

Minutes of the Planning Commission meeting held on Thursday, March 19, 2015, at 6:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Phil Markham, Chair  
Buck Swaney, Vice-Chair  
Tim Taylor  
Karen Daniels  
Travis Nay  
Gary Dansie  
Tim Tingey, Administrative and Development Services Director  
Jared Hall, Community and Economic Development Manager  
Brad McIlrath, Assistant Planner  
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 Division Office.

Phil Markham opened the meeting and welcomed those present. He reviewed the public meeting rules and procedures.

#### APPROVAL OF MINUTES

Mrs. Daniels made a motion to approve the minutes from March 5, 2015. Seconded by Mr. Taylor.

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. Taylor made a motion to approve the Findings of Fact for Elite Motors LLC. Seconded by Mr. Nay.

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

#### OASIS AUTO BODY AND PAINT – 4605 South Commerce Drive – Project #15-25

Michael Stevens was the applicant present to represent this request. Brad McIlrath reviewed the location and request for approval of a Conditional Use Permit for auto sales at the property addressed 4605 South Commerce Drive. Municipal Code Ordinance 17.152 allows motor vehicle sales (LU #5510) within the M-G-C zoning district subject to Conditional Use Permit approval. The applicant operates an auto body repair business at this location and is requesting approval to add auto sales at this location. The submitted floor plans show a large shop area which is used for the

auto body repair and painting of repaired vehicles. The building includes two bay doors for access to the shop area, however the plans indicate that the west bay door access will be closed and that access to the shop area will only be provided by the bay door at the east end of the building. The submitted floor plans show a customer lobby area, an office, one restroom and a back storage room with a storage mezzanine located above the storage room. The entire area to the north and east of the building is used for the storage of supplies and vehicles that are being repaired and as indicated on the site plan, no vehicle or customer access is allowed in those areas.

The submitted site plan shows that a total of nine (9) parking spaces will be striped on the south side of the building, with four (4) spaces reserved for customer parking and the remaining five (5) spaces used for the display of vehicles for sale. For the auto body repair portion of the business, three (3) parking spaces shall be provided for each stall, service bay or work station. One (1) space is required for the 250 square feet of lobby and sales office area. With four (4) of the nine (9) spaces reserved for customer parking, the proposed parking plan would comply with the minimum requirements for parking and accessibility. If the business does not close off the west bay door with signage showing that the door will not be used, the applicant will be required to provide an additional three (3) spaces as required for each service bay or workstation. The proposed parking spaces including the ADA parking space will need to be striped and provided with required signage that complies with the standards in Chapter 17.72 of the Murray Municipal Code. The applicant has indicated that the paved drive access area located at the northwest corner of the property has been used in the past for vehicle parking. This paved access area is not large enough to provide the minimum size of parking spaces (9'x18') and a minimum access aisle space of twenty-four feet (24') behind each space as required by ordinance. Because this area is too small to comply with minimum parking and access standards, the area cannot be striped, signed or used for off-street vehicle parking. The existing building complies with the minimum setback and height requirements of this zoning district.

The submitted site plan shows the existing landscape areas primarily including bark with limited areas of lawn within the park strips, the front setback area, and in the areas adjacent to off-street parking. The existing landscaping does not include any trees or shrubs and will need to be upgraded in order to comply with the minimum landscape standards outlined in Chapter 17.68 of the Murray Municipal Code. As outlined in Section 17.68.040, front setback areas are identified as the entire area behind the sidewalk and must include three (3) trees, five (5) 5-gallon shrubs, and ten (10) 1-gallon shrubs per every one hundred (100) linear feet of frontage. There is fifty-four (54) lineal feet of frontage for this property. All landscaped areas must have a minimum ground cover of fifty percent (50%) at time of planting. Access to this location is provided directly from Commerce Drive with two access driveways. The north access may only be used for access to the storage areas of the site with the south access being used to access the parking area. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval of a Conditional Use Permit for auto sales at the property addressed 4605 South Commerce Drive subject to conditions.

There was a discussion between Mr. Nay and Mr. McIlrath about where a dumpster

should be located. Mr. McIlrath stated that they could re-locate the storage container to the north end of the property behind the already existing fence area, or move the dumpster further back and provide an enclosure.

Michael Stevens, 4605 S Commerce Drive, stated that he didn't put the garbage container in the area to the north as indicated by Mr. McIlrath because the garbage truck took down the power lines where the dumpster was previously located. Mr. Stevens stated that the signs showing customer parking in front of the building are to keep other people out. He indicated that he has reviewed the staff recommendations and will comply.

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

Mr. Swaney made a motion to grant Conditional Use Permit approval for auto sales to be located at the property addressed 4605 South Commerce Drive subject to the following conditions:

1. The project shall meet all applicable building code standards as required by the Murray City Building Official.
2. The project shall meet all current fire codes.
3. The project shall comply with all Murray City Water and Sewer requirements.
4. The applicant shall upgrade landscaping in order to comply with the minimum requirements of Chapter 17.68 of the Murray Municipal Code. All landscaped areas shall have a minimum landscape bed coverage of fifty percent (50%) at time of planting. The front setback landscaping shall include the following:
  - a. Two (2) Trees
  - b. Three (3) 5-Gallon Shrubs
  - c. Six (6) 1-Gallon Shrubs
5. The trash container shall be screened as required by Section 17.76.170.
6. All off-street parking shall be limited to the area south of the building and the access area located at the northwest corner of the property shall not be used for off-street parking. The west bay door shall include signage closing that door for access. The parking area shall be striped and provided with signage for the disabled (ADA) parking space and customer parking spaces.

Seconded by Mrs. Daniels.

Call vote recorded by Brad McIlrath

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

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

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

A \_\_\_\_\_ Buck Swaney

A \_\_\_\_\_ Travis Nay

A \_\_\_\_\_ Gary Dansie

Motion passed, 6-0.

WHOLESALE BULK LOTS – 4195 South 500 West #22 – Project #15-27

Aprille Brown was the applicant present to represent this request. Brad McIlrath reviewed the location and request for Conditional Use Permit approval for auto sales at the property addressed 4195 South 500 West #22. Municipal Code Ordinance 17.152.030 allows auto sales within the M-G-C zoning district subject to Conditional Use Permit approval. There is not adequate parking for auto repair and auto sales at this unit location, and in response, the applicant has stated she will close the business license for auto repair and will apply for an auto sales business license after the Condition Use Permit is approved. (See Condition #4 requirement.) The existing building has a small office and the applicant plans to park three sales vehicles inside for sale. The floor plan shows the building contains 900 square feet of floor space which will require two parking stalls. There are parking stalls assigned to this unit in front of the building for customer and employee parking. Adequate paved and striped parking stalls shall be provided to comply with the off street parking regulations in Murray City Municipal Code Chapter 17.72. The building meets the required setbacks for the M-G-C zone, and the site has existing landscaping which was previously approved with the development of the property. Access into the property is located to the east of 500 West Street, with three driveways into this property to allow access to unit #22. Based on the information presented in this report, application materials submitted and the site review, staff recommends conditional use permit approval for auto sales at this location, unit #22 subject to conditions.

Aprille Brown, 4195 South 500 West #22, stated that the state requirement is that she has to have 3 display parking spots outside the business, but the permit stated that 3 would be inside, and she was confused by that. Ms. Brown stated that all together she has 15 parking stalls inside and outside. Her concern was with the conflict with the state license. Ms. Brown stated that she has reviewed the staff recommendations and will comply.

Mr. Markham asked staff to clarify Ms. Brown's concerns. Mr. McIlrath stated that if there is a shared parking agreement in the area to use parking spaces in front of any of the other units that would be fine, staff would just need to see that there is a shared parking agreement. In order to get the state license staff makes sure that with any business license application, the business complies with all state regulations. If the state is requiring 3 outdoor parking spaces, they would need to provide a formal shared parking agreement to prove that there is sufficient parking provided for this use. Mr. Markham asked if that is a condition that should be added and Mr. McIlrath stated that he thinks it would be a good idea to add that condition if they are going to

use any spaces outside for storage or for display of vehicles for sale that they at least provide a parking agreement showing that they will have more than just the 2 outdoor spaces available.

Mr. Markham asked Ms. Brown if she is under the impression that there is a shared parking agreement. Ms. Brown stated that she doesn't understand all the zoning laws, but she has the biggest unit at the location and she has plenty of parking. Mr. Markham asked Ms. Brown if there is a condition established in tonight's meeting saying that there has to be a formal agreement, provided to staff stating that the parking stalls in a particular area can be utilized by more than one business. Ms. Brown stated that "more than one business" confuses her, and Mr. Markham clarified a shared parking agreement by her landlord and he owns the whole complex and he would formally have an agreement that states that multiple businesses could use the same parking spots. Ms. Brown stated that her parking spots are assigned and she doesn't share them with the neighbors. Ms. Brown asked if she needed the landlord to say that the parking spots were hers. Mr. Markham stated that it would be best if her landlord could provide a document stating which parking stalls were hers. Ms. Brown stated that she doesn't understand the condition about the trash screening and asked Mr. Markham if he could explain that. Mr. Markham stated any trash dumpster cannot sit out in the open by itself. It has to be screened by either fencing with slats or walls. Ms. Brown asked how far away the garbage container can be. Mr. Markham stated that they can be placed where ever it works best for the property and that would be between the garbage company and the business. Mr. McIlrath stated that Ms. Brown did not need to have a separate dumpster container for her business because there are already dumpster shared by everyone in that area, and that it is a typical standard condition of approval for and Conditional Use Permit. As long as there is a dumpster container out there or at least a dumpster enclosure provided and a dumpster is inside the enclosure, that is something we would look at and say that it's already there and they wouldn't have to provide anything additionally on top of that. If it's not there we would want to work with the property owner to make sure that gets put in place.

Mr. Hall clarified the state requirement for parking of vehicles for sale and the commissioners came to an agreement that Ms. Brown already meets the state requirements for parking and a seventh condition did not need to be added.

The meeting was opened 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 auto sales to be located at the property addressed 4195 South 500 West #22 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. Two exterior parking stalls will need to be striped and designated with signs on the

site for customers and employees which are not to 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 business license and business use for auto repair shall be closed at this location before a business license shall be issued for auto sales.
5. Trash containers shall be screened as required by Section 17.76.170.
6. No auto repair is allowed in conjunction with auto sales at this business location.

Seconded by Mrs. Daniels

Call vote recorded by Brad McIlrath

A \_\_\_ Karen Daniels

A \_\_\_ Tim Taylor

A \_\_\_ Phil Markham

A \_\_\_ Buck Swaney

A \_\_\_ Travis Nay

A \_\_\_ Gary Dansie

Motion passed, 6-0

JAMES ALLRED/SEARLE OFFICE BUILDING – 931 East Searle Avenue – Project #15-22, #15-23

James Allred was the applicant present to represent this request. Jared Hall reviewed the location and request for a General Plan and Zone Map Amendment for the property located at 931 East Searle Avenue. The owners of the Searle Office building have plans to expand the existing parking lot onto the subject property if the applications are approved. The property is located on the north side of Searle Avenue, east of 900 East within the R-1-8 zone.

Various permitted uses are allowed in the R-1-8 zone such as low density single family dwellings on a minimum 8,000 sq. ft. lot and accessory uses, such as garages, carports and other uses for private recreation and gardening. Other uses allowed by Conditional Use Permit include uses such as churches, schools, public parks, and libraries.

Various permitted uses are allowed in the General Office zone such as business financial, insurance, and real estate office uses, pharmacies, and optical shops. Other types of uses are allowed in the General Office zone with Conditional Use Permit approval such as: restaurants, retirement homes, barber services, travel agencies and education uses.

The General Plan provides overall goal and policy guidance related to planning issues in the community. The General Plan also provides for some flexibility in the implementation of the goals and policies depending on individual situations and characteristics of a particular site. In this case, the future land use designation is currently Residential Single Family Low Density. However, it is important to note that the property is surrounded on three sides by office designations and uses: the Searle Office building to the North and West, and an accounting firm office to the South and Southwest up to 935 East Street. The properties in this vicinity east of 935 East remain residential in both use and designation. Staff feels that the recommended change to general office may be warranted as a natural expansion of the existing adjacent office designation because of the surrounding uses and designations.

It is a goal of the General Plan to "Preserve and protect the quality of life for viable residential neighborhoods". One of the implementation policies related to this goal is to establish, and maintain "appropriate transitions and buffers" in order to protect residential neighborhoods from encroachment. The Searle Office building is experiencing a parking issue which is causing an unintended impact to the surrounding residential neighborhoods. Because of the buffering that is required with development, staff feels that the change in designation will not represent an encroachment into the larger residential district, but rather the enhancement of the transitional area and buffer.

The property is currently zoned R-1-8, and is the westernmost edge of a significant block of properties with that designation. The property is bounded on three sides by the G-O (General Office) zone and office uses. The proposed expansion of the G-O zone will only add the subject property's 8000 square feet to an existing, adjacent office building parking lot. The office building is oriented to 900 East, allowing the parking lot, landscaping and perimeter wall to function as a transition and buffer to the residential zoning. However, this is a rezone and General Plan amendment so evaluation of a specific use on the site is not under consideration at this time. It is important to note that due to the size of the property under consideration, if plans to proceed with an expanded parking lot do not materialize, it is unlikely that a single office project could be pursued due to the limitations of the size of the property. Therefore, it will likely have to be integrated into the adjacent office property.

Because of the subject property's location and the circumstances outlined in this report, staff feels that the application to change the designations for future land use and zoning are warranted and represent both a natural expansion of the G-O zoning, and an appropriate transition to the residential zoning district.

James Allred, 557 East Walnut Brook Dr., stated that he has been in the building for about 10 years. In 2008 business was rough and there were a lot of empty desks in his office. Fortunately for him the economy has improved and he has been hiring people rather than letting people go. The doctors occupy the first floor and the businesses have been doing really well. Mr. Allred stated that he has felt bad because they have had a lot of people park their cars out on the adjacent street around his office building. He stated that for several years he has been looking for a way to solve the parking issues. Mr. Allred is proud to be a "Murrayite" and wants to stay in Murray. He found the opportunity to purchase the property and felt it would take the cars off

the streets, out of the neighborhoods, and put them in a parking lot where they belong. Mr. Allred stated that he wants to continue be a good neighbor, and kind to the people.

The meeting was opened for public comment.

Ron Snarr, 1353 E Ramon Ave, stated that he owned the property at 931 East Searle Ave and he feels it would be a win/win situation for the neighborhood and the business. Mr. Snarr stated that he is in agreement with the proposal.

No other comments were made and the public comment portion of the meeting was closed.

Based on the analysis in this report and upon the findings stated staff recommends that the Planning Commission forward a recommendation of approval to the City Council for the requested Murray General Plan Map amendment from Residential Single Family Low Density to Residential Business for the property located at 931 East Searle Avenue.

Further, based on the analysis in this report and upon the findings stated, staff recommends that the Planning Commission forward a recommendation of approval to the City Council for the request to amend the Zoning Map from R-1-8 to General Office for the property located at 931 East Searle Avenue.

Mr. Taylor made a motion for forward a recommendation of approval to the City Council for the request of Murray General Plan Map amendment from Residential Single Family Low Density to Residential Business for the property located at 931 East Searle Avenue.

Seconded by Mrs. Daniels

Call vote recorded by Brad McIlrath

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

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

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

A \_\_\_\_\_ Buck Swaney

A \_\_\_\_\_ Travis Nay

A \_\_\_\_\_ Gary Dansie

Motion Passed, 6 – 0

Mr. Taylor made a motion to forward a recommendation of approval to the City Council for the request to amend the Zoning Map from R-1-8 to General Office for the property located at 931 East Searle Avenue.

Seconded by Mrs. Daniels

Call vote recorded by Brad McIlrath.

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

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

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

A \_\_\_\_\_ Buck Swaney

A \_\_\_\_\_ Travis Nay

A \_\_\_\_\_ Gary Dansie

Motion Passed, 6 - 0

### OTHER BUSINESS

Mr. Hall stated that there will be focus groups held for the General Plan Update on Tuesday, March 24<sup>th</sup>, 2015. Inserts notifying the community of the upcoming General Plan Open House held at the Murray Library on April 22<sup>nd</sup>, 2015 have gone out with the March utility bills. The April 2<sup>nd</sup>, 2015 Planning Commission meeting has been canceled.

Meeting adjourned at 7:13 p.m.

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Jared Hall, Manager  
Community and Economic Development