

Minutes of the Planning Commission meeting held on Thursday, January 7, 2016, 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
Buck Swaney
Gary Dansie
Scot Woodbury
Tim Tingey, Administrative and Development Services Director
Jared Hall, Community & Economic Development Manager
Brad McIlrath, Assistant Planner
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.

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 December 17, 2015. Seconded by Mr. Taylor.

A voice vote was made, motion passes 7-0

CONFLICT OF INTEREST

Mrs. Daniels declared a conflict with agenda items 5 and 6, 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

Mr. Taylor made a motion to approve the Findings of Facts for Halverson Auto and Design Dental Ceramics. Ms. Daniels seconded the motion.

A voice vote was made, motion passes 7-0.

BMW OF MURRAY – 4735 South State Street – Project #16-04

John Firmage, Dave Clark and Kin Ng were the applicants present to represent this request. Brad McIlrath reviewed the location and request for approval to amend the Conditional Use Permit for BMW of Murray in order to construct building additions of approximately 6,200 square feet in size for the property addressed 4735 S. State Street. All prior building additions for the auto sales business have required conditional use permit approval. Municipal Code Ordinance 17.160 allows motor vehicle sales (LU #5510) within the C-D Zoning District subject to Conditional Use Permit approval. BMW

of Murray proposes to remodel and make additions on the north end of their existing building adjacent to State Street, and on the west end of the building adjacent to McHenry Street. Both additions involve the demolition and re-building of some of the existing structure. The northwest addition adds a new service lane (for a total of 3) and a second story above those lanes, to be used as administrative office space. The addition on the southeast end of the building encloses an area previously used for a charging station, creating a new vehicle delivery area.

According to the previous approval in 2001, parking for the sales, parts and service, and office areas of this business have been calculated at the ratio of one (1) parking space for each four-hundred (400) square feet of net usable area. With the proposed additions of approximately 6,200 square feet, the total square footage for the sales, service and office areas would be 19,255 square feet. Therefore, forty-eight (48) parking spaces are required for those aspects of the business. With a major aspect of the business including automotive services, it is also important to calculate the parking for that aspect of the business operations. Parking for automobile services is calculated at the rate of three (3) parking spaces for each work station or bay. According to the submitted floor plans, the building includes eighteen (18) service bays which would require fifty-four parking spaces. Based upon these calculations, a total of one hundred and two (102) parking spaces are required for this automotive sales and service use. The submitted plans show that a total of one hundred and forty-seven (147) parking spaces are provided on-site. The majority of those parking spaces (90) are designated for the parking of in-service vehicles and customers. Thirty-seven (37) parking spaces are designated as inventory spaces, ten (10) spaces are designated for demonstration vehicles, and the remaining ten (10) spaces are open for customer, employee and handicap parking. Based upon analysis of the submitted plans, staff determines that the proposed parking is sufficient for the demands of this business and complies with the parking and access standards outlined in Chapter 17.72 of the Murray Land Use Ordinance.

Municipal Code Section 17.160.050 states, that for main buildings fronting on State Street between 4600 South and 4800 South no setback is required or a minimum setback of ten feet (10') which provides landscaping, plaza or courtyard elements. The existing building is non-conforming to the setback along McHenry Street and was granted approval from the Murray Hearing Officer for the proposed expansions in December 2015. The building is built to the front property line along State Street and therefore complies with the minimum setback requirement mentioned above. The proposed addition to the north end of the building would maintain the existing zero foot (0') setback with the service drive area setback farther in order to accommodate the drive access from State Street. The expansion at the south end of the building along McHenry Street will maintain the existing south building line and will square off the building with the alignment of the east building wall.

The submitted plans show an architectural projection along the front façade of the building of approximately two feet (2'). Due to the location of the building, this projection would extend across the west property line and into the State Street right-of-way. The Murray Land Use Ordinance allows for attached signs to project into the right-of-way no more than two feet (2') but does not allow for architectural projections. Therefore, this projection cannot be constructed as shown on the submitted plans. With conformance to the Hearing Officer Approval and conditions outlined in this

report, the proposed project would comply with the setback and height standards of the C-D Zoning District.

The property is non-conforming to the minimum landscape standards for commercial properties in the C-D Zoning District. A variance was granted for the minimum ten foot (10') front setback landscaping requirement along all frontages and for the minimum percentage requirement of ten percent (10%) and all other applicable landscape standards. The applicants recognize the importance of landscaping for commercial areas and are proposing to add/improve landscaping along each property frontage. Although the area is not located within their property, the applicants propose to install a new five foot (5') sidewalk along Brown Street with a four foot (4') landscape buffer between the sidewalk and the masonry wall. Along McHenry Street the applicants propose to install fourteen foot (14') and four foot (4') landscape areas, and along State Street the applicants propose to improve the existing five foot (5') frontage landscaping. It is important to note that the majority of the landscape areas are located within the rights-of-way, which do not require minimum amounts of trees or shrubs as would the front setback landscaping areas. Due to the unique locations and sizes of the proposed landscape areas, staff will work with the applicants to ensure that the landscaping complies with the minimum requirements of the Murray Land Use Ordinance. Based on the information presented in this report, application materials submitted and the site review, staff recommends conditional use permit approval for BMW of Murray and the associated building and property modifications located at the property address 4735 S. State Street subject to conditions.

Mr. Nay asked about the sidewalk installation on Brown Street and whether it will include curb and gutter and connection into the existing storm water drainage system. Mr. McIlrath responded that there may be addition of a high back curb.

Kin Ng, 357 West Pierpont Avenue, Salt Lake City, stated he is with MJSA Architects. He stated he has not reviewed the conditions of approval. He took a few minutes to review the conditions.

John Firmage, owner of the property in question, stated he would like to clarify some of the information given. He stated along State Street they plan to construct a glass façade and curtain wall with minimal landscaping. He stated the customer service cars are all located along the back of McHenry Street and they are maxed out with handling their customer service cars. He stated they plan to have a new delivery center that faces to the east and move the charging station to the east. He stated the charging station will be available for the community and their customers, but if they are required to install the landscaping at this location, they will not be able to do that. He requested that they not be required to install the landscaping along McHenry Street. He stated on Brown Street they plan to install the sidewalk and will beautify the Brown Street frontage with low growing trees or shrubs.

Mr. Ng asked about condition #5, referencing the architectural projection not extending over the property line and into the public right-of-way. He stated they are working with Murray City as well as the State of Utah (UDOT) because the right-of-way belongs to UDOT. He stated the Murray code allows projection into the right-of-way as long as it is signage and not a structure. UDOT does not have an issue with projection as long as it is not signage and so there is a conflict between the two

government agencies.

Mr. Markham asked Mr. Ng if he is comfortable with the proposed six conditions of approval. Mr. Ng responded in the affirmative.

Mr. Markham clarified that the landscaping isn't technically a requirement. Mr. McIlrath concurred. The landscaping proposed is a choice of the property owner and if he chooses to modify that plan it is at his own discretion. Mr. McIlrath concurred. The landscaping along Brown Street and State Street will be a nice addition to the project and is not required by the city. The landscaping on Brown and State Street is located within the right-of-way and therefore cannot be required to be installed per Murray city code.

Mr. Swaney stated that condition #6 indicates that the property comply with the landscaping ordinance, yet the landscaping cannot be required since it is located within the right-of-way and not on the BMW property itself. Mr. McIlrath stated that the proposed landscaping will comply with the ordinance as far as the landscaping ordinance has authority over this project because of the variance granted. If the frontage landscaping were located on the BMW property it would then require certain numbers of trees and shrubs but since the landscaping is not located on the BMW property, the city cannot require certain numbers of trees or shrubs, etc.

Mr. Dansie questioned whether condition #5 addressing the architectural projection should be modified or eliminated altogether. Mr. Hall responded that if city staff can find a way to allow the architectural projection, it will no longer be a projection and will be a sign. He stated the condition should still be imposed. Mr. Hall stated the plans currently show the architectural projection over the right-of-way and is not a sign, but that the city will try to work with the applicants in a way that would meet city code and still meet their needs. Mr. Hall stated that the architect and property owner are well aware of the architectural feature projection issue not being allowed by Murray City.

Mr. Firmage stated they work with the national North America BMW which gave them the design that all dealerships are required to have. If there is a change in the plans, they must be approved by the president of BMW North America and it is cumbersome and onerous. The architectural projection is very important to BMW North America. He stated initially the projection was 7-8 feet and has been decreased to 2-3 feet and is a very important element. He asked if the condition #5 could be modified so as to not be so stringent.

Mr. Ng stated the building is partially historical and they have worked with BMW North America to maintain the historical nature of the building. He stated that Brian McCarthy is the architect that has worked on this project, but was unable to attend this meeting tonight, but stated that BMW of Murray must maintain a consistency with the look and feel of the BMW branding. He stated they would appreciate if the wording could be modified so as not to be so "black and white".

Mr. Swaney suggested revising the wording for condition #5 to specify architectural projection being different from a sign. Mr. Markham commented that he has a great deal of faith in the city staff; these meetings are recorded; the minutes are meticulous and there should be no problem explaining the intent. He stated he is confident that

the city staff will work with the applicants to make their proposed project work.

Ms. Daniels commented that the conditional use permit review involves the health, safety and welfare and being consistent with conditions of approval. She stated that in her opinion, condition #5 should remain as proposed, if for no other reason than safety.

Mr. Ng stated that the goal is to eventually get a projection, or a signage projection, and this is consistent with the German Bauhaus house style of design with an eyebrow that runs along the face of the building. He stated the building was initially designed with a 9 foot projection, but has been reduced to 3 feet. He stated that UDOT does not have a concern with the 3 foot encroachment. He stated the city has been extremely helpful in assisting them through this process. Mr. Markham stated that he is confident that city staff will continue to work with the applicants to come to a mutual agreement with regards whether the projection is an actual architectural projection or is a potential.

Mr. McIlrath stated that the city must uphold the ordinances and whether that condition remains or not, the city will still enforce the ordinance as it is. The ordinance does not allow any type of projection into the right-of-way other than a sign. The building was built to the property line, it is an historic building and is a unique situation. As city staff, we are sympathetic with the applicants and their company is an international company which requires certain building features, but the city ordinance must still be met. The city staff will work with the applicants to the extent possible.

Tim Tingey, Administrative and Development Services Director, stated the architectural projections is not allowed per city ordinance. He stated that having that as a condition, puts the applicants on notice of that. Sign projections are allowed and the city will work with them if that is an option. He recommended that the condition regarding the architectural projection not be eliminated, and whether it is removed or not the code must still be addressed.

Mr. Markham opened the public hearing for public comment.

Jim Harland, Hearing Officer for Murray City, stated he reviewed this case on December 23, 2015, regarding the variances and nonconforming issues for setback and landscaping. He complimented the owner for attempting to correct these issues and install landscaping. Mr. Harland stated one of the issues he noted in his report was that he encouraged the planning commission to ensure that there be landscaping along the block wall on Brown Street. There is not enough depth to have large trees in the landscaping strip on Brown Street but some types of shrubs would be good. He stated this is a great project and their proposal is an enhancement to the property and neighborhood.

The public comment portion was closed.

Mr. Woodbury stated that, in his opinion, condition #5 regarding the architectural projection, should remain as written knowing that city staff will work with the applicants to resolve the issue.

Ms. Daniels made a motion to grant Conditional Use Permit approval for BMW of Murray, located at 4735 South State Street, subject to the following conditions:

1. The project shall meet all applicable building code standards. The applicants shall submit structural and architectural plans along with calculations which are stamped by the appropriate design professionals for review by the Murray City Building Division.
2. The project shall meet all current fire codes.
3. The project shall include the installation of sidewalk and park-strip along the Brown Street property frontage to be reviewed and approved by the City Engineer.
4. The applicant shall repair any damaged sidewalk along State Street property frontage.
5. The architectural projection shall not extend over property lines and into any public right-of-way.
6. All landscaped areas shall comply with the minimum standards of the Murray Land Use Ordinance as outlined in Chapters 17.68 and 17.160.

Seconded by Mr. Taylor.

Call vote recorded by Jared Hall.

A ___ Phil Markham
A ___ Tim Taylor
A ___ Karen Daniels
A ___ Travis Nay
A ___ Buck Swaney
A ___ Gary Dansie
A ___ Scot Woodbury

Motion passed, 7-0.

Mr. Markham commented that he is confident this project will work and is a great asset to the city.

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

The applicant was not present to represent this request. The applicant has requested that this item be continued to the February 4, 2016 meeting in order to the applicant and Murray City Officials additional time to try to resolve the utility issues. Hamlet Development Corporation has requested a Murray General Plan Map amendment from residential single family low density to residential medium density multi-family at the properties addressed 6687 South 1300 West. Mr. Hall suggested that these items be continued to the February 18, 2016 meeting.

No comments were made by the commission and no comments were made from the public.

Mr. Taylor made a motion to continue this request of Hamlet Development to the February 18, 2016 planning commission meeting in order to allow the applicants and city officials more time to resolve the utility issues related to the subject properties. Seconded by Mr. Woodbury.

Call vote recorded by Jared Hall.

A _____ Phil Markham
A _____ Tim Taylor
A _____ Travis Nay
A _____ Buck Swaney
A _____ Gary Dansie
A _____ Scot Woodbury

Motion passed, 6-0. Ms. Daniels abstained from voting.

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

The applicant was not present to represent this request. The applicant has requested that this item be continued to the February 4, 2016 meeting in order to the applicant and Murray City Officials additional time to try to resolve the utility issues. Hamlet Development Corporation has requested a zoning map amendment from R-1-10 (residential single family low density) to R-M-15 (residential multi-family medium density) at the properties addressed 6687 South 1300 West. Mr. Hall suggested that these items be continued to the February 18, 2016 meeting.

No comments were made by the commission and no comments were made from the public.

Mr. Taylor made a motion to continue this request of Hamlet Development to the February 18, 2016 planning commission meeting in order to allow the applicants and city officials more time to resolve the utility issues related to the subject properties. Seconded by Mr. Woodbury.

Call vote recorded by Jared Hall.

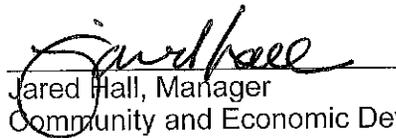
A _____ Phil Markham
A _____ Tim Taylor
A _____ Travis Nay
A _____ Buck Swaney
A _____ Gary Dansie
A _____ Scot Woodbury

Motion passed, 6-0. Ms. Daniels abstained from voting.

OTHER BUSINESS

Mr. Markham recognized Mr. Taylor and Ms. Daniels for their many years serving on the planning commission as this would be their last meeting. Both have served 3 terms, totaling more than 9 years each. They have been exceptional commission members and will be greatly missed. All the commission members concurred with these comments.

Meeting adjourned at 7:17 p.m.


Jared Hall, Manager
Community and Economic Development