

Minutes of the Planning Commission meeting held on Thursday, November 20, 2014, at 6:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Scot Woodbury, Chair
Phil Markham, Vice-Chair
Karen Daniels
Tim Taylor
Vicki Mackay
Buck Swaney
Gary Dansie
Jared Hall, Community and Economic Development Manager
Ray Christensen, Senior Planner
Mark Boren, Zoning Officer
G.L. Critchfield, Deputy 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 Division Office.

Scot Woodbury opened the meeting and welcomed those present. He reviewed the public meeting rules and procedures.

APPROVAL OF MINUTES

Ms. Daniels made a motion to approve the minutes of November 6, 2014 as written. Mr. Taylor seconded the motion.

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

CONFLICT OF INTEREST

There were no conflicts of interest for this agenda.

APPROVAL OF FINDINGS OF FACT

Mr. Taylor made a motion to approve the Findings of Fact for Joseph & Nai Kanell, Artsy by Nature, Get Some Guns & Ammo, American Beauty Academy, and Car 1 Auto Sales. Seconded by Ms. Daniels.

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

DREAM GYMNASTICS ACADEMY – 5582 South Van Winkle Expy – Project #14-185

Charity Christensen was the applicant present to represent this request. Ray Christensen reviewed the location and request for approval of a Conditional Use Permit for gymnastics classes, recreational and competitive gymnastics at the property addressed 5582 South Van Winkle Expressway. Municipal Code Ordinance 17.160.030 allows gymnastics class education use within the C-D-C zoning district subject to Conditional Use Permit approval. The proposed use is within the existing building which has shared parking on site with the various business uses. There are trash containers located behind the building which will need to be enclosed within

fenced enclosures to comply with code. The site complies with the required parking for the proposed business use. There are a total of 786 parking stalls on the site shared with other business uses. The applicant indicated the lease space for the business use will contain 10,541 sq. ft. The Murray City code for school parking requires one parking space for each employee, one parking stall per two class rooms (elementary), one space for three students of driving age. Some of the lease spaces in this commercial center are currently vacant. The landscaping generally complies with landscaping code at the time the buildings were constructed. The west side of the property was covered with weeds and the landscaping needs to be upgraded to comply with landscaping code. Based on the information presented in this report, application materials submitted and the site review, staff recommends Conditional Use Permit approval subject to conditions.

Ms. Daniels stated the commission has recently approved a couple other conditional use permits for businesses at this same property and was surprised that the businesses have gone in without the landscaping being an issue. Mr. Christensen responded the property management has been consulted on this and are working with the city to obtain a deferral agreement for the landscaping. Mr. Hall explained that there is a steep hillside at this location and there currently is no water to that area. He indicated that the city will probably issue the deferral agreement for the installation of the required landscaping until spring time. Mr. Hall stated the property improvements are progressing and the property management company is working on meeting the city conditions of approval.

Charity Lynn Christensen, 5755 Fairview Drive, Park City, stated that this is a facility for kids where there will be activities and fun. She stated it is not a strict gymnastics facility, but are geared more towards the kids having a good time and to leave with a positive attitude. She stated it is not an educational facility, nor a preschool for education, but it is a preschool for gymnastics. Ms. Christensen stated she has reviewed the staff recommendation and will comply.

Mr. Woodbury verified that the cap age is 19 years old.

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

Mr. Taylor made a motion to grant Conditional Use Permit approval for gymnastics classes, recreational and competitive gymnastics for the property addressed 5582 South Van Winkle Expressway subject to the following conditions:

1. The project shall meet current fire codes.
2. The trash containers on the property shall be screened as required by Section 17.76.170.
3. Landscaping on site must meet the requirements of Chapter 17.68 of the Murray Municipal Code. Plans shall be submitted for approval by Murray City staff. The west side of the property near the hill has been covered with weeds, and the property is required to be landscaped to comply with code.

4. All business operations/classes must be held inside the building.
5. Comply with Murray City business license requirements.
6. The project shall meet all applicable building and fire code standards. The applicant shall provide plans stamped and sealed by appropriate design professionals to include code analysis and egress plan.

Seconded by Ms. Daniels.

Call vote recorded by Ray Christensen.

A Vicki Mackay
A Gary Dansie
A Karen Daniels
A Tim Taylor
A Phil Markham
A Buck Swaney
A Scot Woodbury

Motion passed, 7-0.

UTAH INJURY CLINIC – 5526 South Van Winkle Expressway – Project #14-186

Jeff Schramm was the applicant present to represent this request. Mark Boren reviewed the location and request for approval of a Conditional Use Permit approval for a chiropractic office to clients who have been injured in auto accident to be located in the retail shopping center in the space addressed 5526 South Van Winkle Expressway. Municipal Code Ordinance 17.160.030 allows chiropractic clinics within the C-D-C zoning district subject to Conditional Use Permit approval. The business will be conducted in a leased space comprised of approximately 1,346 sq. ft. in the retail shopping center located on the northwest corner of Van Winkle Expressway and 5600 South. The submitted plans show that the business will have a reception and waiting room area, an area for rehabilitation, an examination room, a restroom, and two small utility closets. Office hours are 8:00am to 5:00pm on Monday, Wednesday and Thursday from 9:00am to 6:00pm, and by appointment only on Tuesday, Friday, Saturday, and Sunday. Chapter 17.72 of the Murray Municipal Code requires one (1) parking space for each 200 square feet of net floor area for a chiropractic clinic which would require seven (7) parking stalls. There are a total of 786 parking spaces on site that are shared with the other business uses in the retail development. Although the site was developed in Salt Lake County, it meets the current setback requirements of the Murray Municipal Code. The landscaping generally complies with the landscaping requirements at the time the site was developed. The hillside area at the west side of the property needs to be upgraded with landscaping to comply with code. 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. Woodbury asked for clarification regarding the hours of operation. Mr. Boren

responded that the businesses website indicated the hours are 8:00am to 5:00pm on Monday, Wednesday and Thursday from 9:00am to 6:00pm, and by appointment only on Tuesday, Friday, Saturday, and Sunday.

Jeff Schramm, 2401 East Quail Hollow, Sandy. Mr. Schramm stated the office is open for rehab Monday, Wednesday and Thursday and is on-call Friday, Saturday and Sunday. Tuesday morning is a specialty appointment.

Mr. Woodbury asked if it was 8 am to 5pm or 9 to 6. Mr. Schramm responded it is 9 am. to 6 p.m. He indicated that he has reviewed the staff recommendations and will comply.

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

Ms. Daniels made a motion to grant Conditional Use Permit approval for Utah Injury Clinic, a chiropractic office, to be located in the retail shopping center addressed 5526 South Van Winkle Expressway 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. Landscaping on site must meet the requirements of Chapter 17.68 of the Murray Municipal Code. The west side of the property near the hill has been covered with weeds, and the property is required to be landscaped to comply with code.
4. The trash containers shall be screened as required by Section 17.76.170.
5. Comply with the City business license regulations.

Seconded by Mr. Markham

Call vote recorded by Ray Christensen.

A ___ Vicki Mackay
A ___ Gary Dansie
A ___ Karen Daniels
A ___ Tim Taylor
A ___ Phil Markham
A ___ Buck Swaney
A ___ Scot Woodbury

Motion passed, 7-0.

FREEZE ESTATES – 523 East 5300 South, 5239 S. Parkside Dr – Project #14-183

John (Jack) Mitchell was the applicant present to represent this request. Ray

Christensen reviewed the Location and request for a subdivision amendment to adjust the boundary line between Lots 4 & 5 for the property addressed 523 East 5300 South and 5239 South Parkside Drive. Municipal Code Ordinance 16.04.050 requires the subdivision of property to be approved by Murray City Officials. Jack Mitchell is requesting subdivision amendment approval to adjust the boundary line between lots 4 & 5 for the property located in Freeze Estates Subdivision to accommodate a new garage. All structures shall be required to comply with the setback requirements of the R-M-10 zone. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval for the proposal to the planning commission subject to conditions.

John (Jack) Mitchell, 556 W Germania Ave, stated his original intent was to build a storage garage, and they needed to change the boundary because the boundary went through the middle of the garage. He indicated that he is the owner of both lot #4 and lot #5. Upon talking with people at the city they greatly discouraged putting a garage in that location. He stated that the city viewed his proposed garage to be in the front yard and that detached structures are not allowed in the front yard area. Mr. Mitchell reviewed it with his wife and they decided that they could put the garage to the side of the house and that they would need to make the boundary change. He indicated that they do not plan to build anything on the vacant parcel at this time. He explained the boundary change is only about 10 feet. Mr. Mitchell indicated that he has reviewed the staff recommendations and will comply.

Mr. Woodbury stated the lot line is changing 10 feet from the east to the west. He asked if Mr. Mitchell will be constructing the garage on the east side of the house. Mr. Mitchell stated that he would be building the garage on the east side of the house. Mr. Woodbury asked if Planning Commission would grant approval for the building of the garage. Mr. Hall explained that the planning commission cannot grant approval for the construction of the garage but it would need to be through the building permit process.

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

Mr. Taylor made a motion to grant approval of the subdivision boundary line adjustment to the Freeze Estates subdivision, lot #4 & #5, located at 523 East 5300 South and 5239 South Parkside Drive, subject to the following conditions:

1. Meet the requirements of the Murray City Engineer and city departments for subdivision and platting requirements.
2. Upon receiving Planning Commission approval, submit a Plat Review Form and a PDF file of the plat to the Engineering Division for final review
3. The project shall meet all applicable building and fire code standards.
4. The project shall comply with Murray Power, and Murray Water and Sewer Department requirements.

5. Update the plat to meet current PUE requirements.

Seconded by Ms. Daniels

Call vote recorded by Ray Christensen.

A _____ Vicki Mackay
A _____ Gary Dansie
A _____ Karen Daniels
A _____ Tim Taylor
A _____ Phil Markham
A _____ Buck Swaney
A _____ Scot Woodbury

Motion passed, 7-0.

LAND USE TEXT ORDINANCE – Condominium Ordinance - Project #14-191

Ray Christensen stated that staff has been drafting a new Condominium ordinance. He briefly reviewed the draft ordinance. Staff is desirous to receive from the planning commission any recommendations or changes that they may have. He asked the commission members if they had specific issues or if they wish to discuss the draft ordinance at this time. He stated the existing condominium ordinance is out of date and the process for approval of condominiums has been changed over time.

Mr. Markham verified that this ordinance would also apply to any commercial buildings. Mr. Christensen responded in the affirmative.

Mr. Woodbury stated that Section 17.62.040.G & H. Development Standards, it states: "New condominium construction shall require high quality construction materials to be used in the project, including 25% minimum of the exterior portions of the structures shall consist of brick, stone and masonry materials of high quality, durability, and low maintenance with approval by the Planning Commission". Mr. Woodbury asked what would define the term "High Quality".

Ms. Daniels stated that she would like the term "high quality" to remain, and add "with approval by the Planning Commission." She stated that the commission would like more consistency and possibly eliminate listing "high quality" material.

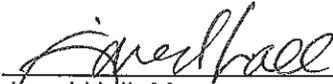
Mr. Swaney pointed out that Section 16.62.060 should be 17.62.060 "Tenant Notice of Conversion". Mr. Swaney requested a word version sent out to Planning Commission by email.

Other Business

Mr. Hall stated that he spoke with the owners of Car 1 Auto, and they are a new property owner and are trying to figure out who owns the existing cars. They are working on a plan to have them sold off and hauled away, but may take about 8 months to get that done.

Ms. Daniels asked if the new owner is aware of where all the cars came from. Mr. Hall stated that they are an accumulation over the years from car shops being there and people not picking up their cars or the cars were given up. Ms. Daniels commented that the property appears like it is a tow or impound yard. Mr. Hall stated that they have titles on most of the cars, but the others cars they will need to have them removed.

Meeting adjourned at 7:13 p.m.



Jared Hall, Manager
Community and Economic Development