

Minutes of the Planning Commission meeting held on Thursday, March 21, 2013 at 6:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

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

Excused: Scot Woodbury

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

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

#### APPROVAL OF MINUTES

Mr. Taylor made a motion to approve the minutes of February 21 and March 7, 2013. Mr. Markham seconded the motion.

A voice vote was made. Motion passed 6-0.

#### CONFLICT OF INTEREST

There were no conflicts of interest for this agenda.

#### APPROVAL OF FINDINGS OF FACT

Mr. Harland made a motion to approve the Findings of Fact for a Conditional Use Permits for Tekton Crossfit and Vapen Rum Arms from the meeting on March 7, 2013.

Seconded by Mr. Taylor.

A voice vote was made. Motion passed 6-0.

#### ALEX'S AUTO SALES – 139 West 4500 South #6 – Project #13-34

Alejandro Ramos was the applicant present to represent this request. Chad Wilkinson reviewed the location and request for Conditional Use Permit approval for auto sales at the property addressed 139 West 4500 South #6. The property is currently being used by the applicant for auto repair. Municipal Code Ordinance 17.152.030 allows auto sales within the M-G-C zoning district subject to Conditional Use Permit approval. The applicant has indicated that auto repair will not be a part of the new

business. The existing building is to be used for office, showroom, and storage areas. The floor plan shows the building contains 1,200 sq. ft. of showroom which will require two parking stalls, there is also 240 sq. ft. of office which requires one parking stall. The business is also required to have one disabled stall. Adequate paved and striped parking stalls shall be provided to comply with the parking regulations, including a van accessible disabled stall with sign posted, to meet Municipal Code Chapter 17.72. Three exterior parking stalls, with signs posted, for customers and employees will need to be designated on the site and not be used for display of vehicles for sale. Due to the limited exterior parking for this business use and in order to meet the minimum parking requirements, the parking of vehicles for sale is limited to vehicles parked only inside the building. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval subject to conditions.

Alejandro Ramos, 139 West 4500 South - #6, stated he has reviewed the six conditions of approval and is able to comply. Ms. Daniels asked if any repairs will be made on-site. Mr. Ramos responded in the negative.

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

Mr. Markham made a motion to approve a Conditional Use Permit approval for Alex's Auto Sales located at 139 West 4500 South #6, subject to the following conditions:

1. The project shall meet all applicable building code standards.
2. The project shall meet all current fire codes.
3. The project shall meet all Water and Sewer department standards.
4. The project shall meet all engineering department standards.
5. Adequate parking shall be provided and striped on the site to meet parking ordinance regulations found in Chapter 17.72, including a disabled stall to meet ADA regulations. Three exterior parking stalls, with signs posted will need to be designated on the site for customers and employees and not be used for display of vehicles for sale. Due to the limited exterior parking for this business use the parking of vehicles for sale is limited to inside the building only.
6. The trash container shall be screened as required by Section 17.76.170.

Mr. Harland seconded the motion.

Call vote recorded by Mr. Wilkinson.

A \_\_\_\_\_ Karen Daniels

A \_\_\_\_\_ Tim Taylor

A \_\_\_\_\_ Jim Harland

A \_\_\_\_\_ Phil Markham

A \_\_\_\_\_ Vicki Mackay

A \_\_\_\_\_ Maren Patterson

Motion passed, 6-0.

FIVESTONE AUTO SALES – 4195 South 500 West #4 – Project #13-35

Ryan Stone was the applicant present to represent this request. Chad Wilkinson reviewed the location and request for a Conditional Use Permit for auto sales for the property addressed 4195 South 500 West #4. Municipal Code Ordinance 17.152.030 allows auto sales within the M-G-C (Manufacturing General Conditional) zoning district subject to Conditional Use Permit approval. The property was previously used as a construction contractor's office. The existing building is to be used for office, showroom and storage. The floor plan shows the building contains 900 sq. ft. of floor space which will require two parking stalls, including one van accessible disabled stall. Adequate paved and striped parking stalls shall be provided to comply with the off street parking regulations set forth in Murray City Municipal Code Chapter 17.72. The building meets the required setbacks for the M-G-C zone. The site has existing landscaping which was previously approved. Access into the property is from 500 West. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval subject to conditions.

Ryan Stone, 3105 West Robinwood Drive, stated he had no further comments and that staff reviewed his application well. Ms. Daniels asked Mr. Stone if he has had a chance to review the four conditions of approval and is able to comply. Mr. Stone responded in the affirmative. Ms. Daniels then asked if any repairs will be done on-site. Mr. Stone responded in the negative.

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

Ms. Mackay made a motion to approve a Conditional Use Permit for Fivestone Auto Sales, at the property addressed 4195 South 500 West #4, subject to the following conditions:

1. The project shall meet all applicable building code standards.
2. The project shall meet all current fire codes.
3. Adequate parking shall be provided and striped on the site to meet parking ordinance regulations found in Chapter 17.72, including a disabled stall to meet ADA regulations. Two exterior parking stalls will need to be designated on the site for customers and employees and not be used for display of vehicles for sale. Due to the limited exterior parking for this business use, the parking of vehicles for sale is limited to vehicles parked only inside the building.
4. The trash container shall be screened as required by Section 17.76.170.

Mr. Harland seconded the motion.

Call vote recorded by Mr. Wilkinson.

A \_\_\_\_\_ Karen Daniels  
A \_\_\_\_\_ Tim Taylor  
A \_\_\_\_\_ Jim Harland  
A \_\_\_\_\_ Phil Markham  
A \_\_\_\_\_ Vicki Mackay  
A \_\_\_\_\_ Maren Patterson

Motion passed, 6-0.

GENERAL PLAN AMENDMENT & ZONE MAP AMENDMENT - CLARUS VISION  
CLINIC – 6358 South 900 East, Project #13-40

Travis Maughan was the applicant present to represent this request. Ray Christensen reviewed the location and request of Clarus Vision Center for a Murray General Plan map amendment, for the west portion of the property, from Residential Single Family Low Density to Residential Business and a zone map amendment from A-1 (Agricultural) to R-N-B (Residential Neighborhood Business) for the entire property located at 6358 South 900 East. The intent for the zone change is to construct a new medical office building use on this property. The applicant has requested to change the entire property to Residential Neighborhood Business zone and locate the parking at the west area of the property. The new medical building will be located to the east which will allow a larger setback from the Single Family Residential zoned properties to the west. The purpose of the General Plan is to provide overall goal and policy guidance related to planning issues in the community. The plan provides for flexibility in the implementation of the goals and policies depending on individual situations and characteristics of a particular site. Chapter 2 of the Murray City General Plan identifies the goals and objectives for land use in the community. The plan also identifies future land use as depicted in Map 2-4. The requested zone change to R-N-B for the eastern portion of the property is consistent with the General Plan. The zoning boundaries are better defined when located on a property boundary instead of a line through an existing parcel of property. In addition, a split zone property creates difficulties arising from different zone standards applying to different parts of the property. Based on the above findings, staff recommends that the Planning Commission forward a recommendation of approval to the City Council for the requested General Plan Map and Zone Map change amendments.

Ms. Daniels asked if the applicants will be able to apply for the increased height from 20 to 30 feet to the Planning Commission for approval if the zoning is changed to R-N-B. Mr. Christensen stated the Planning Commission has the authority to approve anything up to a 30 ft. maximum height. Mr. Taylor asked what the maximum height is in a residential zone. Mr. Christensen stated that single family dwellings could go as high as 35 feet in a residential zone.

Ms. Mackay asked what types of buildings are located to the south of the property. Mr. Christensen thought there was a mix of individual homes and businesses, stating the General Plan shows the west side of 900 East changing over to residential business. Mr. Markham asked Mr. Christensen why there is hesitancy to have dual zones on the property. Mr. Christensen commented that when there are two zones on the same property there would be a requirement for a masonry wall to separate those two zones. In addition there isn't any direct street access coming off Green Oaks Drive or Southwood Drive to the property. The R-1-8 zone also requires certain setbacks that are usually 25 ft. rear yard and 25 ft. front yard and side yard requirements which are different than the R-N-B zone. Therefore, this would create a different boundary with the R-1-8, so there would be larger setbacks that would create a separation between the different uses. Ms. Daniels also pointed out the residential portion would then be land locked.

Travis Maughan, 2505 East Parleys Way, stated that he did not have anything to add to the staff presentation.

The meeting was opened for public comment.

David Kirk, 825 East Southwood Drive, stated he believes that R-1-8 zoning on the west end of the property should be maintained for the integrity of the neighborhood. Mr. Kirk presented a petition with 18 signatures from neighbors that agree with that position and would oppose any change to the R-1-8 designation. Mr. Kirk feels if commercial access is allowed on the property from the west there would be encroachment on the quality of a well maintained neighborhood.

Gary Weston, 809 Southwood Drive, concurred with Mr. Kirks comments. He stated that his recommendation is to make the division line contiguous with the lines that go north and south to maintain the residential feel. Mr. Weston stated he is opposed to having access off Glen Oaks Drive. He stated that if the entire property changes to multiple use, the owner of the property will be back within 5-10 years, stating the ingress and egress onto 900 East is creating a safety hazard and requesting permission to create an access off of Glen Oaks Drive. His request is that the recommendation not be for the change of use, but to keep an R-1-8 zoning along the property line.

Jake Zollinger, 873 Southwood Drive, stated that three properties to the north on 900 East is a medical building that is a fraction of the size for this proposed site. Mr. Zollinger feels this lot is so large that a much larger building will be constructed. He concurred with the previous resident's concerns as indicated.

The public comment portion of the meeting was closed.

Mr. Maughan stated the building will be a fairly small building for the lot size, stating the physician occupying the building would like a connection to nature and would like to maintain as many of the existing trees as possible and keep it as natural as they can.

Mr. Markham made note that the meeting tonight isn't about approving the site plan. This meeting is for the Commission to think about what is allowed in the R-N-B and in the R-1-8 zones and how they can co-exist.

Ms. Patterson asked to see the photos of the lot so that she could see the portion that faces Glen Oaks Drive. Mr. Taylor commented that on the west end of the property there is a concrete wall with a wooden fence on top. Ms. Mackay stated she feels the Commission should be considering this as two separate pieces instead of one, keeping the residential on the west side. Mr. Taylor stated he also feels the west end zoned R-1-8 could easily be subdivided into two lots.

Mr. Wilkinson stated single family residential and duplexes are also a permitted use in the R-N-B zone. Therefore, there is a possibility for a home(s) to be built on that lot without two zoning designations. There currently is an access control strip along the Glen Oaks Drive (to the west) and Southwood Drive (to the north) boundary, so something would need to change in order for access to occur. Mr. Wilkinson stated because of a control strip on both the north and west side of the property the applicant would have to obtain permission in order to make an access. This would be done through a subdivision approval. State law requires anytime a new lot is created there must be a subdivision process. The R-N-B zone requires a number of buffering standards.

Ms. Daniels asked what the process would be to change access onto Glen Oaks Street. Mr. Wilkinson stated whoever has control of the access control strip would have to be contacted and some type of an agreement would need to be made in order to allow access.

Ms. Mackay asked, if approval is granted for a General Plan change and zoning change, will they need to come before the Planning Commission for whatever they want to build there. Mr. Wilkinson responded in the affirmative, stating any commercial building will need to come through the Planning Commission. However, if someone wanted to build one single family dwelling, that would not need to come through the planning commission; however any new subdivision for single family dwellings would require review by the Planning Commission.

Mr. Harland asked if the lot were to be retained as residential and become part of that subdivision, where would the line be? Mr. Wilkinson indicated the approximate location. He explained the requirements are a minimum of 8,000 sq. ft. lot size for R-1-8, but before that could occur, the issue of the access control strip would need to be resolved.

Mr. Taylor asked if the property could still be subdivided into two residential lots and the other portion be developed if it were R-N-B. Mr. Wilkinson responded in the affirmative.

Ms. Daniels reminded the Commission that they are the recommending body, and the City Council will make the final decision.

Ms. Mackay asked if there have been other areas in Murray where there is an intrusion of R-N-B into a residential neighborhood. Mr. Wilkinson stated the City has not split zoned any properties. There have been areas that were zoned residential and have been changed to R-N-B. Staff feels issues can arise when a property is split-zoned.

Mr. Harland made note that any R-N-B is going to have a border onto a residential area, this property being somewhat unique and that somewhat concerns him. Mr. Taylor stated he struggles with the access control strip and fencing issues.

Mr. Harland made a motion to forward a recommendation of approval to the City Council for the requested General Plan amendment for the west portion of the property from Residential Single Family Low Density to Residential Business at the property addressed 6358 South 900 East.

Ms. Patterson seconded the motion.

Mr. Markham stated he doesn't feel the property will change at all if this property changes to R-N-B. He would like to see the property line for residential continue through that parcel for residential, but it doesn't seem feasible to this unique parcel.

Call vote recorded by Chad Wilkinson.

N \_\_\_ Karen Daniels  
N \_\_\_ Tim Taylor  
N \_\_\_ Jim Harland  
N \_\_\_ Phil Markham  
N \_\_\_ Vicki Mackay  
A \_\_\_ Maren Patterson

Motion failed, 5-1.

Mr. Taylor made a motion to send a recommendation of denial to the City Council for the General Plan amendment for the west portion of the property from Residential Single Family Low Density to Residential Business at the property addressed 6358 South 900 East.

Mr. Harland seconded the motion.

Call vote recorded by Chad Wilkinson.

A \_\_\_ Karen Daniels  
A \_\_\_ Tim Taylor  
A \_\_\_ Jim Harland  
A \_\_\_ Phil Markham  
A \_\_\_ Vicki Mackay  
N \_\_\_ Maren Patterson

Motion passed, 5-1.

Mr. Taylor clarified that this motion is a recommendation of denial that will be forwarded to the City Council. The rest of Commission feels they will be understood, by the City Council but feels they need someone from the Planning Commission to attend the City Council meeting for this item.

Mr. Markham made a motion to forward a recommendation of denial for a zone map amendment from A-1 to R-N-B, for the property addressed 6358 South 900 East. Mr. Taylor seconded the motion.

Call vote recorded by Chad Wilkinson.

A \_\_\_\_\_ Karen Daniels  
A \_\_\_\_\_ Tim Taylor  
A \_\_\_\_\_ Jim Harland  
A \_\_\_\_\_ Phil Markham  
A \_\_\_\_\_ Vicki Mackay  
N \_\_\_\_\_ Maren Patterson

Motion passed, 5-1.

OTHER BUSINESS

Mr. Wilkinson stated that the Community & Economic Development staff will be holding an open house for issues in the residential zones pertaining to bees, chickens and park strips. The open house will be held in the Spartan Cove room at Murray High School, Tuesday, March 26, 2013 from 6-8pm.

Mr. Wilkinson also wanted the Commission to be looking towards the month of May to have the Planning Commission's annual training. He asked that they come up with suggestions of topics they would like to work on. Policies and procedures will be discussed.

Ms. Daniels asked to be excused for the April 4, 2013 meeting.

Meeting adjourned.



Chad Wilkinson, Manager  
Community & Economic Development