

Minutes of the Planning Commission meeting held on Thursday, April 4, 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
Phil Markham
Maren Patterson
Lisa Milkavich
Jared Hall, Community & Economic Development Supervisor
Jim McNulty, Development Services Manager
Briant Farnsworth, Deputy City Attorney
Citizens

Excused: Travis Nay
Scot Woodbury

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

Ms. Milkavich made a motion to approve the minutes from the April 21, 2019 Planning Commission meeting. Seconded by Mr. Patterson.

A voice vote was made, motion passed 5-0.

CONFLICT OF INTEREST

There were no conflicts of interest.

APPROVAL OF FINDINGS OF FACT

Mr. Markham made a motion to approve the Findings of Fact for the Gloria Hayley Interior Design, Steward Primary Care, Utah Water Gardens, and Maria Guadalupe Fisher Auto Sales. Seconded by Ms. Wilson.

A voice vote was made, motion passed 5-0.

FASHION PLACE MALL & LARRY MILLER AUTO – 6011 South State Street - Project #19-039

Mark Thorsen was present to represent this request. Jared Hall reviewed the location and request to allow the storage of inventory vehicles and employee parking associated with the Larry H. Miller dealerships to utilize a portion of the 5.42-acre parking lot owned by the Fashion Place Mall in the C-D Zone on the property located at 6011 South State Street. Mr. Hall explained that the application was made to replace a previously granted Conditional Use Permit (CUP) that has expired. The proposed CUP would be active from May 2018 through April 2019 and would allow Larry H. Miller dealerships to lease and use the excess parking spaces for storage of new car inventory and employee parking during the non-peak shopping period. The subject site is used by the Fashion Place Mall during November and December as overflow parking for mall employees and clientele. The parking lot has 671 available

parking stall and would lease about 200 stalls to Larry H. Miller. Previously, the Commission required the applicant to install additional landscaping, and remove and replace dead plants, which has been completed. The wheel stops have been added to all the parking stalls that abut landscaped areas. Staff has noticed that neighbor complaints around the Larry H. Miller dealerships have stopped in part from the involvement of Code Enforcement as well as utilization of the proposed offsite storage. Mr. Hall noted that the use of this site is a temporary solution to the parking challenges at the dealerships and further review of the dealership sites should be reviewed to ensure progress is being made to contain vehicles on those sites. Based on the analysis of the submitted materials and Land Use Ordinance standards, Staff has determined that the proposed storage of inventory vehicles and employee parking associated with the Larry H. Miller dealerships 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.

Mark Thorson, 14057 New Saddle Road, Draper, stated he had read the conditions of approval and will be able to comply. Mr. Markham stated that this is a temporary situation and wondered what temporary means and what solutions are being utilized to eliminate the need for offsite parking. Mr. Thorson stated that he is unaware of any plans and is unable to provide any information on the topic. Mr. Hacker asked if there were any issues with Larry H. Miller removing vehicles from the mall parking site at the end of their lease. Mr. Thorson replied, there have not been any issues and they have been good partners.

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

Ms. Wilson made a motion to approve a Conditional Use Permit to allow storage of inventory vehicles and employee parking associated with the Larry H. Miller dealerships on the property located at 6011 South State Street, subject to the following conditions:

1. Precast concrete wheel bumper stops shall be maintained at the head of all parking spaces adjacent to landscape areas.
2. The required landscaped areas shall be maintained in good condition at all times.
3. The applicants shall maintain a Murray City Business License in good standing and abide by all associated regulations therein.
4. The project shall meet all applicable Building and Fire Codes and maintain clear and well-marked drive aisles for Fire Department access at all times.
5. The use of the property for inventory vehicle storage and Larry H. Miller employee parking is limited to the area depicted on the Site Plan attached to the Staff Report.
6. The Conditional Use shall be valid for a period of two (2) years, at which time the applicant may submit a new application for Planning Commission review and approval.

Seconded by Ms. Milkavich.

Call vote recorded by Mr. Hall.

 A Sue Wilson

A Lisa Milkavich
 A Maren Patterson
 A Phil Markham
 A Ned Hacker

Motion passed 5-0.

TEKTON FITNESS – 5914 South 350 West - Project #19-041

Brett Wilson was present to represent this request. Jared Hall reviewed the location and request to allow a CrossFit Gym business in the M-G Zone on the property located at 5914 South 350 West. Mr. Hall explained that the building they wish to occupy has two suites, one of the suites is currently occupied by a paint store. The unit is about 5,700 sq. ft. and would be mostly an open floor plan. The site has public restrooms, office space and workout area. The site has a total of 35 parking stalls. The neighboring paint business requires 9 stalls and would leave 23 spaces for the CrossFit business. Due of the limited parking stalls during the hours of 8:00 a.m. and 6:00 p.m. classes should be limited to 16 participants to ensure there are enough parking stalls. After the hours of 6:00 p.m. and before 8:00 a.m. Staff has not imposed any class size restrictions because the use of additional parking stalls become available. Staff will work with the applicant to update the landscaping on the property to comply with the previous Conditions of Approval as outlined in the staff report. The previous occupants submitted a deferral bond for the required landscaping which is still being held by Murray City because the landscaping has not been completed and could be used if needed to install the required landscaping. Based on the analysis of the submitted materials and Land Use Ordinance standards, Staff has determined that the proposed CrossFit Gym 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 asked if there is any restriction for outside activity. Mr. Hall replied that all gym activity must be conducted inside the building.

Brett Wilson, Sandy, UT. stated he had read the conditions of approval and will be able to comply.

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

Ms. Patterson made a motion to approve a Conditional Use Permit to allow a CrossFit Gym business on the property located at 5914 South 350 West, subject to the following conditions:

1. Classes that begin after 8:00 a.m. and end before 6:00 p.m. shall be limited to no more than 16 students per session to minimize the potential impacts to parking.
2. The applicant shall ensure that all exterior exit doors swing in the direction of egress and can be opened from the inside without the use of a key, tools, or special knowledge.
3. The applicant shall provide restroom facilities available for employees and athletes.
4. The applicant shall not conduct classes outside of the building.

5. The project shall meet all Building and Fire Codes.
6. The property shall comply with landscaping standards outlined in Chapter 17.68 of the Murray City Land Use Ordinance. The applicant and property owner shall work with Planning Division Staff to implement an appropriate Landscape Plan.
7. The applicants shall obtain a sign permit prior to the installation of any attached business signage.
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 Maren Patterson
A Lisa Milkavich
A Phil Markham
A Sue Wilson
A Ned Hacker

Motion passed 5-0.

TWIN PEAKS FABRICATION – 150 WEST 4800 SOUTH # 37 - Project #19-042

Cody Bunker was present to represent this request. Jared Hall reviewed the location and request to allow for a metal fabrication business) in the M-G Zone on the property located at 150 West 4800 South, Unit #37. Mr. Hall explained that the request is for a metal shop with some associated woodworking. No retail sales will be conducted. The shop is about 2,800 sq. ft. and is comprised of a restroom, storage area, a small office space and an open shop area. Staff has determined that this business would require 10 parking spaces, there are 11 spaces associated with this facility. The Parking Stalls need to be restriped to include a Handicapped accessible stall and ADA placards be posted per conditions. The applicant proposes to operate a metal shop which he uses to create and weld handrails for homes, as well as a few small pieces of furniture. The applicant does not intend to change the structure or do any remodeling. The Murray City Building and Fire Officials will review the set up of the shop to ensure ventilation, electrical and dust collection are installed properly. Because this site is located on a private road the Landscaping Standard in section in 17.68 does not apply for frontages. Based on the analysis of the submitted materials and Land Use Ordinance standards, Staff has determined that the proposed to allow for a metal fabrication 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.

Cody Bunker, 150 West 4800 South, # 37, stated he had read the conditions of approval and will be able to comply. Ms. Wilson stated that the application submitted listed misc. automotive aftermarket products and wondered if auto repair would be conducted on site. Mr. Bunker answered that he fabricates aftermarket auto parts such as bumpers, ladder racks, or utility racks.

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

Ms. Milkavich made a motion to approve a Conditional Use Permit to allow for a metal fabrication business on the property located at 150 West 4800 South, Unit #37, subject to the following conditions:

1. The project shall meet all applicable Building and Fire Code standards.
2. Unit #37 shall be fire sprinkled.
3. The property owner shall stripe the parking area with eleven (11) parking spaces, including one (1) ADA compliant van accessible space.
4. The applicant shall maintain clear access in front of the building and an adequate fire lane for emergency access to the building at all times.
5. The applicant shall obtain Murray City Electrical Permits for any new equipment installed in the unit.
6. The applicant shall obtain Murray City Building Permits for any work necessary on the property.
7. The applicant shall obtain a Murray City Business License before commencing sales at this location.
8. The applicant shall store all materials inside the unit with no outdoor storage allowed.

Seconded by Ms. Wilson.

Call vote recorded by Mr. Hall.

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

Motion passed 5-0.

ORDINANCE TEXT AMENDMENT - Section 17.48, Sign Code Update, Project #19-025

Mr. McNulty presented the proposed Sign Code Ordinance and stated that Staff previously presented a draft of the Sign Code to the Planning Commission's last month. The suggestions provided in that meeting from the Planning Commissioner and the public comment were reviewed by Staff. Those findings will be reviewed in tonight's meeting for consideration of a positive recommendation to the City Council. Mr. McNulty stated that there were changes made to the definitions of Section 17.48.040, for Electronic Message Centers (EMC), Flashing Signs, Property Development Signs, Residential Property for Sale, and Special Events Signs. The change to EMC's includes references to new technology such as LED's, LCDs, or a flipper matrix. Flashing Sign updates were made by removing the term from

the EMC definition and creating a new, individual definition. The Flashing Sign definition includes a requirement that any display must remain lighted for a minimum of two seconds. Ms. Milkavich asked where the two second standard was derived from. Mr. McNulty answered that the standards are provided by industry in coordination with the International Sign Association. Mr. Markham added that it may not be the message on the sign changing every two seconds, it is for the change of light, color or blinking. The Property Development definition and the Residential property For Sale definitions were added to provide simple clarifications. The Special Events definition was added to provide standard language on the topic where there previously was none.

Mr. McNulty explained the changes to the Sign Code Section 17.48.110(D): Sign Illumination. The updates to this chapter are intended to support the Code for EMC's, LED's, LCD's, flipper matrix technology and .03 foot-candle brightness. The updates to the Sign Code Section 17.48.120(A), item #10: Sign Illumination, combines two previously separates temporary sign section into one combined sign type.

Ms. Milkavich asked per Section 17.48.070 if an application was submitted to the City what type of information would the applicant be required to provide regarding the advertising message. Mr. McNulty replied that this is addressed within requirements to submit a general application and we would refer to Sign Code, Section 17.48.110 for more detailed requirements. Mr. McNulty explained that the previous Sign Code combined two standards for signs not requiring a permit and signs that require a permit which are now separated into two separate standards as shown in Section 17.48.130 and 17.48.140. The separation will enable Section 17.48.130 to itemize temporary residential signs and temporary commercial signs. Section 17.48.140(G), Projecting Signs, has a change for horizontal distance for signs suspended perpendicular to a building face from 20 to 30 feet to a minimum of 20 feet. Also, Section 17.48.140(H)(8), added the requirement for a pedestal sign to be at least 300 feet away from a residential use. In this same section, Item (I), had minor language changes that would make it easier for a wall or flat sign to be permitted, when often times the previous language made it almost impossible to meet standards.

Lastly, the current Section 17.48.180(B), limits signage to external illumination only. The M CCD has several signs within the zone affected by the language in this Code. Encouragement from one of our Planning Commissioners to make an allowance for internally illuminated signs in the M CCD has resulted in review of the Code and it was determined by Staff that it could be allowed. The language as outlined in this Code will allow some flexibility and creativity. Section 17.48.180(D), for Prohibited Signs was changed. Previously in this Code three type of signs were prohibited; internally illuminated with acrylic Panaflex or similar, vacuum formed acrylic sign face letters or cabinets, and internally illuminated Pan Channel letters with exposed neon. The three sign types are now allowed as advised by James Carpentier (International Sign Association) because the Code was believed to be too restrictive. Changes were also made to Section 17.48.270(D), to ensure that EMC's sign types are referenced in this Code and are listed as a, Conditional Use because they are considered to have the potential to have impacts in certain areas. The intention of adding and clarifying these definitions is to ensure that the Murray City Sign Code is in compliance with recent Case Law (Reed vs Town of Gilbert). Based on the findings, proposed text and other revisions as outlined, Staff recommends that the Planning Commission forward a recommendation of approval to the City Council for the proposed amendments to the Murray City Land Use Ordinance, Section 17.48, Sign Code Regulations.

Mr. Markham requested that the term "flipper matrix" be defined. Mr. McNulty stated that the

definition of flipper matrix is; flipping sign board, electronic, with colors. Basically, it is a sign board that can flip and could have vertical panels that rotate. It is an older technology but still used.

Ms. Milkavich referenced Section 17.48.100, prohibited signs, and stated that she agrees that a sexually oriented sign should not be allowed in certain areas, such as residential neighborhoods, but wondered if prohibiting sexually oriented signs could be considered as a limitation of free speech. Mr. McNulty replied no, because this Code, item (A), contains language that states; "except as expressly permitted elsewhere in this chapter". The City does allow sexually oriented signage for a Sexually Oriented Business. Sexually Oriented Businesses are allowed in the Code Section 17.48.290 allows some minimal signage as allowed per State Code.

Ms. Milkavich asked about Section 17.48.120(10), for temporary signs and wondered how the process works which requires the issuance of a Temporary Sign Permit, but also states that Temporary Signs are allowed for up to 90-day without obtaining a sign permit because it seems to contradict itself. Mr. McNulty stated that the intent is to ask an applicant to come to the City to get a temporary permit. The City will then apply a sticker to the sign that will limit it to 90-days. This will determine how long a temporary sign has been approved to be on display.

Mr. Hacker referenced back to Section 17.48.100, prohibited signs, and wondered what a snipe sign is. Mr. McNulty stated that the definition for a snipe sign is; a sign for which a permit is required and has not been obtained of which has been tacked, nailed, posted, pasted, glued or otherwise attached to the ground, trees, poles, stakes, fences, or other objects with the message appearing there on. Basically, it's a sign that does not have a permit.

Ms. Milkavich referenced Section 17.48.140(H)(3) for Pedestal Signs and asked if the separation requirement of 500 feet should have been 300 feet instead. Mr. McNulty stated that the 500-foot condition is only intended as a separation requirement from any other pedestal sign. There was discussion about Pedestal Signs that did result in a change which requires a Pedestal Sign to have a separation from a residential use of 300 feet. Mr. McNulty stated that the concern is maintaining sign separation from residential uses.

Ms. Wilson asked about the requirements of Section 17.48.110(B)(2) for a license contractor required. Mr. McNulty read aloud the text and explained that the types of signs that are referred to in this section are much more technical to install that could have electrical wiring, attachment requirements, or other State regulated contractor requirements. The concern has come up with our Building Official because he has had to issue Stop Work Orders to people who were not electrical contractors, or who misrepresented them in a false way. This will help limit the liability by ensuring the installation is completed by a qualified individual. The City will flag these types of signs to be reviewed by a Plans Examiner to ensure they are installed in a safe manner. There is a provision for other signs in our Code that do not require a permit and could be installed by somebody who is not a licensed contractor.

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

Mr. Markham made a motion that the Planning Commission forward a recommendation of approval to the City Council for the proposed amendments to the Murray City Land Use

Ordinance, Section 17.48, Sign Code Regulations with the amendment to Section 17.48.120(A)(10) as discussed in the meeting.

Seconded by Ms. Milkavich.

Call vote recorded by Mr. Hall.

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

Motion passed 5-0.

OTHER BUSINESS


Mr. McNulty stated that the next Planning Commission meeting will be held April 18, 2019 and we have an item that may generate a lot of residential attendance.

Mr. Markham made a motion to adjourn.
Seconded by Ms. Patterson.

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

Motion passed 5-0.

The meeting was adjourned at 7:20 p.m.


Jared Hall, Supervisor
Community and Economic Development