

Minutes of the Planning Commission meeting held on Thursday, March 15, 2012 at 6:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Jim Harland, Chair
Karen Daniels, Vice-Chair
Ray Black
Phil Markham
Martin Buchert
Tim Tingey, Administrative Development Services Director
Chad Wilkinson, Community & Economic Development
Manager
Joshua Beach, Assistant Planner
G.L. Critchfield, Deputy City Attorney
Citizens

Excused: Tim Taylor

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.

Jim Harland opened the meeting and welcomed those present. He reviewed the public meeting rules and procedures.

APPROVAL OF MINUTES

Mr. Harland asked for additions or corrections to the minutes of February 16, 2012. Ms. Daniels made a motion to approve the minutes as written. Seconded by Mr. Buchert.

A voice vote was taken. Motion passed, 5-0.

CONFLICT OF INTEREST

There is no conflict of interest.

APPROVAL OF FINDINGS OF FACT

Mr. Buchert made a motion to approve the Findings of Fact from the March 1, 2011 meeting for a Conditional Use Permit for WSI of Utah. Seconded by Mr. Black.

A voice vote was made. Motion passed 5-0.

ACCURATE RECYCLING – 156 West 4800 South – Project #12-25

Christopher Leo was the applicant present to represent this request. Joshua Beach reviewed the location and request for a Conditional Use Permit for a recycling business for shredding and recycling of metal. The property is located within the M-G-C zoning district. The applicant informed staff that he will be shredding copper, brass, silver and iron. The applicant will be shredding the material from one customer, and that there will be no outside storage. A recycling use is appropriate in a manufacturing

zone, and it is not detrimental to the health, safety, or general welfare of persons working or residing in the vicinity. The property is required to have 5 parking spaces on site including one handicap parking space. Parking will need to be striped and approved prior to business license approval. The parking on the west side of the property requires a landscape strip along the entire strip of parking spaces. City code requires a 5 foot parking strip where parking abuts the property line. Landscaping requirements will need to be installed prior to issuance of a business license. Access onto the property is from 150 West. Based on the analysis of the Conditional Use Permit application request for a recycling business use and a survey of surrounding area, staff concludes the following:

1. Recycling is allowed in the M-G-C zone subject to Conditional Use Permit approval by the Planning Commission.
2. With conditions, the use meets the standards of the zoning ordinance including required parking stalls, landscaping and compliance with building codes.

Based on the information presented in this report, applications materials submitted and the site review, staff recommends approval subject to the following conditions:

1. The project shall meet all applicable building code standards and shall provide plans for review and approval.
2. The project shall meet all current fire codes.
3. Use of any exterior trash container shall be screened as required by Section 17.76.170.
4. Recycling materials shall not be stored outside of the building.
5. Parking stalls shall be striped to comply with Municipal Code 17.72.

Mr. Markham asked if there are any other improvements that need to be made to the complex overall. Mr. Beach stated that there are some parking and landscaping issues that will need to be addressed based on the site plan approval.

Mr. Buchert asked if anything was being held in the retention pond at the end of the property. Mr. Beach responded by saying the applicant and/or the Engineering Department will need to address that question.

Christopher Leo, 567 Edindrew Road, stated that they will be recycling metal shavings. They receive the metal shavings from a company in Salt Lake City, separate the steel from the copper alloy, crush it and send it out to different refineries. Mr. Harland asked if the operation consisted of mostly separation. Mr. Leo responded in the affirmative. Mr. Leo explained that the material they receive and separate is a

specialty material; therefore the business is not set up for the public. They will be dealing with one customer in particular. Mr. Harland asked Mr. Leo if he has read and can comply with all the conditions set forth by Staff. Mr. Leo acknowledged in the affirmative.

Mr. Black asked for an explanation of what they will be shredding. Mr. Leo explained that they take the scrap material (which looks like a bunch of Slinky's) and put it in the shredder to reduce it and untangle it. From there it goes into a machine called the Hammer Mill, which makes the pieces really small. As it is falling from the hammer mill, it goes through a magnetic drum separator where it grabs onto the steel and leaves the copper alloy.

The meeting was opened for public comment.

Martha Gordon, 43 Timberlakes, indicated that she is the owner of the property across from Mr. Leo. Her main concern is the impact on the road from the trucks going to and from the business. Her family owns the road and maintains it on their own. Since there will be larger trucks using the road, she was wondering if the applicant would be able to help in maintaining it.

Mr. Leo explained that the maximum volume should not be more than 50 truckloads per year, averaging less than one truck load per week. The actual plan is to have one truck in and out once every two weeks. The exporting of the material from the facility should only happen once a month. Mr. Buchert asked how long it takes to process a truck load of material. Mr. Leo responded that at present, the customer is producing at maximum one dumpster every ten business days and takes roughly three days to process. Mr. Buchert asked if he anticipates the machinery to be sitting idle the majority of the time. Mr. Leo replied in the affirmative.

The public comment period was closed.

Ms. Daniels made a motion to approve the Conditional Use Permit for a metal shredding recycling business for Accurate Recycling, Inc. located at 156 West 4800 South subject to the following conditions:

1. The project shall meet all applicable building code standards and shall provide plans for review and approval.
2. The project shall meet all current fire codes.
3. Use of any exterior trash container shall be screened as required by Section 17.76.170.
4. Recycling materials shall not be stored outside of the building.
5. Parking stalls shall be striped to comply with Municipal Code 17.72.

Mr. Markham seconded the motion.

Call vote recorded by Chad Wilkinson.

A _____ Jim Harland

A _____ Karen Daniels

A _____ Phil Markham

A _____ Martin Buchert

A _____ Ray Black

Motion passed, 5-0.

BMW OF MURRAY – 4742 South Brown Street – Project #12-28

John Firmage was the applicant present to represent this request. Chad Wilkinson reviewed the location and request for a Conditional Use Permit for a new car wash structure to be connected on the south side of the existing building at the property addressed 4742 South Brown Street. The new car wash is to be used for washing BMW sales inventory cars and not for use by the public. A car wash use is appropriate in the commercial zone (C-D-C) at this location and the applicant represents that it is not detrimental to the health, safety, or general welfare of persons working or residing in the vicinity. The Board of Adjustment granted variances for drive access width, drive aisle width and landscaping variances for this site. The subject property is currently shown as two parcels with a boundary line through the building. It is recommended the two properties be combined into one parcel and be recorded at Salt Lake County Recorder's office. The site is located in an area where there are existing utilities readily available. Traffic impacts are expected to be minimal. The existing office building contains 2,851 sq. ft. which will require about 11 parking stalls. The site plan show 16 parking stalls on site including one disabled stall. The site has adequate parking for the existing office use. The new car wash does not require additional parking stalls. The car wash addition will comply with the front yard setback requirement. The Board of Adjustment approved a car wash addition onto the existing building which is nonconforming relating to the 20 foot setback on the north side of the property adjoining McHenry Street. The applicant will need to provide landscaping/irrigation system plans to be approved by City officials to comply with Municipal Code 17.68. Access to the new car wash is from McHenry Street. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval subject to conditions.

John Firmage, 4700 South State Street, stated that everything Mr. Wilkinson said was accurate. Mr. Harland asked Mr. Firmage if he was able to comply with the 9 conditions of approval. Mr. Firmage responded in the affirmative.

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

Mr. Black made a motion to approve a Conditional Use Permit for a new car wash to be connected to the south side of an existing building at the property addressed 4742 South Brown Street, subject to the following conditions:

1. The project shall meet all applicable building code standards. The applicant shall provide stamped and sealed plans by appropriate design professionals to include code analysis and a soils report from a geo-technical engineer when submitting plans for a building permit.
2. The project shall meet all current fire codes.
3. A formal landscaping/irrigation plan, meeting the requirements of Chapter 17.68 of the Murray Municipal Code, shall be submitted and be approved by the Murray City officials and be installed as approved prior to occupancy.
4. Provide adequate paved and striped parking for the business use on site to meet the land use ordinance regulations, including one disabled person parking stall to meet ADA regulations with sign posted.
5. The site shall comply with fence ordinance regulations.
6. The City Engineer requires the owner to repair or replace damaged sidewalk and curb and gutter along Brown Street and McHenry Street frontage. A sewer connection is required.
7. Use of an exterior trash container shall be screened as required by Section 17.76.170.
8. Combine the two parcels into one property to be recorded at Salt Lake County Recorder's office.
9. The project shall comply with Murray City Power and Water and Sewer Department requirements.

Ms. Daniels seconded the motion.

Call vote recorded by Chad Wilkinson.

A _____ Jim Harland
A _____ Karen Daniels
A _____ Phil Markham
A _____ Martin Buchert
A _____ Ray Black

Motion passed, 5-0.

BRIAN ROSE – 331 East 5300 South – Project #12-30

Mindy and Brian Rose were the applicants present to represent this request. Chad Wilkinson reviewed the location and request for a Conditional Use Permit for a flag lot subdivision to subdivide the property into two lots for the property addressed 331 East 5300 South. Municipal Code Ordinance 17.76.140 allows a flag lot subdivision within the R-1-8 zoning district subject to Conditional Use Permit approval. The applicant is

proposing to create a new building lot at the north 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 11,587 sq. ft. and the front lot will contain 10,912 sq. ft. The subdivision ordinance requires utility easements to be shown on each of the lots with 10 feet at the front and rear of the lots, and 7.5 feet on each side yard. The Board of Adjustment approved a variance for the 75 foot lot width and for the 20 foot wide drive access as well as variance for the required buffer landscaping for the driveway of the flag lot. The standard requires 28 feet. It is proposed that 20 feet of the driveway be paved with 4 feet on either side of landscaping, but because of the variance, that requirement would not apply. The driveway is being recorded as an easement across the front lot. The lots shall meet the parking requirements for two paved parking stalls per dwelling unit. The existing dwelling is nonconforming regarding the required side yard setback requirement of the R-1-8 zone on the west side of the lot. The new dwelling constructed on the back lot shall be required to comply with the setback requirements for the R-1-8 zone. Access to the site is from 5300 South Street. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval subject to conditions.

Ms. Daniels asked if the subdivision that was previously approved would be null and void if this Conditional Use Permit is approved. Mr. Wilkinson explained that the current subdivision is still in effect and does not have an expiration date. However, if the Conditional Use Permit for this parcel is approved and the property is recorded the previous subdivision will be null and void.

Mindy Rose, 6232 South Short Iron Circle, stated that they were thinking of doing a subdivision at one time, but things didn't work out. Now they are going ahead with plan "B". She stated that she will meet all the conditions of approval.

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

Mr. Markham asked, with the elimination of the doorway, does the house still meet all codes. Mr. Wilkinson replied in the affirmative.

Ms. Daniels made a motion to approve the Conditional Use Permit for a flag lot subdivision for the property addressed 331 East 5300 South subject to the following conditions:

1. The project shall meet all applicable building code standards for the new dwelling. The existing dwelling shall meet code requirements for the driveway adjoining the east side of the dwelling.
2. The project shall meet all current fire codes.
3. Meet all Murray Water and Sewer Department and Murray Power Department requirements including plans submittal for the utility installations.

4. Comply with the requirements of the City Engineer, including the following:
 - A. Meet City lot split subdivision standards.
 - B. Provide a lot split plat with standard easements and signature blocks for recording at Salt Lake County.
 - C. Provide utility, drainage and grading plans.
 - D. Repair or replace any damaged sidewalk or curb and gutter on 5300 South street frontage.
5. Comply with applicable subdivision and flag lot zoning regulations.
6. The applicant shall provide a scaled drawing to show the new drive access, the existing dwelling and new dwelling location on the lots and removal of the stair at the east side of the house. The rear lot line behind the existing dwelling and garage shall meet required rear yard setback.
7. The driveway on the east side of the house shall be a minimum 20 ft. wide. The installation of the 20 ft. wide driveway will require the removal of the concrete stair at the east side of the house and the door will need to be closed off to meet building code requirements.

Mr. Buchert seconded the motion.

Call vote recorded by Chad Wilkinson.

A _____ Jim Harland
A _____ Karen Daniels
A _____ Phil Markham
A _____ Martin Buchert
A _____ Ray Black

Motion passed, 5-0.

The meeting was opened for Public Hearing the following items:

LAND USE ORDINANCE TEXT AMENDMENT – Allow Manufacturing Alcoholic Beverages as a Conditional Use in the M-G-C Zone (Applicants: Matthew Perry & Cory Ellsworth) – Project #12-29

Cory Ellsworth was the applicant present to represent this request. Joshua Beach reviewed the request for an ordinance text amendment to add land use 2181, 2182, 2183, and 2184 alcoholic beverage distilling/manufacturing as a conditional use in the M-G-C zoning district. The zoning ordinance currently does not allow for alcohol distilling/manufacturing in the M-G-C zone. The Murray City Standard Land Use Code does include a category of land uses under the headings of “2180: Beverage” related to the distilling/manufacturing of alcoholic beverages. Under the heading 2180, there are a number of land use codes (2181, 2182, 2183, and 2184) that deal with the distilling/manufacturing of alcoholic beverages. The applicant has requested to include this category as a conditional use in order to provide alcoholic beverage

distilling/manufacturing opportunities in the city of Murray. Since the use is not allowed in the M-G-C zoning district, the City is unable to issue a business license. Mr. Beach explained that it is unclear why alcoholic beverage distilling/manufacturing was not included as an allowed or conditional use in the M-G-C zone when the code was originally adopted other than the obvious concerns related to health, safety, and welfare of residents located near an alcohol distilling/manufacturing facility. In addition, requiring a conditional use permit review by the Planning Commission will provide additional scrutiny of individual business operations. With the change to the request recommended by staff, the amendment is consistent with the Goals and Policies of "Chapter 8: Economic Development" of the General Plan. Specific goals and policies contained in Chapter 8 that are addressed by the proposed amendment include:

- Goal: To attract new businesses to Murray City
- Goal: Expand the types of businesses available in Murray City

Mr. Markham made mention that the language on land use 2180 except brandy, in 2183 it states; wine, brandy and brandy spirits, 2184 states; distilling and rectifying and blending liquors except brandy. Mr. Buchert stated that it may be due to the carbohydrates source where one uses grain and the other uses fruit inputs. Mr. Beach did not have a definitive answer for that question.

Cory Ellsworth, 4350 South 500 West, stated that distilling is more of a long term goal. They will not be distilling anytime soon and that process would most likely take place in a different city. Upon the approval of this Ordinance Text Amendment they plan on bringing in the alcohol, diluting, labeling, bottling and distributing to the DABC.

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

Ms. Daniels made a motion to forward a recommendation of approval to the City Council for the requested ordinance text amendment. The amendment would provide the ability of businesses that fall under land use codes 2181, 2182, 2183 and 2184 the opportunity to obtain a Conditional Use Permit and to locate their business in the city of Murray. Mr. Black seconded the motion.

Call vote recorded by Chad Wilkinson.

A _____ Jim Harland
A _____ Karen Daniels
A _____ Phil Markham
A _____ Martin Buchert
A _____ Ray Black

Motion passed, 5-0.

LAND USE ORDINANCE TEXT AMENDMENT – Clarify Manufacture of Alcoholic Beverages in the MCCD Zone (Applicant: Murray City Corp) – Project #12-31

Murray City Corporation is the applicant requesting a Land Use Text Amendment to the Murray City Center District (MCCD). Joshua Beach reviewed the request for the Ordinance Text Amendment. This amendment will clarify the land use 2180 (beverage) and will restrict the land uses under code 2180 to be allowed only in conjunction with a restaurant and limit to 5,000 square feet or less. The land use 2180 (beverage) will be a permitted use in the MCCD with a land use code 2180: Beverages (only in conjunction with a restaurant, 5,000 sq. ft. or smaller). The zoning ordinance currently allows for the manufacturing of various types of alcoholic beverages including beer, whiskey, bourbon, rye, scotch, brandy, wine, etc. It also allows for bottling or canning of soft drinks, and other non-alcoholic products. After receiving a text amendment to add these uses to the M-G-C (manufacturing zone), staff reviewed the land use code and determined that this use would be better suited for the manufacturing zone except for when it is in conjunction with a restaurant. The original intent was to allow uses such as microbreweries in conjunction with a restaurant. Based on the above findings, staff recommends that the Planning Commission forward a recommendation of approval to the City Council for the requested text amendment. The amendment would clarify that alcoholic beverage distilling/manufacturing obtain a conditional use permit in the MCCD and that the use only be allowed in conjunction with a restaurant and limit the size of the use to 5,000 square feet or smaller.

Mr. Markham commended Staff for appropriate timing in taking care of issues such as this.

For the record, Mr. Harland wanted to properly designate both text amendments as public hearings.

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

Ms. Daniels made a motion to send a recommendation of approval to the City Council for the requested text amendment. The amendment would clarify that alcoholic beverage distilling/manufacturing is a permitted use in the MCCD and that the use only be allowed in conjunction with a restaurant and limit the size of the use to 5,000 square feet or smaller. Mr. Markham seconded the motion.

Call vote recorded by Chad Wilkinson.

A _____ Jim Harland
A _____ Karen Daniels
A _____ Phil Markham
A _____ Martin Buchert
A _____ Ray Black

Motion passed, 5-0.

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OTHER BUSINESS:

Mr. Wilkinson mentioned that it is anticipated that a Conditional Use Permit application will be forthcoming for a hotel on 5300 South and is anticipated to have numerous residents in attendance.

Meeting adjourned.

Chad Wilkinson, Manager
Community & Economic Development