

Minutes of the Planning Commission meeting held on Thursday, December 17, 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  
Jared Hall, Community & Economic Development Manager  
Brad McIlrath, Assistant Planner  
Citizens

Excused: Buck Swaney  
Gary Dansie  
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

Mr. Taylor made a motion to approve the minutes from December 3, 2015. Seconded by Ms. Daniels.

A voice vote was made, motion passes 4-0

#### 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 Facts for Sierra West Jewelers and A-1 Auto Sales. Ms. Daniels seconded the motion.

A voice vote was made, motion passes 4-0

#### HALVERSON AUTO – 150 West 4800 South #28 – Project #15-165

Dylan Halverson was the present to represent this request. Brad McIlrath reviewed the location and request for conditional use permit for an auto sales. Municipal Code Ordinance 17.152 allows motor vehicle sales (LU# 5510) within the M-G Zoning District subject to Conditional Use Permit approval. The applicant proposes to operate a used auto sale business from this location which will include minor repairs for the vehicles that will be sold. The applicant has indicated that auto repair would not be offered for vehicles that are not intended to be sold. According to the application materials, the unit has a gross square footage of 3,969 square feet. The unit includes a large warehouse and storage area measuring 3,185 square feet, with the remaining 784 square foot area being used for an office, a waiting room, and break room. That remaining area also includes one unisex restroom. The applicant

has indicated that there are also two small storage rooms located above the front area of the shops in a mezzanine area. As indicated by the applicant, the vehicles for sale will be stored and displayed inside the unit. Based upon the site visit, the exterior parking area includes more vehicles than can be accommodated by the nine (9) spaces shown on the site plan. The exterior parking area also includes storage of miscellaneous auto parts and debris. The exterior parking area will need to be cleared of the excess vehicles and debris in order to provide sufficient parking for customers of this business. Parking for these types of office/warehouse auto sales facilities is calculated at the rates of four (4) parking spaces for each one thousand (1,000) square feet of net office space, and one (1) parking space for each seven hundred and fifty (750) square feet of warehouse space. Excluding the bathroom and mechanical areas of the office portion, three (3) parking spaces must be provided for the remaining seven hundred and eighteen (718) square feet of net office space. Four (4) parking spaces must be provided for the remaining 3,185 square feet of warehouse space. Therefore the total number of exterior parking spaces required for this use is seven (7). The submitted site plan shows an ADA parking space adjacent to the garage door access lane. The site plan does not include the access aisle required for the ADA parking space and according to the site visit, the ADA parking space and adjacent access aisle are not currently in place. Municipal Code Chapter 17.72 requires that the ADA parking space be striped and provided with signage as a van accessible parking space, which would require a minimum eight foot (8') access aisle. In order to provide the minimum eight foot (8') wide access aisle, the parking space to the south of the ADA parking space must be striped as the access aisle. This modification will reduce the total amount of parking spaces from ten (10) spaces to nine (9) spaces, which will still be sufficient to meet the minimum amount of seven (7) total spaces required for this use. The existing building complies with the minimum setback and height requirements of the M-G Zoning District. Landscaping for this office/warehouse complex was previously approved and installed. The water and Sewer Department has indicated they would like to inspect the property prior to approving a business license. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval of the used auto dealership located at 150 West 4800 South #28 subject to conditions.

Ms. Daniels commented that typically these types of businesses do not allow the cars for sale to be on display outside and the outside parking is customer parking. Mr. McIlrath responded that is typically the situation. He stated the commission could add that as a condition if they feel it is necessary.

Dylan Halverson, 4800 South 150 West #28, asked if some of the vehicles would be okay to be parked outside during business hours and having 6 vehicles inside makes it difficult to work around all of them at the same time.

Mr. Markham asked Mr. Halverson if he has reviewed the conditions of approval. Mr. Halverson responded that he will be able to comply with the conditions are outlined in the staff report.

Mr. Markham stated the any detailing and minor repairs is contingent upon approval by the city. Mr. Halverson stated there will be no actual detailing done at this location and he will be paying another company to detail the vehicles, this includes washing of the vehicles, at another location.

Mr. McIlrath stated because of the parking situation, they are only required to have seven parking spaces and they will have a total of nine parking spaces after they stripe the lot for the required ADA parking spaces. The applicant could park a couple vehicles outside as long as he maintains at least seven parking spaces for customer parking.

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

Ms. Daniels made a motion to grant Conditional Use Permit approval for Halverson Auto at 150 West 4800 South #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 project shall comply with all Murray City Water and Sewer Department requirements. The business shall not wash or repair vehicles unless approved by the Murray City Water and Sewer to do so. The unit shall be inspected by Water and Sewer Department staff prior to the application for a business license.
4. The property shall be cleared of all excess debris and the parking spaces shall be cleared in order to provide a minimum of seven (7) parking spaces for customers.
5. The applicants shall provide one (1) van accessible ADA parking space with the required signage and adjacent access aisle as outlined in Chapter 17.72 of the Murray Municipal Code.
6. The trash container shall be screened as required by Section 17.76.170. The trash container shall be moved to be located within the trash enclosure.
7. The applicant shall obtain a Murray City Business License prior to the commencement of business operations.

Seconded by Mr. Nay.

Call vote recorded by Brad McIlrath.

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

Motion passed, 4-0.

DESIGN DENTAL CERAMICS – 403 East Winchester Street – Project #15-166

Phillip Hansen was the applicant present to represent this request. Jared Hall reviewed the location and request for Phillip Hansen is requesting a Conditional Use Permit approval for a dental lab to be located at the property addressed 403 East Winchester Street. Municipal Code Ordinance Section 17.140.030 allows dental lab services within the R-N-B zoning district subject to Conditional Use Permit approval. The proposed development has a residential character with the existing dwelling being converted into a dental lab. The existing structure has a gable roof line which is compatible with the surrounding residential area. The building elevations show the structure is 16 ft. high with hardy board siding and brick veneer. The applicant has provided a front elevation with materials and colors which is compatible with the surrounding neighborhood. The applicant has provided a materials board with colors and materials which will be shown to the Planning Commission at the meeting. A six foot high buffer fence and landscaping will be installed at the north property boundary adjoining the residential zone. Access to the property is from the north side of Winchester Street. The applicant indicated the building floor area contains 1,000 sq. ft. The parking regulation in Municipal Code 17.72 for labs requires four parking stalls per 1,000 sq. ft. The parking code requires the higher number of parking stalls based on either building square footage or the number of employees at the highest shift. The applicant indicated there will be about four employees at the highest shift plus the owner. Some of the employees may have different work times. There are five parking stalls shown on the site plan, including one disabled stall, which complies with the parking requirements if there are four persons working at a time. The ADA parking stall must comply with ADA regulations with striping and a sign posted at the head of the stall. The building complies with the setback requirements for the R-N-B zone. The driveway at the east side of the building has a 13 ft. width at the building location. The Murray Fire Marshall did not have a problem with the drive access width.

The site will be required to comply with the landscaping/irrigation requirements listed in Municipal Code 17.68. The applicant shall submit a formal landscaping and irrigation plans with the building permit application to comply with code 17.68. An irrigation plan was not submitted with this application but will need to be provided with the building permit application. The site plan and landscaping plans will need to be revised to show a full 10 ft. depth of frontage landscaping, excluding concrete curbs between the parking stalls and property line, to comply with code 17.68.040. A.1.c. The plans submitted with the building permit shall show concrete curbing around the landscaping areas. A full 10 ft. depth of landscaping is required at the north side of the property to exclude the masonry wall and concrete curbing. The plan revisions are required to show the Winchester Street driveway access will need a 5 ft. setback off the east boundary line to provide a five ft. wide by 10 ft. depth landscaped area, unless a reciprocal easement is recorded with the adjoining property owner for a shared driveway. Based on the information presented in this report, applications materials submitted and the site review, staff recommends the planning commission grant Conditional Use Permit approval for the dental lab use at 403 East Winchester Street subject to conditions.

Mr. Nay asked about condition #13 regarding the masonry wall only being required for the rear property line and not also for the east and west property lines. Mr. Hall responded the side properties are designated in the city's general plan to potentially

be R-N-B zoning in the future, but the property to the north shown in the general plan to remain residential.

Phillip Hansen, 9463 South Wheatley Court, South Jordan, stated the majority of the conditions have already been addressed. He stated that as of today, he has a reciprocal agreement with the adjacent property owner. Mr. Hansen stated he has reviewed the staff recommended conditions of approval and will comply. He stated the he will obtain a deferral agreement for the landscaping improvements.

Mr. Markham complimented Mr. Hansen on his efforts for improving the property thus far and this area needs these types of businesses. Mr. Hansen stated the home two properties to the south went up for sale yesterday and is planning rezone the property as well as the adjacent property.

The meeting was opened for public comment.

Carl Smith, 451 East Winchester Street, stated it is nice to see something new coming into the area and will be an improvement. He asked about improvements to Winchester Street such as widening the street, planters installed in the middle, on the north side having a parkway with landscaping. He stated with the approval of the Dental Design Ceramics, he assumes those street improvements on the north side will not be done. He asked if the properties along the north side will all be zoned residential commercial and that he is in favor of the rezoning. Mr. McIlrath responded when the city's general plan was adopted in 2003, it showed a Winchester Parkway design element along the north side of the Winchester Street. Since the general plan adoption, the city has since decided not to pursue the Parkway design because of property acquisition issues, and costs and would severely limit the existing properties for development. The properties along the north side of Winchester Street are designated in the general plan to be R-N-B zoning but would still need to go through the rezone process.

The public comment portion was closed for this agenda item.

Mr. Nay made a motion to approve the Conditional Use Permit for Design Dental Ceramics at 403 East Winchester Street subject to the following conditions:

1. The project shall meet all applicable building code standards. Provide stamped and sealed plans from appropriate design professionals including code analysis
2. The project shall meet applicable fire codes.
3. The applicant shall submit formal landscaping/irrigation plans, with the building permit application, meeting the requirements of Chapter 17.68 of the Murray Municipal Code. The applicant shall install the required landscaping improvements prior to occupancy of the building. The applicant shall make the required plan revisions noted in the project staff report.
4. All trash containers shall be screened as required by Section 17.76.170.
5. All parking stalls shall be paved and striped, including disabled stalls with signs

- posted, to meet zoning and ADA regulations.
6. The applicant shall meet all Power Dept. requirements.
  7. The applicant shall obtain a Murray City business license prior to operation of the business at this location.
  8. The city engineer requires the applicant to provide site grading and drainage plans.
  9. The applicant shall repair any damaged sidewalk along the Winchester Street frontage.
  10. The applicant shall provide revised plans to be submitted, with the building permit, to show the driveway shall be located to comply with a five ft. setback from the property line in compliance with Municipal Code 17.72. 100 C. 2. An alternative to the five ft. driveway setback from the property line is, the applicant shall provide a copy of a reciprocal easement agreement with the application for a building permit, which has been recorded at Salt Lake County Recorder's office, to share driveways by users of adjacent lots and the applicant shall remove the boundary fence and the driveways shall be connected with pavement.
  11. The applicant shall comply with Murray Water Department requirements, including upgrading water services to one inch copper service water lines. The applicant shall demonstrate the sewer lateral is in good condition and make any changes and repairs needed.
  12. All exterior lighting shall be shielded and be directed down and away from the residential zoned properties.
  13. The applicant shall install a 6 ft. high solid masonry wall at the north side of the property to comply with fence code.

Ms. Daniels seconded the motion.

Call vote recorded by Brad McIlrath.

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

Motion passed, 4-0.

LAND USE ORDINANCE TEXT AMENDMENT – Amend Section 17.38 Check Cashing & Title Loan Businesses – Project #15-167 – Public Hearing

Jared Hall reviewed this proposal for Murray City Community and Economic Development staff are requesting the Planning Commission's consideration of a

proposal to amend the text of Section 17.38 of the Land Use Ordinance. The proposed amendment would add a definition of a "Title Loan Business" and include title loan businesses in the limitations and restrictions currently imposed upon check cashing businesses and other deferred deposit lenders. Section 17.38 regulates the number and location of check cashing businesses in Murray City. Check cashing businesses are defined as a "check or assignment of wages for consideration or extending a deferred deposit loan." By this definition, check cashing includes post-dated check loans, signature or installment loans, and other forms of "payday lending". The specific land use code applied is LU #6112. Title loan businesses operate in much the same way, simply holding the title to a vehicle of some kind as collateral on the short-term loan. In many instances, one company will offer multiple types of payday loans, including title loans. The purpose of this proposed text amendment is to include title loans within this category of non-depository financial institutions engaging in short-term, deferred deposit lending. No changes to the existing limitations which this section imposes for spacing or number allowed per population are proposed. Section 17.38.020 limits the location of such businesses to not "within one thousand feet (1000') of any other check cashing business. It also limits the total number of such businesses to no more than one allowed for every 10,000 citizens living in Murray City (currently 5 such businesses would be allowed.)

Currently in the city there are eight active businesses in operation which fall under the category "Check Cashing" as defined. Several of these businesses offer title loans as well. Of those active businesses, several are in violation of the current spacing requirements. Check Cashing and Deferred Deposit Lending (LU #6112) is currently allowed only as a conditional use in the M-G, C-D, T-O-D and C-N-C zones. The use is prohibited in the other non-residential zones such as M-U, M-C-C-D and R-N-B. The conditional use status allows the staff and planning commission an opportunity to assure that each business falling in this category is reviewed for compliance to this section. No change to the status as conditional uses is anticipated with this proposed text amendment. Staff proposes that Section 17.38.010 (Definitions) be amended to include the definition of title loan business, as represented below:

"Check cashing" means a check or assignment of wages for consideration or extending a deferred deposit loan and shall include any other similar types of businesses licensed by the state of Utah pursuant to the check cashing registration act. The term "check cashing" shall not include fully automated stand-alone services, such as automated teller machines, located inside of an existing building, so long as the automated service incorporates no signage in the windows or outside of the building.

"Title loan business" means an establishment providing short term loans to individuals in exchange for the title of a motor vehicle, mobile home, motorboat or other vehicle as collateral.

In connection, staff proposes that Section 17.38.020 (Limitations) be amended to include title loan businesses in the restrictions as represented below:

A. Location: No check cashing or, deferred deposit loan business or title loan business shall be located within one thousand feet (1,000') of any other check cashing such business. Distance requirements defined in this section shall be measured in a straight line, without regard to intervening structures on the zoning districts, from the entry door of each business. One check cashing or deferred deposit loan business shall be allowed for every ten thousand (10,000) citizens living in Murray City.

Based on the above findings, staff recommends that the Planning Commission forward a recommendation of approval to the City Council for the proposed land use ordinance text amendment to Section 17.38.

Mr. Markham commented that he is happy to see this amendment being proposed to include title loan businesses.

The public hearing was opened for public comment. No comments were made and the public hearing was closed.

Mr. Taylor made a motion to send a recommendation of approval to the city council for a Land Use Text Amendment to Section 17.38, amending the Check Cashing & Title Loan Businesses. Seconded by Ms. Daniels.

Call vote recorded by Brad McIlrath.

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

Motion passed, 4-0.

#### OTHER BUSINESS

Mr. Hall invited the commission members to come early to the January 7<sup>th</sup> meeting and there will be a light dinner served and a farewell presentation to Tim Taylor and Karen Daniels as that will be their last planning commission. Both of them have served for 9 years and have reached the maximum amount of terms possible.

Meeting adjourned at 7:03 p.m.

  
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Jared Hall, Manager  
Community and Economic Development