

Minutes of the Planning Commission meeting held on Thursday, February 7, 2019, at 6:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Ned Hacker, Chair  
Sue Wilson, Vice Chair  
Maren Patterson  
Scot Woodbury  
Phil Markham  
Lisa Milkavich  
Travis Nay  
Jared Hall, Community & Economic Development Supervisor  
Zac Smallwood, Associate Planner  
Jim McNulty, Development Services Manager  
Briant Farnsworth, Deputy City Attorney  
Citizens

Excused: None

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

Ned Hacker opened the meeting and welcomed those present. He reviewed the public meeting rules and procedures.

#### APPROVAL OF MINUTES

Mr. Markham made a motion to approve the minutes from the January 17, 2019 Planning Commission meeting. Seconded by Mr. Nay.

A voice vote was made, motion passed 7-0.

#### CONFLICT OF INTEREST

There were no conflicts of interest.

#### APPROVAL OF FINDINGS OF FACT

Mr. Woodbury made a motion to approve the Findings of Fact for American Tower, Fizz of Murray, Cottonwood Animal Hospital, Melanie Jenkins ADU, Circle A Estates and, Tekton Crossfit. Seconded by Ms. Milkavich.

A voice vote was made, motion passed 7-0.

#### DON GREGORY – 1191 West Pitchfork Road - Project #19-011

Don Gregory was present to represent this request. Jared Hall reviewed the location and request to allow for an Accessory Dwelling Unit (ADU) to be located on the property addressed 1191 West Pitchfork Road. The property is located within the R-1-10 Zone. Mr. Hall explained that a requirement of approving the ADU is that the owner must live on the property and file a Homeowners Affidavit with the County Recorder's Office. Mr. Hall stated that the home is 3742 sq. feet and ADU's must not be any larger than 40% of the total home square footage, and no more than 1000 square feet (sq. ft.) in total. The proposed ADU is 26% of the total home's square footage and totals 1016 sq. ft. The square footage can be reduced by possibly closing off a storage closet and coat closet which would then bring the

new total to 991 sq. ft. The ADU consists of a family room, two bedrooms, kitchen, bathroom, laundry room and storage. The outside entrance is located along the west side yard. The off-street parking requirement is provided in the driveway, garage and side yard pad. Staff has received many phone calls, emails and comments about the ADU being used as an AirB&B rental and long-term on street parking. The owners have been notified that short-term rentals are not allowed by City Zoning Ordinances. If the neighbors report that short-term rentals continue, the City could take Code Enforcement action. The applicant has the intent to rent it out as long-term in the future. Based on the analysis of the submitted materials and Land Use Ordinance standards, Staff has determined that the proposed Accessory Dwelling Unit is consistent with requirements of the R-1-10 zone and recommends that the Planning Commission approve a Conditional Use Permit subject to the conditions as outlined in the Staff Report

Don Gregory, 1183 West Pitchfork Road, stated he had read the conditions of approval and will be able to comply.

The meeting was opened for public comment.

Michael Woloschuk, 1121 West Pitchford Road, stated he is the spokesperson for several neighbors who have concerns. They seek clarification and would like to request additional conditions be required before the application is approved. Mr. Woloschuk stated that all the neighbors wish to remain neighborly with the applicants but want to ensure the ADU is legal and that the applicant will comply with the conditions of approval. The primary concern relates to short-term rentals, increase in traffic, late night disruptions to residents, noise and unruly behavior from the ADU tenants, regular on-street parking from tenants, potential risk from property damage and theft, risk to children and leases shorter than 6 months which are forbidden by the Ivory Homes HOA CC&R's. Mr. Woloschuk requested that the conditions stipulate no rentals shorter than 6 months, and that potential tenants get background checks.

The public comment portion for this agenda item was closed.

Mr. Hall addressed the resident concerns and stated the City considers short term rentals to be anything less than 30 days in any single-family zone. He stated that the City can only enforce this rule and does not enforce CC&R's. The City does not stipulate the requirement for prospective renters to undergo background check or credit checks, that could be considered as discriminatory.

Mr. Markham clarified that the City does not deal with any other requirements outside of our established codes and it is not our place to impose any restrictions that are more severe than City Code. Mr. Hall stated this is correct, and this application should be approved for an ADU. Mr. Hall addressed the on-street parking requirement and stated that ADU's must provide off street parking and the occupants of the ADU may not park cars on the street. Mr. Hall stated that if the applicants can abide with the regulations for ADU's, it is likely that no one would ever know that there was somebody else renting in the home.

Ms. Patterson asked hypothetically, now that these conditions have been put on this property and if they continue to violate them what are the steps that could be taken by the neighbors. Mr. Hall answered that they could report a concern to the City, and once the City Staff has been made aware of this it would be pursued by Code Enforcement with the possibility of issuing a citation, or revocation of the CUP, and possibly citing the property owner for operating without a business license. A condition of approval is that they get a business

license to operate a rental out of the home. Mr. Woodbury added that the City has an ADU process that allows the City to have recourse for people who violate the law, but quite often it requires that the neighbors be vigilant, and report concerns to the City.

Ms. Patterson made a motion to approve a Conditional Use Permit to allow an Accessory Dwelling Unit at the property addressed 1191 West Pitchfork Road, subject to the following conditions:

1. The project shall comply with all applicable building and fire code standards.
2. Interconnected smoke detectors and CO sensors shall be provided throughout the house.
3. Separately controlled heating shall be provided for each area, such as base board heating, a dual zone furnace, etc.
4. Access from the ADU to a circuit breaker panel shall be provided.
5. Appropriate egress windows and window wells shall be provided.
6. The applicant will obtain Murray City Building Permits for any new work needed in conjunction with the ADU.
7. Inspections by the Murray City Building Division will be required prior to occupancy of the ADU, and will include general inspection of the items mentioned in the Staff Report.
8. The proposed Accessory Dwelling Unit shall comply with all applicable ordinance standards outlined in Chapter 17.78.
9. The applicant shall reduce the size of the ADU to meet the maximum square footage allowed by Code of 1,000 square feet.
10. The ADU shall be occupied by no more than two (2) related or unrelated adults and their children.
11. The property owner shall complete and record with the Salt Lake County Recorder's Office, the Accessory Dwelling Unit – Owner Occupancy Affidavit (Provided by Community & Economic Development). A copy of the recorded document shall be provided to the Murray City Community and Economic Development Division prior to occupancy of the ADU.
12. The property owners shall obtain a rental business license from Murray City prior to allowing occupancy of the ADU. Rental of the ADU must meet the requirements of the Murray City Land Use Ordinance.
13. Temporary Rentals are not allowed; neither the Primary nor Accessory Dwelling Unit may be used as temporary rentals such as an Air B&B or VRBO.

Seconded by Mr. Nay.

Call vote recorded by Mr. Hall.

  A   Maren Patterson  
  A   Travis Nay  
  A   Scot Woodbury  
  A   Phil Markham  
  A   Sue Wilson  
  A   Lisa Milkavich  
  A   Ned Hacker

Motion passed 7-0.

MARATHON ELECTRIC – 6650 South Cottonwood Street - Project #19-014

Matt Ercanbrack was present to represent this request. Zachary Smallwood reviewed the location and request for a Conditional Use Permit to allow an Electrical Contracting business (LU #6623) on the property located at 6650 South Cottonwood Street. The property is located within the M-G zone. Mr. Smallwood stated that the property is unique as there is an existing residential house on the property that the applicant proposes to rent out. They would occupy the two back buildings for their electrical contracting business. Mr. Smallwood explained that the rear buildings include work cubicles, and warehouse space for storage. The residential home faces out onto Cottonwood Street. Parking requirements are determined upon floorspace of the contractor buildings and will require 6 parking spaces for the business use and 2 parking spaces for the residential use. No contractor vehicles will be stored on site, they are taken home by employees at night. The Murray City Power Department has established that the one power meter attached to the residence and warehouse be maintained, no additional utility meters are allowed. The landscaping is conforming and currently meets requirements.

Based on the analysis of the submitted materials and Land Use Ordinance standards, Staff has determined that the proposed electrical contracting business is consistent with requirements of the M-G zone and recommends that the Planning Commission approve a Conditional Use Permit subject to the conditions as outlined in the Staff Report.

Mr. Markham stated that it appears the previous owner has had outside storage and wondered if the new owner will have any outside storage for the business. Mr. Smallwood stated that it would be appropriate for a condition of approval to be added to no allow outside business storage.

Matt Ercanbrack, 4322 South Main Street, stated he had read the conditions of approval and will be able to comply. Mr. Ercanbrack stated he does not plan on having outside storage and that the building would be sufficient for their storage needs. Mr. Markham stated that he is inclined to add a condition of approval to outside storage of materials.

The meeting was opened for public comment. There was no public comment for this agenda item and the public comment portion was closed.

Ms. Wilson made a motion to approve a Conditional Use Permit to allow an electrical contracting business at the property addressed 6650 South Cottonwood Street, subject to the following amended conditions:

1. The project shall comply with all applicable building and fire code standards.

2. The applicant shall obtain a Building Permit prior to conducting any interior or exterior remodeling.
3. The applicant shall obtain permits for any new attached or detached signs proposed for the business.
4. The applicant shall stripe a minimum of eight (8) parking stalls for the proposed use.
5. The property owner shall provide one (1) ADA van accessible parking stall on the subject property.
6. The property owner shall not install a separate utility meter for the two uses.
7. If secondary structure is to be used, an analysis of the building for structural soundness by a structural engineer shall be performed.
8. The applicant shall obtain a Murray City Rental License and pay applicable fees prior to renting out the single-family dwelling on the property.
9. The applicants shall obtain a Murray City Business License and pay applicable fees prior to commencing operations at the facility.
10. No outside storage of building material or inventory will be allowed on premise.

Seconded by Mr. Woodbury.

Call vote recorded by Mr. Smallwood.

  A   Sue Wilson  
  A   Scot Woodbury  
  A   Maren Patterson  
  A   Phil Markham  
  A   Lisa Milkavich  
  A   Travis Nay  
  A   Ned Hacker

Motion passed 7-0.

POSSE ATHLETICS – 5412 South 900 East - Project #19-016

Ryan Birdsley was present to represent this request. Zac Smallwood reviewed the location and request for a Conditional Use Permit to allow a CrossFit Style Fitness Facility business to be located at the property addressed 5412 South 900 East. The property is located within the C-D zone. Mr. Smallwood stated that the applicant anticipates that at full capacity, the facility could be used for up to 15 athletes. The proposed business hours will be from 6:00 a.m. to 11:00 a.m. and then again from 5:00 p.m. to 8:00 p.m., Monday through Saturday. The 6,300 sq. ft unit would only need one small modification to remove an interior wall. Based on the analysis of the submitted materials and Land Use Ordinance standards, Staff has determined that the CrossFit Style Facility is consistent with requirements of the C-D zone and recommends that the Planning Commission approve a Conditional Use Permit subject to the conditions as outlined in the Staff Report.

Ryan Birdsley, 5044 South Valene Street, stated he had read the conditions of approval and will be able to comply. Mr. Nay asked the applicant if he had the opportunity to review the landscaping requirements. Mr. Birdsley answered yes, and he spoke with the property owner and they will work through it before the lease is finalized. Ms. Milkavich asked that the business operations be described in further detail. Mr. Birdsley explained that they run group classes and there is always a coach on site who will instruct and watch over the athletes. Classes are about an hour and typically include six to 19 athletes. Ms. Milkavich asked if 19 athletes would be the largest amount that they would have. Mr. Birdsley replied yes, at this time. Ms. Milkavich stated that it she was under the impression that it would be a maximum of 15 athletes at one time and wondered if the increase would require additional parking requirements. Mr. Birdsley replied that they 29 designated parking spaces and there is 524 shared parking spaces for the shopping center.

The meeting was opened for public comment. There was no public comment for this agenda item and the public comment portion was closed

Mr. Woodbury made a motion to approve a Conditional Use Permit to allow a CrossFit Style Fitness Facility at the property addressed 5412 South 900 East, subject to the following conditions:

1. The applicant shall ensure that appropriate exit signage is located above doors and that the exit doors swing in the egress direction.
2. The applicant shall make all entrances and exits ADA accessible.
3. The property owner shall work with Planning Division Staff to develop a landscaping plan that complies with Section 17.68 of the Murray City Land Use Ordinance.
4. The applicant shall not perform any activities relating to the business within the parking lot. All training facilities and activities will be located indoors.
5. The applicant shall provide documentation to Planning Division Staff that the property owner will be able to accommodate the total number of twenty-three (23) parking spaces that are required for this use.
6. The project shall meet all Building and Fire Codes.
7. The applicant shall obtain Murray City building permits for any proposed new signage on the property.
8. The applicants shall obtain a Murray City Business License including a building inspection as part of the process and pay applicable fees prior to commencing operations at this location.

Seconded by Ms. Milkavich.

Call vote recorded by Mr. Hall.

  A   Scot Woodbury  
  A   Lisa Milkavich  
  A   Travis Nay

A Sue Wilson  
A Phil Markham  
A Maren Patterson  
A Ned Hacker

Motion passed 7-0.

MURRAY YELLOW HOUSE LLC – 344 East 5600 South – Project # 19-013

Jessica VanTassell was present to represent this request. Jared Hall reviewed the location, and requests to amend the Future Land Use Map for the subject property, 344 East 5600 South, from Low Density Residential to Medium Density Residential. Mr. Hall explained that the applicants own the subject property and the adjacent property to the east, which is an existing multi-family apartment building. The applicants desire for both parcels to share the same designation. The proposed Medium Density designation could support R-1-6, R-M-10, R-M-15, and would support multi-family apartments or condominiums up to 12 units to the acre. Most of the surrounding land is developed at Single-Family homes and Medium Density homes. Staff supports this existing General Plan designation and feels that it represents an appropriate demarcation between the Low-Density, Medium-Density and High-Density uses that surround the proposed site. There is a Community Node designated on the Future Land Use Map which is outside of the desired quarter mile radius. The City Engineer indicated concerns with infrastructure and strains to the infrastructure because it may not support the multiple-family uses. Staff feels that the proposed Medium-Density designation would be detrimental to goals and objectives that are in the General Plan because the City tries to stabilize established, flourishing, single-family neighborhoods. Because the recently adopted General Plan has a designation for Single-Family homes for the proposed site, Staff feels it is too soon to be designated otherwise. Based on the information presented in this report, application materials submitted and the site review, staff recommends that the Planning Commission forward a recommendation of denial to the City Council for the requested amendment to the General Plan Future Land Use Map, re-designation to Medium Density Residential.

Mr. Nay asked what close proximity to the Community Node is considered. Mr. Hall answered it is about a quarter mile, within walking distance. Nodes are centered around intersections. This site is outside of the quarter mile distance.

Jessica VanTassell, 4968 S Cowdell, stated she has read staff findings and understands Staff recommendations. Ms. VanTassell presented written materials to the Commissioners and encouraged them to review them at the present time. Ms. VanTassell stated she understands that the General Plan is used to help Staff make land use decisions that will better the community and that she has felt pushback based on the age of the General Plan and feels that her application should be approved based on her opinion that it will benefit the community by providing additional homes, increase home values, and tax revenue for the City. Ms. VanTassell added that she believes approving her application for a Multi-Family Residential zone would be in accord with the surrounding area. Ms. VanTassel stated that if her application is approved tonight that she plans on asking for a rezone.

Mr. Markham stated that he appreciated the written materials that Ms. VanTassel presented tonight but, will not be able to review it in full during the meeting because there is not enough time to consider what was newly presented. A thorough report was written by Staff based on the application that was previously submitted, both the application information and the staff report was distributed to the Planning Commissioners and have been reviewed prior to

tonight's meeting. Ms. Milkavich stated that the City has an established time frame to submit information so that it may be reviewed prior to the meeting and considered tonight. Mr. Woodbury added that he quickly looked over the information presented, and it seemed to contain statistics that he has not had enough time to research or make an educated decision on. Mr. Woodbury commented that information like this which was submitted in advance could have been very beneficial and that the hard work and efforts to prepare it is appreciated.

The meeting was opened for public comment.

Andrea Washburn, 5753 South Hillside Drive, stated she lives three houses away and understands the need for new housing, but has concerns for what Medium-Density residential housing would allow, if it the buildings would be tall, change the character of the neighborhood and disturb the wildlife in the area. Ms. Washburn stated that she doesn't mind smaller single-family houses.

Patrick Garcia, 5670 South Hillside Drive, indicated that he lives across the street from the property and stated that he recently purchased his home in this neighborhood based on the fact that there was not any High-Density dwelling nearby. Mr. Garcia added that he does not see the potential for a gain in property value based on what is proposed. The curve in the road also has the potential to create a safety hazard for the school children that walk on this street. Mr. Garcia stated that he believes he speaks for many of the neighbors on the street when he says that they are not in favor of the proposed development.

Rulon Page, 5682 South Hillside Drive, stated he is lives across from the subject site and wondered how many egresses could be allowed and has concerns about property value.

Brook Garcia, 5670 South Hillside Drive, stated when she lived in Cottonwood Heights a similar situation happened to what is proposed tonight and that she disliked it so much she moved. Ms. Garcia stated that many children walk from McMillian Elementary and that additional homes would add traffic and create unsafe conditions.

Deborah Williams, 5624 South Hillside Drive, stated that her elderly neighbor wants only low-density because her backyard abuts the subject property. Ms. Williams asked if the objective of tonight's meeting is to vote between low and medium density. Mr. Hacker answered yes, the Commissioners will be voting between them. Ms. Williams asked if the proposal is for apartment complexes. Mr. Woodbury clarified that there not any application for a use at this time, only an application for a zone change that could potentially allow a variety of projects. Ms. Williams stated that if it were apartment complexes that it would increase traffic and pollution, and it would feel like less of a residential area.

The public comment portion for this agenda item was closed.

Mr. Hall addressed the residential concerns and explained that medium-density residential supports R-1-6, R-M-10 and R-M-15 zones. The R-M-15 zone would allow up to 12 units to the acre in a multi-family project. Multi-Family is attached housing and could allow up to 18 units or less based on the acreage of the subject property. Low-density residential supports R-1-6, R-1-8, R-1-10 and R-1-12 which are single-family zones and houses are detached. Mr. Hall stated that wildlife is often disrupted with development and there would likely be trees removed, however the City does try to preserve trees when possible. Mr. Hall stated that Murray City does advocate for high-density residential, but those projects are typically near transit stations. This proposed zone change would not support this type of density. This area



is predominantly a single-family zone and where the map shows surrounding areas that appear to be multi-family, it is actually smaller single-family detached homes, PUD's and Condominiums. If more housing does occur on this property it should be single-family, low density. Ms. Patterson asked if this stays the same zoning would the property owner be able to subdivide the property and build several, single-family houses based on the size of the property and how tall could they be. Mr. Hall answered yes, the property is 1.5 acres and they could build a number of houses on it and they would have to be no taller than 35 feet tall.

Mr. Markham stated that he understands if Medium-Density zoning were to be allowed it would not allow a significant amount of multi-family homes, but what is concerning, is that the abutting property owned by the same individuals could be combined and may have the potential to allow a much larger project with a much larger impact on the surrounding neighborhood. Mr. Nay estimated the combination of properties could be as large as 4 acres. Ms. Milkavich stated the impact would also affect the utilities, of which the City Engineer has already expressed concern about. Mr. Nay stated that he is an advocate for high-density housing and explained the missing middle housing is needed but this is not the wisest location for it as it is not near any major transit, shopping centers and Hillside Drive won't support the added traffic.

Mr. Woodbury made a motion to forward a recommendation of denial to the City Council for the requested amendment to the General Plan Future Land Use Map re-designation for the property located at 344 East 5600 South from Low-Density Residential to Medium-Density Residential.

Seconded by Mr. Markham.

Call vote recorded by Mr. Hall.

  A   Scot Woodbury  
  A   Phil Markham  
  A   Maren Patterson  
  A   Sue Wilson  
  A   Lisa Milkavich  
  A   Travis Nay  
  A   Ned Hacker

Motion passed 7-0

LAND USE ORDINANCE DISCUSSION ITEM - Section 17.48, Sign Code

Mr. McNulty presented the proposed draft Sign Code and stated that he would like open dialogue to collect thoughts, opinions and ideas. Staff has been directed to move forward on implementing the new Sign code. Mr. McNulty opened the item to the Commissioners.

Mr. Markham stated that City Code such as this is very technical, and it is reassuring to have experienced planners who are able to provide knowledge and education for all the Commissioners. Mr. Woodbury agreed, and added that Sign Code issues have come up in the past and this will give the City good defensible codes that will allow the Commissioners to establish an appearance we want for signs in Murray. Mr. McNulty explained that this is a re-write of Section 17.48 which has been very modernized and contains updated sign graphics. The re-write will help individuals who seek information on the Sign Code to be able to understand regulations on what is allowed or not allowed. Some of the highlights addressed

in the re-write are pedestal signs that include Electronic Message Centers (EMC) which will help large shopping centers, like Fashion Place Mall. Monument based signs, ground signs, Pedestal Signs, and building signs are being encouraged and would help discourage pole signs. Changes have been made for signs on buildings, and awnings. Of note, a change has been made to encourage Banner Signs located in the MCCD which could advertise special events. The revised Banner Sign requirements will implement a sticker program which will require people who apply for a permit to have a set time limit for the sign to be displayed. The sticker will help to identify signs that may be outside of the approved time frame. The Code will also address the style of banners that are displayed at car dealerships. Temporary signage will be allowed for a 30-day period between the months of December and January. Other designated holidays will allow an extra 10-day period to display signage as outlined in the Code. Pylon Signs were not addressed in the previous Sign Code, but they have been added to the revised Sign Code to address the size and height. Hopefully, in the next 5 to 10 years we will see a reduction in Pole Signs and have a program for sign amortization. Mr. Woodbury stated he agrees with the goal, but feels that there would be a huge political lobby against it. Mr. McNulty stated that he knows of another City that started to pull away from Pole Signs in the 80's and now they have slowly died out. Pole Signs along State Street would be easier to move away from, but areas along I-15 would be much more difficult.

Mr. Markham stated that it is nice to legitimize signs that currently exist and won't be going away soon, but people need to understand that parameters exist in order to use signs like A-Frames. Mr. McNulty stated the City wants to give businesses an opportunity to advertise.

Mr. Hacker asked if the pedestal Signs with EMC make revenue for the businesses and wondered if any would have the potential to make revenue for Murray City. Mr. McNulty replied at this point there is no intention for Murray City to put in an EMC sign. They are intended for shopping centers and not so much for public advertisement.

Mr. Nay asked about code 17.48.040: Definitions, Area of a Sign, and wondered if it would allow circular or triangle signs. Mr. McNulty noted the comment. Mr. Hall added that the intent of the definition was rather than to measure the area of an odd shaped sign we would measure as per Figure 2 in the draft code.

Mr. Nay asked about section 17.48.100(A)(4): Prohibited Signs: and wondered if the term Graffiti could be better defined. Mr. Nay asked if graffiti is considered as signage or art and wondered hypothetically if somebody could paint the side of a building as a sign. Mr. McNulty answered yes, you possible could if it is reviewed and approved by Staff. Mr. Nay asked about item 17.48.100(A) (10): which identifies vehicles parked outside of designated parking stalls would allow a vehicle parked at Fashion Place Mall along Winchester Street. Mr. McNulty replied that would be considered a sign and it is an issue that Cities are dealing with all over the State. Murray City would like them to be in a parking space in an approved site or location, not on dirt fields, corners or problematic areas. Mr. Nay asked if the Mall parking lot would be an approved place to park a sign vehicle. Mr. McNulty replied generally yes, but they should get the approval of the property owner.

Mr. Woodbury asked if the Sign Code addressed mobile signs that drive up and down the road either on a vehicle or pulled by trailer. Mr. McNulty stated that the Sign Code doesn't address them, and it's difficult to enforce. Unless a vehicle is parked in an unapproved manner, then we could address that situation.

Mr. Nay wondered about 17.48.130(A)(2): Standards for signs not requiring a permit and

asked if a 6-story building in the TOD zone would be allowed to place the address 6 stories tall on the side of the building. Mr. McNulty answered yes, you could. Mr. Nay wondered about subsection 16 as well and asked if this would prohibit Dead City from keeping the metal, pumpkin figure on display in front of their building. Mr. Markham commented that it appears to be art work rather than a sign. Mr. McNulty explained that legal advised to move away from designating certain holiday's, names and decorations in the terminology of the code, instead to express that temporary signs are meant to be temporary during whatever specific time frame they apply to. They wouldn't be required to pay for a permit, but they would be allowed to have it during the corresponding time as noted in section 17.48.250 for Temporary or special event signs.

Mr. Nay wondered about 17.48.140(c), standards for marquee signs, and hypothetically asked if a theatre in the MCCD would be prohibited from having neon of any type on the marquee, even though it seems traditional for a theatre to have neon on a marquee sign. Mr. Hall answered that this situation specifically was considered previously. The MCCD does not allow for neon signs.

Mr. Nay asked if this Sign Code re-write would result in Code Enforcement action for any existing illegal signage. Mr. McNulty answered that it is inevitable that some illegal signage exists in the City, but there is not currently a list of non-conforming signs. Illegal signs will be handled as they are brought to our attention. Non-conforming signs that are created from this Sign Code re-write would be grandfathered in and would be allowed to have minor repairs made, but wouldn't allow the replacement with another illegal sign.

Mr. Nay asked about temporary signs, specifically banner signs used for Sports Teams like the Murray Girls Softball and wondered if they would be required to obtain a sticker if they are a non-for-profit organization. Mr. McNulty answered in that case no, the City wants to work with groups like this and the Farmers Market in the Murray Park. We do encourage them to come in and talk to us and get approval first.

Mr. Hacker wondered if Staff had examined Sign Codes from other cities to give us ideas about what we could do in our City. Mr. McNulty answered yes, we looked at Sandy, Layton, West Valley, Orem City and others. We also did bench-marking with about 12 other cities and their sign codes. We owe a lot of thanks to Briant Farnsworth who offered a lot of guidance to keep the Sign Code compliant with new case law (Reed v. Town of Gilbert). The City wants to be fair and neutral and allow people their First Amendment Rights.

Mr. Hacker asked what the next steps in this process are. Mr. McNulty replied that the next step, if the Planning Commission is comfortable with it would be to schedule this item for a public hearing on March 7, 2019. After that, if a positive recommendation is made, subject to any changes that may arise during that meeting, it would then go to the City Council. This was presented to City Council during a recent Committee of the Whole and it was received well. The proposal would likely be scheduled for another Committee of the Whole meeting in April or May before adoption. The goal is to get it adopted in the next 60 days. Mr. McNulty asked if the Commission felt comfortable with scheduling the Sign Code to be on the agenda. The Commissioners agreed to schedule it. Mr. McNulty stated that Staff will have to notice some of the larger sign companies and they will be encouraged to speak to Staff before the public hearing with any concerns they may have. The City is not addressing or changing the outdoor advertising section at this time.

The Sign Code discussion was closed.

OTHER BUSINESS

Mr. McNulty stated that the next Planning Commission meeting is scheduled for February 21, 2019.

Mr. Hall stated that each Commissioner should have received a draft copy of the Murray Central Station Area Plan in December. This item will be discussed during the February 21, 2019 meeting.

The meeting was adjourned at 8:06 p.m.

  
Jared Hall, Supervisor  
Community and Economic Development