

Minutes of the Planning Commission meeting held on Thursday, December 3, 2015, at 6:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Phil Markham, Chair  
Tim Taylor  
Karen Daniels  
Travis Nay  
Scot Woodbury  
Jared Hall, Community & Economic Development Manager  
Ray Christensen, Senior Planner  
G. L. Critchfield, Deputy City Attorney  
Citizens

Excused: Buck Swaney  
Gary Dansie

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

Mr. Woodbury made a motion to approve the minutes from November 5, 2015 and November 19, 2015. Seconded by Mrs. Daniels.

A voice vote was made, Motion passes 5-0

#### CONFLICT OF INTEREST

Mrs. Daniels declared a conflict with the agenda items 7 & 8, Hamlet Development, because she does business with the applicant and they have discussed this project. She recused herself from voting on these items.

#### APPROVAL OF FINDINGS OF FACT

There were no items for Findings of Facts.

#### SIERRA WEST JEWELERS – 6190 South State Street – Project #15-162

Carston McCullough was the applicant present to represent this request. Jared Hall reviewed the location and request for a Conditional Use approval to allow an electronic message center sign for the property addressed 6190 South State Street, #B. Municipal Code Ordinance 17.48.200 allows electronic message center signs within the C-D zoning district subject to Conditional Use Permit approval. The application is for Conditional Use Permit approval to allow an existing sign to be replaced with an electronic message center sign. The existing sign is located in a small landscaped area at the corner of the property, and is oriented to State Street. The proposed sign has an overall height of 25 feet, with a cabinet 10' high and 11'6" wide for a total of 115 square feet. Area for detached signs is allowed at 1.5 square feet per 1 linear foot of property frontage (187 square feet in this case). Proposed

setbacks, height and sign area are all in compliance with the ordinance. The existing sign is located in a landscaped area. The sign has not interfered with parking and the change to an electronic message center sign will have no impact. The cabinet of the sign must be located at least 2 feet from property lines. The new electronic message center cabinet proposed will maintain the required setbacks. The only access directly onto the property is from Creek Drive, just west of State Street. However, the property shares parking and accesses with two other parcels to the north and west, both of which have accesses as well. Nothing related to the access is impacted by the conversion of the sign to an Electronic message center. The standards for electronic message centers, as outlined in Section 17.48.200 of the Murray Municipal Code, include a restriction not allowing operation of the sign between the hours of 10:00 p.m. and 6:00 a.m. for a sign located within 500 ft. of a residential area. There are residential properties to the west of the sign, and this restriction will be in place. Section 17.48.200 has restrictions for lamp size, rates of message change, restrictions on flashing, and a requirement for automatic dimming after dark. These requirements, along with the restriction on the hours of operation, are intended to mitigate potential negative impacts of these types of signs on other properties, and all have been included as recommended conditions of approval. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval of the Conditional Use Permit to allow an electronic message center sign on the property addressed 6190 South State Street subject to conditions.

Carston McCullough, 138 East 12300 South, stated he had no additional comments. Mr. McCullough 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.

Mrs. Daniels made a motion to approve the Conditional Use Permit to allow an electronic message center sign for Sierra West Jewelers for the property addressed 6190 South State Street #B subject to the following conditions:

1. The applicant shall obtain a Murray City building permit for the proposed sign prior to beginning construction.
2. The sign shall be operated in accordance with all requirements of Section 17.48.200, and shall not be operated between the hours of 10:00 p.m. and 6:00 a.m.

Seconded by Mr. Taylor.

Call vote recorded by Ray Christensen

- A \_\_\_\_\_ Phil Markham
- A \_\_\_\_\_ Tim Taylor
- A \_\_\_\_\_ Karen Daniels
- A \_\_\_\_\_ Travis Nay
- A \_\_\_\_\_ Scot Woodbury

Motion passed, 5-0.

A-1 AUTO SALES, LLC – 4195 South 500 West #13 & 28 – Project #15-163

Saif Abdullah was the applicant present to represent this request. Jared Hall reviewed the location and request for a Conditional Use Permit to allow Used Auto Sales for the property addressed 4195 South 500 West, #13 & 28. Municipal Code Ordinance 17.152.030 allows Used Auto Sales (LU #5512) within the M-G zoning district subject to Conditional Use Permit approval. The applicant proposes to use the two units (13 & 28) for used auto sales. The units have previously been in use for auto repair, and an active business license for auto repair is in force for the property. There is not sufficient floor area or parking capacity for both uses to occupy the same space. As a result of the analysis of parking and the floor plans and after speaking with the applicants about the situation, staff is recommending that the closure of the existing business license for auto repair be included as a condition of approval for the auto sales. According to the plan submitted by the applicant, each unit is served by two 90 degree parking stalls. Each of these stalls is located on either side of the overhead door that provides entrance to the unit. Because the applicants are using two units, there are overhead doors and parking stalls on two different sides of the building in which the units are located – the units are located “back-to-back” as opposed to “side-by-side”. The applicant proposes to have vehicles for sale parked inside the building. The remaining parking stalls will be necessary to satisfy parking requirements for employees and customers. No vehicles for sale will be parked or displayed outside. Based on the information presented in this report, applications materials submitted and the site review, staff recommends that the Planning Commission approve the Conditional Use Permit allowing Used Auto Sales (LU #5512) on the property addressed 4195 South 500 West, #13 & #28 subject to conditions.

Saif Abdullah, 4195 South 500 West, stated he had no additional comments. Mr. Abdullah indicated that he has reviewed the staff recommendations and will comply.

Mr. Markham clarified with Mr. Abdullah that “no detailing of cars” would be added to condition #5, and it would be for any cars, not just the cars that are for sale. Mr. Markham stated that the activity of detailing cars is what the commission is looking at eliminating.

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

Mr. Woodbury made a motion to approve the Conditional Use Permit to allow used auto sales for A-1 Auto Sales for the property addressed 4195 South 500 West, #13 & 28, 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 applicant shall close the active business license for auto repair associated with the property before applying for the business license for auto sales.

4. The applicant shall obtain the appropriate State License for vehicle sales, associated with the subject property.
5. Repair or detailing of vehicles is not allowed on-site.
6. Vehicles for sale will be parked and displayed inside the unit. No outside display of vehicles for sale is allowed.

Seconded by Mr. Nay

Call vote recorded by Ray Christensen

A  Phil Markham  
A  Tim Taylor  
A  Karen Daniels  
A  Travis Nay  
A  Scot Woodbury

Motion passed, 5-0.

LISA MILKAVICH & ETHEL BRADFORD – 534 & 544 East 4800 South - Project #15-164

Lisa Milkavich was the applicant present to represent this request. Ray Christensen reviewed the location and request for a lot line adjustment for the Ethel Bradford Subdivision, Lot #1 addressed 544 East Murray Holladay Road (4800 South) and the adjoining property, which is not located in a subdivision, addressed 534 East Murray Holladay Road. Municipal Code Ordinance Section 16.04.030.C. requires that any amendment, vacation, alteration or modification of any prior recorded plat (subdivision) be approved by Murray City Officials. Utah State Code Section 10-9a-608 (5) (a) The owners of adjacent parcels that are described by either a metes and bounds description or by a recorded plat may exchange title to portions of those parcels if the exchange of title is approved by the land use authority in accordance with Subsection (5) (b). (5) (b) The land use authority shall approve an exchange of title under Subsection (5) (a) if the exchange of title will not result in violation of any land use ordinance. The applicants are requesting approval of a lot line adjustment for Ethel Bradford Subdivision, Lot #1 addressed 544 East Murray Holladay Road (4800 South) and the adjoining property which is not located in a subdivision and has a metes and bounds legal description. The lot line adjustment will extend the west boundary line to the south on the property addressed 544 East Murray Holliday Road. The remaining parcel to the west will be combined into the property addressed 534 East Murray Holladay Road. The proposed adjustment would result in two standard rectangular shaped lots which will comply with the minimum 8,000 sq. ft. lot size required in the R-1-8 zone. No new lots are created by this action, only the lot line adjustment between two existing lots. Based on the information presented in this report, application materials submitted and the site review, staff recommends the Commission grant approval of the lot line adjustment for the properties addressed 534 & 544 East Murray Holladay Road (4800 South) subject to conditions.

Lisa Milkavich, 534 East 4800 South, had no additional comments. Mrs. Milkavich indicated that she has reviewed the staff recommendations and will comply.

John Bradford, 6992 South 160 East, stated he is the son of Ethel Bradford. Mr. Bradford is present representing his mother Mrs. Bradford. Mr. Bradford stated that his mother is never going to use the piece of property and now is their chance to help out a good neighbor so they decided to do so. Mr. Bradford indicated that he has reviewed the staff recommendations and will comply.

Mrs. Milkavich stated that she would need staff to explain the requirements to her and help her understand what they mean.

Mr. Christensen stated that condition #5 is from the Murray Building Division regarding the setbacks. There are some accessory buildings in the back and it wasn't really clear how close they are to the property boundary lines. There are building code requirements for either the type of construction materials or the set back from property lines. Mr. Markham asked if some of the out buildings would have to be removed. Mr. Christensen stated that it may not have to be removed but it may require some fire rated walls.

Mrs. Milkavich asked if that determination would be made at a later date. Mr. Christensen stated it's requested that the applicant provide information in a site plan to show the proximity of those buildings to the property line.

Mr. Bradford stated that both properties have a garage, one is set back further but the property line almost touches both garages. Mr. Bradford stated that there is an old shack in the back that may be in question and it's for Mrs. Milkavich to decide what she is going to do with it.

Mr. Markham stated that they are going to be asked to comply with the conditions and it will be up to the applicants to do that. Mr. Markham stated that staff is great to work with and it would probably be best to go out on site and physically measure and walk through and look at things.

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

Mr. Taylor made a motion to grant approval for a lot line adjustment for the properties addressed 534 and 544 East Murray Holladay Road (4800 South) subject to the following conditions:

1. Meet the requirements of the Murray City Engineer for the recording of the lot line adjustment at the Salt Lake County Recorder's Office. Requirements include, but may not be limited to the following:
  - (a) The project shall comply with Murray City subdivision amendment requirements and standards for lot line adjustments.
  - (b) The applicant shall provide a copy of the final recorded consolidation deed to the Murray City Engineering Division.

2. The applicant shall provide legal descriptions of both the original parcels and the new parcels created by the exchange of title (in Word format – exhibits are optional).
3. The applicant shall complete the Notice of Approval of Exchange of Title form and record in advance of the conveyance documents.
4. The applicant shall record conveyance documents and final parcel descriptions.
5. The applicants shall comply with setback regulations and building codes for accessory buildings. The applicant shall provide a site plan to correct scale to show locations of existing buildings to the lot lines.

Seconded by Mr. Woodbury

Call vote recorded by Ray Christensen

A \_\_\_\_\_ Phil Markham  
A \_\_\_\_\_ Tim Taylor  
A \_\_\_\_\_ Karen Daniels  
A \_\_\_\_\_ Travis Nay  
A \_\_\_\_\_ Scot Woodbury

Motion passed, 5-0.

HAMLET DEVELOPMENT – 6687 South 1300 West – Project # 15-140

Mr. Taylor made a motion to continue the general plan amendment request by Hamlet Development to amend a piece of property located at 6687 South 1300 West from a Single Family Low Density to Multi-Family Medium Density to the January 7, 2016 Planning Commission meeting.

Seconded by Mr. Nay

Call vote recorded by Ray Christensen

A \_\_\_\_\_ Phil Markham  
A \_\_\_\_\_ Tim Taylor  
A \_\_\_\_\_ Travis Nay  
A \_\_\_\_\_ Scot Woodbury

Motion passed, 4-0.

HAMLET DEVELOPMENT – 6687 South 1300 West – Project # 15-142

Mr. Woodbury made a motion to continue the zone change amendment request by Hamlet Development to amend a piece of property located at 6687 South 1300 West from R-1-10 to R-M-15 to the January 7, 2016 Planning Commission meeting.

Seconded by Mr. Taylor

Call vote recorded by Ray Christensen

A \_\_\_\_\_ Phil Markham  
A \_\_\_\_\_ Tim Taylor  
A \_\_\_\_\_ Travis Nay  
A \_\_\_\_\_ Scot Woodbury

Motion passed, 4-0.

OTHER BUSINESS

Mr. Hall mentioned the December 17, 2015 and January 7, 2016 meetings.

Meeting adjourned at 7:04 p.m.

  
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Jared Hall, Manager  
Community and Economic Development