

Minutes of the Planning Commission meeting held on Thursday, January 19, 2012 at 6:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Tim Taylor, Chair
Karen Daniels, Vice-Chair
Phil Markham
Martin Buchert
Chad Wilkinson, Community & Economic Development
Manager
Joshua Beach, City Planner
G.L. Critchfield, Deputy City Attorney
Citizens

Excused: Jim Harland
Ray Black

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 Department.

Tim Taylor opened the meeting and welcomed those present. Mr. Taylor recognized Phil Markham and Martin Buchert as new members of the Planning Commission.

APPROVAL OF MINUTES

There were no minutes to approve.

CONFLICT OF INTEREST

There were no conflicts of interest for this agenda.

APPROVAL OF FINDINGS OF FACT

Ms. Daniels made a motion to approve the Findings of Fact for a Conditional Use Permit for Riddle Plaza. Seconded by Phil Markham.

A voice vote was made. Motion passed 4-0.

LARRY CHEN – 4835 South Lincoln Street – Project #12-04

Larry Chen was the applicant present to represent this request. Chad Wilkinson reviewed the location and request for Conditional Use Permit approval for a flag lot subdivision to subdivide the property into two lots at the property addressed 4835 South Lincoln Street. The applicant is proposing to create a new building lot at the east side of the property. The flag lot regulation requires the minimum lot area of the main body of a flag lot may not be less than 1.25 times the minimum lot area required for a regular lot in the same district. The R-1-8 zone requires a minimum 8,000 sq. ft. lot size and the flag lot is required to meet a minimum area of 10,000 sq. ft. The proposed subdivision shows the main body of the flag lot will contain 16,188 sq. ft. and the front lot will contain 14,765 sq. ft. The subdivision ordinance requires utility

easements to be shown on each of the lots with 10 ft. at the front and rear and 7.5 ft. each side yard. The paved drive access may be reduced from 28 ft. wide to 20 ft. wide minimum with a 4 ft. wide strip of landscaping on each side of the driveway. Any accessory structures will need to be removed from lot #2 prior to recording of the subdivision to meet code requirements. Accessory structures are not allowed on a lot without a primary residential structure. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval subject to the conditions.

Ms. Daniels asked about the legal description including any odd parcels of property that may have been created with this proposal. Mr. Wilkinson responded that the legal description does not leave any odd parcels of property and that city engineer has required an infrared asphalt patching or equivalent process to minimize damage to the street because of the age of the street.

Larry Chen, 4835 South Lincoln Street, stated he has reviewed the staff recommendations and will comply with the conditions.

No comments were made by the public.

Ms. Daniels made a motion to grant Conditional Use Permit approval for a flag lot for the Chen Subdivision located at 4835 South Lincoln Street subject to the following conditions:

1. Meet all Murray Water and Sewer Department and Murray Power Department requirements including plans submittal for the utility installations.
2. Comply with the requirements of the City Engineer, including the following:
 - A. Any utility cuts in Lincoln Street associated with the development of the lots will require infrared asphalt patching (or equivalent process) to minimize impact to the new street.
 - B. One driveway approach on lot #1 shall be removed (a total of 2 driveways are allowed).
 - C. The paved access to lot #2 may be reduced to 20 ft. wide minimum.
 - D. The applicant needs to provide a drainage/grading and utility plan.
3. The project shall meet all applicable building code standards for construction of a new dwelling.
4. The project shall meet all current fire codes.
5. A formal landscaping plan shall be submitted with the building permit for the flag lot landscaping for approval by the Murray City Forester and be installed as approved prior to final occupancy. The plan shall show the required landscape area adjacent to the flag lot driveway.
6. The applicant will need to provide the City an approval letter from the

irrigation ditch company for any ditches that are going to be relocated or abandoned.

7. Comply with applicable subdivision and flag lot zoning regulations.

Seconded by Martin Buchert.

Call vote recorded by Chad Wilkinson.

A _____ Karen Daniels
A _____ Phil Markham
A _____ Martin Buchert
A _____ Tim Taylor

Motion passed, 4-0.

TIM DAHLE INFINITI – 4594 South State Street – Project #12-07

Nicholas Schou and Pat Moeller were the applicants present to represent this request. Chad Wilkinson reviewed the location and request Representatives of Tim Dahle Infiniti are requesting a Conditional Use Permit for an expansion to the auto sales building at the property addressed 4594 South State Street. The addition to the building will expand the show room for auto sales at the south side of the property. A canopy at the south side of the building will be removed for the new building expansion. The floor plans show the new auto display area inside the building and sales office areas. Municipal Code Ordinance 17.160.030 allows auto sales use within the C-D-C (commercial development conditional) zone district subject to Conditional Use Permit approval. The applicant plans to demolish a canopy at the south side of the building for a proposed expansion to the showroom. Approx. 1,496 sq. ft. will be added to the existing building. The existing showroom and adjacent offices will be updated. The floor plans show the new auto display area inside the building and sales office areas. The site plan shows 193 total parking stalls with customer, employee and sales inventory parking which is adequate parking on site for the proposed uses including 3 disabled parking stalls. The building additions will contain 1,496 sq. ft. with a show room area of approx. 3,200 sq. ft. which will require 8 parking stalls. The office area of 1, 600 sq. ft. will require 6 parking stalls and the parts area of approx. 1,500 sq. ft. will require 8 parking stalls. The building has 10 service bays for auto repair which will require 3 parking stalls per bay for a total of 30 stalls. Based on the office, showroom, parts and auto service areas about 52 parking stalls will need to be designated on the site for customers and employees. The plans show 3 disabled parking stalls which is adequate for the site requirements. Signs will need to be posted on site for parking for customers and employees. The other parking stalls shown on the site plan are to be used for display of sales vehicles. Based on the information presented in this report, application materials submitted and site review, staff recommends approval subject to conditions.

1. The project shall comply with building and fire codes. The applicant shall provide plans stamped and sealed by appropriate design professionals to include code analysis noted on the plans with building permit application.
2. A formal landscaping plan meeting the requirements of Chapter 17.68 of the Murray Municipal Code shall be submitted for approval by the Murray City Forester and be installed as approved prior to occupancy. The applicant will need to provide 10% of the site in landscaping to meet code. The plans will need to be revised to show the street frontage landscaping which shall be a minimum of 10 ft. depth.
3. All trash containers shall be screened as required by Section 17.76.170.
4. Comply with all Water & Sewer and Power Dept. requirements for the project.
5. Provide adequate paved and striped parking to meet the land use ordinance regulations including disabled person parking stalls to meet ADA regulations with signs posted. Designate required customer and employee parking on the site with signs.
6. Repair any damaged sidewalk trip hazards. Upgrade the ADA sidewalk ramp at the corner of Auto Blvd and State Street to meet City standards.

Mr. Taylor asked where the 10 foot depth affected this site. Mr. Wilkinson responded by saying that the site is very close on most of the requirements for this, but the applicant will have to get the final verification.

Nick Schou or 730 Pacific Ave., the architect with FFKR Architects, representing the owner stated that they don't take any issue with the conditions. He did make comment on the landscaping by saying that they should not have any problems meeting those requirements. Currently there is 17,000 sq. ft. of landscaping around this site. The site is 136,000 sq. ft. which means that the requirement is 13,000 sq. ft. of landscaped area, so they are well above the requirements; it just needs to be assigned accordingly. He did make note that they have not surveyed the site for the sidewalk yet, but they will be sure to meet the condition.

The meeting was opened for public comment. No comments were made by the public.

Ms. Daniels made a motion to approve the conditional use permit for an expansion to the auto sales building at the property addressed 4594 South State Street subject to the following conditions:

1. The project shall comply with building and fire codes. The applicant shall provide plans stamped and sealed by appropriate design professionals to include code analysis noted on the plans with building permit application.
2. A formal landscaping plan meeting the requirements of Chapter 17.68 of the

Murray Municipal Code shall be submitted for approval by the Murray City Forester and be installed as approved prior to occupancy. The applicant will need to provide 10% of the site in landscaping to meet code. The plans will need to be revised to show the street frontage landscaping which shall be a minimum of 10 ft. depth.

3. All trash containers shall be screened as required by Section 17.76.170.
4. Comply with all Water & Sewer and Power Dept. requirements for the project.
5. Provide adequate paved and striped parking to meet the land use ordinance regulations including disabled person parking stalls to meet ADA regulations with signs posted. Designate required customer and employee parking on the site with signs.
6. Repair any damaged sidewalk trip hazards. Upgrade the ADA sidewalk ramp at the corner of Auto Blvd and State Street to meet City standards.

Seconded by Mr. Markham.

Call vote recorded by Chad Wilkinson.

A ___ Karen Daniels
A ___ Phil Markham
A ___ Martin Buchert
A ___ Tim Taylor

Motion passed, 4-0.

MARCELO OCCON – 5 East 6100 South – Project # 12-05

Mr. Taylor started by informing everyone in the room that the Planning Commission is a recommending body to the City Council, so on this particular item they will not be making a decision as to whether or not to rezone this property, but merely a recommendation to the City Council. The City Council will be making the final decision on the rezoning.

Marcelo Ocon was the applicants present to represent this request. Joshua Beach, Murray City Planner, reviewed the location and request. The property addressed 5 East 6100 South is designated for commercial land use in the General Plan. The plan calls for the transition of the single family residential land use in this area to commercial. The proposed zone map amendment would carry out a change that is specifically identified on map 2-4 in the General Plan. The neighborhood is a mixture of single family residences (R-1-8) and commercial uses (C-D-C). The range of uses proposed is consistent with existing land uses in the area. The code requires buffering when commercial zoning abuts residential zoning including construction of a 6 foot buffer wall along with 10 feet of landscaping. These improvements will be required as new uses are established on the property. There is currently a carport/garage on the site that the applicant has agreed to take down as it is currently illegal. Other

concerns related to parking, landscaping and lighting will be addressed at the time of approval of a specific use for the property. There has not been a specific use submitted to the City for approval. Based on the above findings, Staff recommends that the Planning Commission forward a recommendation of approval to the City Council for the requested Murray General Plan Amendment and Zone Change.

Marcelo Occon, 5 East 6100 South is asking for the rezoning because he is currently running a home based business at that location now and is running into problems expanding because the site is currently zoned residential. If the zoning were changed to C-D-C (commercial), then he would be able to expand his business. If the zoning is changed, this will require him to build a 6 foot wall which he is willing to comply with.

Mr. Taylor mentioned that there was an email received by Michelle Upchurch.

The meeting was opened for public comment.

Michelle Upchurch, 6095 South Main Street owns the property that is north of Mr. Occon's property. She has some concerns about the possible change in zoning. If zoning were to be changed, her property would be sandwiched in between two commercial properties. In her email she expressed concerns about the safety of the children in the neighborhood as well as the speed and traffic that will be entering into Mr. Occon's business. She was wondering if it would be possible for Mr. Occon to receive a temporary variance to be granted. Her fear is that he will get the zoning changed and then try to sell the property. There is currently no curb and gutter to his property. Will that be a requirement? She is concerned about the addition of more parking spaces on the property, hazardous substances and the asbestos from the siding of his property. She is very much opposed to the zone change.

Amy Bushman, 6082 South Main Street owns the property directly across the street from Ms. Upchurch. She currently runs a pre-school out of her home, so her concern is the safety of her students by the traffic that will be brought in by a zone change to commercial. She is also concerned about what type of business Mr. Occon will be running out of that location and what it will do to the property values in the neighborhood.

Mr. Occon stated that he is sympathetic to those concerns. He did send a responding email to Ms. Upchurch. The business that they conduct is a homecare business. This is not a facility that will bring patients in, but will be used for training CNA's and caregivers to go in home and take care of the elderly. As far as traffic goes, he anticipates what they have already seen to lessen. He thinks that if the zoning change goes through, Murray City will not grant him more than seven parking spaces due to the square footage of the building. He does own the two properties to the east of the site, but does not have plans at this time to expand. His intention is to keep the building in tack for right now until he can do some research on how to properly dispose of asbestos as not to create a hazard for the neighborhood. However, the carport will be coming down. Hours of operation are from 8:30am-5pm. He does not foresee any increase in traffic. He did mention that there is quite a bit of traffic right now from the daycare across the street in both the morning and afternoon. He has every intention of making this a safe business for the surrounding community.

Mr. Taylor asked Mr. Wilkinson to come up and talk about the process of a zone change. Mr. Wilkinson explained that there are a series of reviews that have to take place. The size of the property will constrain the use that will be permitted at that site. For instance, even though an area is zoned commercial doesn't mean that a Wal-Mart could go into that site, due to the size of the property. That being said, there are still a variety of uses that could go into that property and that is what needs to be considered. The next level of review depending on the type of use would be a Site Plan which is reviewed by Staff, if it is a permitted use in the zone or possibly a Conditional Use which would require a review and approval by the Planning Commission. Things like; parking, landscaping, buffering walls, if the structure meets code, lighting, etc. However, the job at this point is to consider whether or not this particular property is appropriate for that zoning.

Ms. Daniels asked if the buffer walls would need to go up immediately. Mr. Wilkinson said that if the site continued as a residence it wouldn't be a change of use, just a non-conforming use in the zone. If they were to apply for that business license which sounds like what will happen, that would be a condition of business license approval. Mr. Markham asked what type of wall or barrier would need to be built. Mr. Wilkinson stated that code requires a 6 foot masonry wall and a 10 foot set back from the residential zone. There must also be a landscape buffer in between the structure and the wall. Mr. Wilkinson addressed Ms. Upchurch's request for a temporary variance to be granted to Mr. Occon by saying that Murray City doesn't have a temporary variance in their code.

The meeting was then closed for public comment.

Mr. Taylor wanted to reiterate that the use Mr. Occon is intending to use the property for does not fit within the current zoning designation, therefore the request for change in zone. The Murray City General Plan that was created has this neighborhood planned to become commercial over time. The request from the applicant falls consistent with the General Plan. The Planning Commissions job at this meeting is to determine whether the request is consistent and then consider the uses that could go in there. From there they will give a recommendation to the City Council.

Mr. Buchert made the comment that this is an area of small lots that are slated to change land use over time. This could be done lot by lot or in block lots. Mr. Occon owns three contiguous lots, but is only asking to change the zoning on one of the lots.

Ms. Daniels made a motion for positive recommendation of approval to City Council for a zoning map amendment from R-1-8 to C-D-C for the property addressed 5 East 6100 South. Seconded by Mr. Buchert.

Call vote recorded by Chad Wilkinson.

A _____ Karen Daniels
A _____ Phil Markham
A _____ Martin Buchert
N _____ Tim Taylor

Motion passed, 3-1.

Mr. Wilkinson noted to the public that there will be another opportunity at the City Council hearing for them to give comment.

OTHER BUSINESS – Election of Officers for 2012

Mr. Taylor pointed out that there will be two separate motions, one for Chair and another for Vice-Chair. Jim Harland who is not in attendance has sent an email indicating that if someone wants to nominate him for Chair, he is willing to accept that nomination.

Mr. Buchert nominated Mr. Harland for the position of Chair. Ms. Daniels seconded the motion.

Voice vote taken:

A _____ Karen Daniels

A _____ Phil Markham

A _____ Martin Buchert

A _____ Tim Taylor

Motion passed, 4-0.

Mr. Buchert nominated Ms. Daniels for the position of Vice-Chair. Mr. Markham seconded the motion.

Voice vote taken:

A _____ Karen Daniels

A _____ Phil Markham

A _____ Martin Buchert

A _____ Tim Taylor

Motion passed, 4-0.

A request was made that the new members of the Planning Commission receive minutes from previous meetings.

Meeting adjourned.