

Minutes of the Planning Commission meeting held on Thursday, January 21, 2016, at 6:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Phil Markham, Chair  
Travis Nay  
Buck Swaney  
Gary Dansie  
Scot Woodbury  
Maren Patterson  
Tim Tingey, Administrative and Development Services Director  
Jared Hall, Community & Economic Development Manager  
Ray Christensen, Senior 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

Mr. Woodbury made a motion to approve the minutes from January 7, 2016. Seconded by Mr. Nay.

A voice vote was made, motion passes 6-0

#### CONFLICT OF INTEREST

There were no conflicts of interest for this agenda.

#### APPROVAL OF FINDINGS OF FACT

Mr. Nay made a motion to approve the Findings of Facts for BMW of Murray. Mr. Woodbury seconded the motion.

A voice vote was made, motion passes 6-0.

#### MURRAY CITY CORPORATION – 166 East Myrtle Avenue – Project #16-02 – Public Hearing

Doug Hill was the applicant present to represent this request. Jared Hall reviewed the location and request for a Certificate of Appropriateness order to construct six (6) pickle ball Courts at the property addressed 166 E. Myrtle Avenue. Municipal Code Section 17.170.050 outlines the process for review of applications located within the Murray City Center District (MCCD). New construction within the MCCD requires the issuance of a Certificate of Appropriateness by the Planning Commission after the project receives review and recommendation from the Design Review Committee. A public hearing is required prior to issuance or denial of the Certificate of Appropriateness. Municipal Code Ordinance 17.170 allows parks and playfields (LU

#7600 & 7423) within the M-C-C-D Zoning District subject to approval of a Certificate of Appropriateness. The Murray City Parks and Recreation Department proposes to construct six (6) pickle ball courts with accompanying benches, shelters and landscaping furnishings. The proposed courts will include a connection to Murray City Park with a ten foot (10') wide pedestrian bridge and a pathway. The courts will also include a plaza area with four (4) picnic tables, eleven (11) benches and a "Murray City Park" archway at the Myrtle Avenue entrance. The courts will be divided by the central pathway which would also include three (3) shelters and nine (9) pedestrian benches. Parking for this use is provided with the shared parking lot located to the northeast and adjacent to Ken Price Ballpark and along Constitution Circle in Murray City Park. Additional parking may also be available at the Murray Park Center or the Murray City Hall parking lot. As an extension of Murray Park, the use of other Murray Park and City parking areas is appropriate. Municipal Code Section 17.72.020.C allows for alternatives to on-site parking to be provided on other properties that are not more than two hundred feet (200') from the property as measured by the shortest pedestrian route. Based upon staff analysis, the parking available along Constitution Circle and adjacent to Ken Price Ballpark complies with this requirement and would be sufficient to meet the demands of the proposed use. The proposed lighting for the pickle ball courts is similar to court lighting that would be used for tennis courts or other small athletic fields. The court lighting would include timers for night use and will not operate after 10:00 o'clock p.m. in order to close at the same time the park closes. All properties in the M-C-C-D which abut Little Cottonwood Creek are required to maintain a one-hundred foot (100') setback from the top bank of the creek. All other setbacks in this zoning district pertain to buildings and therefore do not apply to this project. Based upon the submitted plans staff determines that the proposed project complies with the minimum setback and height requirements of the M-C-C-D Zone. The proposed pickle ball courts will include an open lawn area adjacent to Little Cottonwood Creek. This area must be left as open space because the M-C-C-D requires a one-hundred foot (100') setback from the top bank of Little Cottonwood Creek. A five foot (5') planting area will be located along the west property line and will serve as an additional buffer between the pickle ball courts and the adjacent office property. Two (2) ten foot (10') wide planters will be located along the Myrtle Avenue frontage with the "Murray City Park" archway and walkway located between the planters. The submitted plans indicate that the planters will include shrubs and trees.

The submitted plans do not indicate the specific plant materials that will be used, however all plant materials that are used must be consistent with the Murray City Center District Design Guidelines as outlined in Appendix B. According to the design guidelines all east and west streets are required to use Pacific Sunset Maple or Red Spire Pear trees for street trees. Based upon this requirement, the planters along Myrtle Avenue will need to include at least one of the options for street trees mentioned above. The other trees located in the plaza area will include tree grates which are consistent with the design guidelines. All other landscape areas have more flexibility with the types of materials that can be used; however, plant materials used must still be consistent with those outlined in Appendix B of the M-C-C-D Design Guidelines. Access to this property is provided from Myrtle Avenue and with the proposed pedestrian bridge connecting the courts and Murray Park.

The Design Review Committee reviewed the project on December 29, 2015. The committee recommended approval of the proposed use subject to the following

conditions:

1. Plant materials used within the planters, plaza area, and other landscape areas shall be consistent with the materials outlined in Appendix B of the M-C-C-D Design Guidelines.
2. The applicants shall obtain approval from the Murray Planning Commission to utilize the parking areas outlined in this report for the proposed use (See Municipal Code Section 17.72.020.C).
3. The project shall comply with all applicable M-C-C-D Design Guidelines.

Based on the information presented in this report, application materials submitted and a site review, staff recommends approval of a Certificate of Appropriateness to allow pickle ball courts and a new park entrance to be constructed at the property addressed 166 E. Myrtle Avenue subject to conditions.

Mr. Swaney asked about the possibility of future expansion of the pickle ball courts. Mr. Hall stated that it is a possibility if anything ever changed with the setback requirement from the creek, if we were able to do that we would allow them. Mr. Hall stated that currently they are not planning to build them and there would just be the six courts.

Mr. Nay asked Mr. Hill about parking being an issue and if Myrtle Avenue is wide enough to support on street parking. Mr. Hill stated that he believes it is and because of the proximity of the entrances with the Boy's and Girl's Club and the two entrances to parking lot of the office building, there is not a lot of frontage along Myrtle Avenue that people would be able to park on the street.

Doug Hill, Public Services Director for Murray City, 4646 South 500 West, had no additional comments. Mr. Hill stated that he has read the conditions and will comply.

Mr. Markham asked if the pickle ball courts are lighted. Mr. Hill stated that the courts are lighted and the lights stay on until 11:00 p.m.

Mr. Nay asked about the fence surrounding the property and if it is a 4 foot fence or a 6 foot fence. Mr. Hill stated that there is existing fencing on the west side of the property that the business owners have put up and that is a 6 foot high chain link fence that will remain. Mr. Hill stated that staff will relocate a chain link fence that is currently on the east side of the property at the request of the Boy's and Girl's Club, because they have to secure that area because of the daycare responsibilities. Mr. Hill stated that they plan to put in another 6 foot fence partially along the east side of the property but not the whole length of the east side because we want to leave the area along the creek open and the future plan is to create some trails that will connect further to the east to the Murray Armory building which the City has future plans to renovate and eventually connect into the arbor at Murray Park. Mr. Hill stated the only fencing staff is planning on doing anything with is for the Boy's and Girl's club so that they can have an area they can secure.

Mr. Nay asked if Mr. Hill anticipates any pickle ball leagues. Mr. Hill stated that the

recreation department has indicated that they would like to have tournaments.

Mr. Swaney asked if this would also create a new pedestrian entrance to the park and if pedestrians would be able to walk across the bridge. Mr. Hill stated that staff is envisioning an extension of Murray Park and that is why we have the sign at the entrance that somewhat mimics the sign on State Street that says "Murray City Park"

Mr. Nay asked if peak hour competition during baseball season is going to be an issue with parking. Mr. Hill stated that it could be and that Ken Price generates crowds that fill that parking lot from time to time and that is why staff believes people can still park on Constitution Circle, and will be within short walking distance.

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

Mr. Swaney made a motion to approve the location and request for a Certificate of Appropriateness in order to construct six (6) pickle ball courts at the property addressed 166 E. Myrtle Avenue 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. Parking for this use may be provided with the on-street parking along Constitution Circle and with the parking lot adjacent to Ken Price Ballpark.
4. Plant materials used within the planters, plaza area, and the other landscape areas shall be consistent with the materials outlined in Appendix B of the M-C-C-D Design Guidelines.
5. The project shall comply with all applicable M-C-C-D Design Guidelines.
6. The City shall provide directional signage indicating where there is available parking.

Seconded by Mr. Woodbury.

Call vote recorded by Mr. Christensen.

A \_\_\_ Phil Markham  
A \_\_\_ Maren Patterson  
A \_\_\_ Travis Nay  
A \_\_\_ Buck Swaney  
A \_\_\_ Gary Dansie  
A \_\_\_ Scot Woodbury

Motion passed, 6-0.

PARRIS R.V., INC – 4360 South State Street – Project #16-05

Bret Parris was the applicant present to represent this request. Ray Christensen reviewed the location and request for a permanent Conditional Use Permit for RV sales on the property addressed 4360 South State Street. On April 3, 2014, the Planning Commission approved a Temporary Conditional Use Permit for RV sales on the property addressed 4360 South State Street. Per the Commission's requirements, the applicant is now requesting a permanent Conditional Use Permit for RV sales on the property. Municipal Code Ordinance 17.160.030 allows an RV Sales business use within the C-D zoning district subject to Conditional Use Permit approval. The applicant is requesting a permanent Conditional Use Permit for an RV sales business which included a remodel of the existing building located at 4346 South State Street. The applicant had provided two site plans and landscaping plans with details for temporary and final plans for the April 3, 2014 Planning Commission meeting. The request for permanent Conditional Use permit approval included the site improvements on the State Street and Edison Avenue frontages as well as the interior areas shown on the permanent plans with landscaping and paved/striped parking areas for the office/RV showroom. The building remodel included the new office space and showroom. A new overhead door was installed on the south side of the building. In 2014, the applicant had requested a temporary Conditional Use Permit to allow for additional time to complete the full required site improvements over a two year time frame. Municipal Code 17.56.100 allows the Planning Commission to approve a temporary Conditional Use Permit for six months. That temporary permit may be renewed by the planning staff for three successive six month time periods for a total of two years. All of the site improvements will need to be completed within the allowed two year time frame, including the paving, striping, and landscaping on the western portion of the property. The applicant was required to make application to the Planning Commission for a permanent Conditional Use Permit at the end of eighteen months (by October 2015) for the final approval, and the final site improvements were required to be completed by April 30, 2016. If the total site improvements are not completed, the Conditional Use Permit will expire. The parking area to the west has not been completed with the required paving, striping and landscaping. Those improvements will need to be completed by April 30, 2016. See the attached Commission Meeting minutes dated April 3, 2014. Parris RV has expanded the business onto an adjoining property to the north, located at the corner of 4340 South State Street, which was not included in the site plans for the Temporary Conditional Use permit on which is being made permanent by this application. At some point, the property has been purchased and recreation vehicles have been parked on the lot. The use will require Planning Commission approval for a Conditional Use Permit. It is important to note that the use of this additional lot at 4340 South State in conjunction with the applicant's business operations will have to be noticed and considered separately because it was not included originally.

The plans show parking areas for display of RVs and parking stalls for customer employee parking to comply with code. The remodel for the office/show room area contains 2,168 sq. ft. and has 6 offices which will require six parking stalls with one employee per office. There are also two other buildings on the property with 2,480 sq.

ft. in shop space and 1,100 sq. ft. in office space which will require seven parking stalls for customer and employees. Twenty-six regular parking stalls, including two disabled stalls, are shown on the plan for customers and employees. The existing building, which has been remodeled for the new office/show room, is legal non-conforming for the front setback, which is less than the 20 ft. minimum required. Other buildings on the site comply with the required setbacks within the C-D zone. All landscaping on the site will need to comply with current ordinance requirements in Municipal Code 17.68 by April 2016. The landscaping has not been completed on the west side of the property in the parking lot areas as shown on the landscaping/site plans. Based on the information presented in this report, application materials submitted and the site review, staff recommends that the Planning Commission approve a permanent Conditional Use Permit for Parris RV, Inc. for the property addressed at 4360 South State Street subject to conditions.

Brett Parris, 4360 South State Street, stated that he has been working diligently to improve the property, but it does not seem to happen as fast as Mr. Parris would like. Mr. Parris stated that he has been working on another project that is just across the street and it all works together. Mr. Parris indicated that he has reviewed the staff recommendations and will comply.

Mr. Markham asked Mr. Parris if he could comply with the conditions by April 30<sup>th</sup>, 2016. Mr. Parris responded he needs to demolition 3 other buildings, close off one of the entrances off of State Street and a few other things.

Mr. Woodbury clarified that the conditions they are discussing tonight are only related to a portion that was originally discussed with the Temporary Conditional Use Permit in April of 2014 and those conditions must be completed by April 30, 2016. The property addressed 4340 South State will still need to come before the planning commission at another time. Mr. Woodbury stated that's it's all happening in one big project but there are certain aspects that have to be done by April 30, 2016 and the other properties that haven't gone through the conditional use process would not apply to this approval and deadline of April 30, 2016. He expressed concern with potential contractor delays and Mr. Parris's ability to complete the 10 conditions of approval by April 30<sup>th</sup>. Mr. Parris stated that he believes that he can have the 10 conditions completed.

Mr. Markham concurred with Mr. Woodbury's concerns. Mr. Markham stated that what is before the planning commission tonight is just the conditions with the existing conditional use permit and Mr. Parris will have to go through this process again with the additional property. Mr. Markham stated that he is concerned because 3 months is not a lot of time.

Mr. Woodbury inquired the anticipated time frame that the other properties will be brought before the planning commission. Mr. Hall stated that is dependent on Mr. Parris submitting another conditional use permit application for the additional properties.

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

Mr. Woodbury made a motion to approve a permanent Conditional Use Permit for RV sales for Parris RV located at the property addressed 4360 South State Street subject to the following conditions:

1. The project shall meet all applicable building and fire code standards.
2. The project shall comply with Murray Water and Sewer Department requirements.
3. All trash containers shall be screened as required by Section 17.76.
4. All the parking stalls shall be paved and striped to comply with Municipal Code 17.72, including disabled stalls to comply with ADA regulations. The total site will need to be upgraded with parking stalls paving and striping, which includes the west side of the property, to current ordinance requirements by April 2016
5. The project shall comply with Murray Fire Department requirements.
6. The concrete curbing/frontage landscaping on the site shall be installed to comply with Municipal Code 17.72.100 C.4.
7. The applicant shall provide a formal grading and drainage plan for the completion of paving the total parking lot at the west side of the property to comply with the requirements of the City Engineer.
8. The fencing on Edison Avenue frontage must be located behind the minimum 10 ft. depth of frontage landscaping.
9. The landscaping/irrigation for the total site shall comply with Municipal Code 17.68. Landscaping shall also comply with Municipal Code 17.160.100.F requiring a minimum coverage of 10% of the development site. All required landscaping improvements shall be completed by April 30, 2016.
10. The applicant shall install curb and sidewalk along the Edison Avenue frontage or obtain a deferral agreement approval until additional redevelopment occurs.

Seconded by Mr. Nay.

Call vote recorded by Mr. Christensen.

A \_\_\_\_\_ Phil Markham  
A \_\_\_\_\_ Maren Patterson  
A \_\_\_\_\_ Travis Nay  
A \_\_\_\_\_ Buck Swaney

A \_\_\_\_\_ Gary Dansie  
A \_\_\_\_\_ Scot Woodbury

Motion passed, 6-0.

FIXNOU, LLP – 4141 South 500 West #2 – Project #16-06

Byambasuren Purevsuren was the applicant present to represent this request. Jared Hall reviewed the location and request for a Conditional Use Permit approval to allow a disaster cleanup business for the property addressed 4141 South 500 West, Unit #2. Municipal Code Ordinance 17.152.030 allows Disaster Cleanup (LU #6600) within the M-G zoning district subject to Conditional Use Permit approval. The applicant proposes to operate a small disaster cleanup business from the subject property. The employees are currently limited to the owner and a partner. They have two vehicles (a cargo van and pick-up truck) associated with the business and will operate mainly during regular hours. The applicant contracts to handle some of the clean up after fires, floods and other events where property damage occurs, removing carpet and debris and sometimes doing small repairs to damaged walls, etc. The subject property is Unit #2 of 7 units in a small office/warehouse development in the M-G zone. All surrounding uses are developed, industrial and manufacturing businesses. The units are contained in a single building, each accessed by both overhead and standard doors. All face south onto a parking and access area. The unit itself is 31 feet wide and 37 feet deep. The floor plan is open with the exception of a 16 by 12 foot office in the rear. Restrooms are common for the complex, and accessed from the parking lot area on site.

The applicants do not intend to make any changes to the floor plan. The truck and van can be brought inside the warehouse/open area as indicated on the plan. Three parking stalls are located between the west wall of the building (facing 500 West) and the landscaping adjacent to the street frontage. There are 11 additional usable parking stalls, making the total 14. Some additional striped stalls are located in front of overhead doors and will not be included in calculations for parking requirements. There is a single handicap stall on the property, which is appropriate for the total number of stalls. There are 2 usable parking stalls directly adjacent to unit #2, and as indicated the business vehicles will generally be parked inside. Clients do not visit the location, and all work is performed on site by appointment. The most applicable requirement from Section 17.72 would require one parking space per employee. This application would require 2, which are provided. The building complies with the current required setbacks from 500 West of 20' minimum for the building, 10' of which must be landscaping if not used for parking. Landscaped areas are located in the front building setback on 500 West. Section 17.68 requires 3 trees, five 5-gallon shrubs and ten 1-gallon shrubs per 100 feet of property frontage. The subject property is approximately 82.5 feet wide at the street. In order to comply with current landscaping requirements for front yard setback landscaping several trees and shrubs will need to be added in this area. The only access to the property is a 25 foot wide driveway for ingress and egress from 500 West. From the entrance, a drive aisle runs eastward the length of the property in front of the buildings providing access to parking, and the units themselves. The dumpster enclosure is located at the extreme east end of the property. Based on the information presented in this report, application materials submitted and the site review, staff recommends that the

Planning Commission approve the Conditional Use Permit allowing a disaster cleanup business on the property located at 4141 South 500 West, Unit #2, subject to conditions.

Byambasuren Purevsuren, 4141 South 500 West #2, stated that he does disaster clean up and he is getting his certification. Mr. Purevsuren 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 for this item was closed.

Mr. Swaney made a motion to approve a Conditional Use Permit to allow a disaster cleanup business for Fixnou, LLP at the property addressed 4141 South 500 West, Unit #2 subject to the following conditions:

1. The project shall meet all applicable building code standards.
2. The project shall meet all current fire code standards.
3. The front setback landscaping on the site shall be brought into compliance with the requirements of Section 17.68.

Seconded by Mr. Nay.

Call vote recorded by Mr. Christensen.

A \_\_\_\_\_ Phil Markham  
A \_\_\_\_\_ Maren Patterson  
A \_\_\_\_\_ Travis Nay  
A \_\_\_\_\_ Buck Swaney  
A \_\_\_\_\_ Gary Dansie  
A \_\_\_\_\_ Scot Woodbury

Motion passed, 6-0.

#### OTHER BUSINESS

Election of Officers for 2016. Mr. Woodbury made a motion to nominate Travis Nay as Chairman and Maren Patterson as Vice Chair for 2016.

A voice vote was made, motion passes 6-0.

Meeting adjourned at 7:15 p.m.

  
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Jared Hall, Manager  
Community and Economic Development