to the city and requests their home to be their physical address, the city wants to be able to accommodate those smaller businesses with little or no impact on the surrounding neighborhood.

Mr. Harland asked if the application process is entirely new. Mr. Wilkinson stated that a separate application would have to be made up as well as a different fee schedule.

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

Mr. Black stated there are a lot of contractors that work out of the trunk of their car or from their home and then as they get bigger they move into an office. Eventually they build up a honest business. He feels it is good to allow someone to be able to build their business in stages. There will always be someone who crosses the line, but there is admiration for people that start a business and work hard to build it up. He would like to give those people a chance.

Ms. Daniels feels this is a huge undertaking by staff. Mr. Black stated that every time something like this comes up; it creates more work for staff, who is already struggling to get the work they already have, done. Mr. Taylor feels they are in the same place they were in the last meeting they conducted regarding this subject.

Ms. Daniels made a motion that the Planning Commission forwards a recommendation of denial to the City Council for the requested amendment to Chapter 17.24 related to home occupations. Mr. Markham seconded the motion.

Call vote recorded by Mr. Wilkinson.

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

Motion passed, 6-1 in favor of denial.

OTHER BUSINESS:

Mr. Harland made note that it is Tim Tingey's birthday and the Planning Commission wanted to extend wishes for a happy birthday.

Mr. Harland also wanted to thank Ms. Daniels for chairing the last few meetings in his absence.

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Ms. Daniels was interested to know when the commission will start to review the General Plan. Mr. Wilkinson stated they have budgeted for that review in the beginning of the next fiscal year (July 2013).

Mr. Harland asked if there will be two Planning Commission meetings for the month of December (2012). Mr. Wilkinson stated there have been applications submitted for the next scheduled meeting and they will have to see if anything else comes in for the second meeting. Mr. Harland asked the commission to let staff know in advance if they do not plan on being in attendance for the December 2012 and January 2013 meetings.

Meeting adjourned.

Chad Wilkinson, Manager
Community & Economic Development