

Minutes of the Planning Commission meeting held on Thursday, April 5, 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
Phil Markham
Martin Buchert
Vicki Mackay
Tim Taylor
Tim Tingey, Administrative Development Services Director
Ray Christensen, Senior Planner
Joshua Beach, Planner
G.L. Critchfield, Deputy City Attorney
Citizens

Absent: 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.

Jim Harland opened the meeting and welcomed those present. Mr. Harland announced that agenda items BACM Auto Sales and Marriott Residence Inn have been withdrawn from the agenda. He reviewed the public meeting rules and procedures.

APPROVAL OF MINUTES

Mr. Harland asked for additions or corrections to the minutes of March 1, 2012 and March 15, 2012.

Mr. Markham noted that on page 8 of the March 15, 2012 minutes it states "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 accept brandy." The word "accept" should be changed to "except".

Mr. Taylor made a motion to approve the minutes from March 1, 2012 and March 15, 2012 with the corrections. Seconded by Mr. Buchert.

A voice vote was taken. Motion passed, 6-0.

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 BMW of Murray for a Conditional Use Permit for a car wash, Accurate Recycling for a Conditional Use Permit for a recycling business and Brian Rose for a Conditional Use Permit for a flag lot subdivision. Seconded by Mr. Taylor.

A voice vote was made. Motion passed 6-0.

BACM AUTO SALES - 150 West 4800 South #3 – Project # 12-32

This item was withdrawn.

RWM INC. – 6417 & 6419 South Cottonwood Street – Project #12-34

Daniel Newby and Danny Litson were the applicants present to represent this request. Ray Christensen reviewed the location and request for a Conditional Use Permit for a gypsum moldings manufacture and installation contractor business use in the existing building at the properties addressed 6419 South & 6417 South Cottonwood Street. The applicant is requesting Murray Planning Commission approval for 11 parking stalls to be located off-site within 200 ft. of the UTA Park & Ride lot to the north of Winchester Street. Municipal Code Ordinance 17.152.030 allows a contract construction business within the M-G-C zoning district subject to Conditional Use Permit approval. Municipal Code Ordinance 17.72.020 allows Planning Commission approval for off-site parking within 200 ft. of the of the subject parcel of land. The proposed contractor use will require 19 parking stalls. The site plan shows a total of 8 parking stalls on the site and an additional 11 parking stalls at the UTA parking lot located within 200 ft. to the north of this property. The off-site parking stalls will require Planning Commission approval for the applicant to operate this business. The building complies with the required setbacks for the M-G-C zone. A formal landscaping/irrigation plan will need to be approved by Murray City staff and landscaping/irrigation to be installed prior to occupancy and operation of the business to comply with Municipal Code Chapter 17.68. Access into the site is from Cottonwood Street.

Mr. Harland asked both of them if they had the chance to review the staff report and conditions 1-7, in addition, would they be able to comply with those conditions Mr. Daniel Newby, 13791 West Appomattox Way, Taylorsville and Danny Litson, 10071 South Roseboro Road, Sandy, both responded in the affirmative.

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

Mr. Markham asked if RWM goes out of business or UTA decides to sell the parcel, will the Planning Commission be able to look at the parking requirement at that time. Mr. Harland asked Mr. Christensen to confirm that the Conditional Use Permit would run with the land, so if a new operation is similar, that business would have to negotiate another agreement. Mr. Christensen stated that the agreement would need to continue for a new business. If UTA still owns the property, they will need to enter into an agreement to provide that parking. If UTA sells the property, a new business use will need to provide a new agreement and obtain approval by the Planning Commission. Mr. Markham commented that if a different business came in, it could potentially present bigger problems with the shared parking across a busy street. Mr. Christensen indicated that can be monitored by the Planning Department through the Business Licensing Department. He stated that if a new business were to come in, they would need to apply for a business license, thus alerting the Planning Department.

Ms. Daniels made a motion to approve the Conditional Use Permit for RWM Inc at 6417 & 6419 South Cottonwood Street and off-site approval for 11 parking stalls at the UTA Park & Ride lot to the north subject to the following conditions:

1. The project shall meet all applicable building code standards.
2. The project shall meet all applicable fire code requirements.
3. Formal landscaping/irrigation plans are required to be approved by Murray City officials and shall be installed meeting the requirements of Chapter 17.68 of the Murray Municipal Code as approved prior to business license approval and occupancy of the business use.
4. All trash containers shall be screened as required by Section 17.76.170.
5. All of the parking stalls shall be paved and striped, including one disabled stall with sign posted, to meet zoning code.
6. Comply with all Murray Water & Sewer and Power Department requirements.
7. The parking agreement with UTA for shared parking shall continue into the future while this business is operating on this site. Should UTA sell the parcel in the future, a modification agreement shall be necessary for parking compliance or alternative parking must be provided in order to meet City codes.

Mr. Markham seconded the motion.

Call vote recorded by Ray Christensen.

A _____ Karen Daniels
A _____ Phil Markham
A _____ Martin Buchert
A _____ Vicki Mackay
A _____ Jim Harland
A _____ Tim Taylor

Motion passed, 6-0.

MARRIOT RESIDENCE INN – 171 East 5300 South – Project #12-35

This item was withdrawn.

DAHLE INVESTMENTS, LTD – 5461 South State Street – Project #12-36

Joey Walker was the applicant present to represent this request. Joshua Beach reviewed the location and request for a Conditional Use Permit for an 8,254 square foot retail building and a 13,428 square foot self-storage unit development for the property addressed 5461 South State Street. Municipal Code Ordinance 17.160.030

allows storage units within the C-D-C zoning district subject to Conditional Use Permit approval. The plans show the retail component of the development facing State Street, with the access to the storage units on the east side of the retail building with access off of 5460 south. The storage buildings are single story with 13,428 square feet total area and 102 total storage units. The retail building is two-story with 8,254 square feet total area on the upper floor and lower floor storage. The building has retail on top facing State Street and storage units on the bottom, with entrances on the east side. Based on the square footage of the retail portion of the project, city code requires 42 parking spaces including 1 disabled parking space. The plans show 43 parking stalls at the west and north side of the retail building with one additional handicap space and 6 parking spaces on the east side of the property for a total of 50 parking spaces including 2 handicap spaces. The parking ordinance does not require a specific number of parking spaces to be paved and striped for storage units, but this area should be adequate for parking. The buildings comply with the required setbacks for the C-D-C zone. There is a 20 foot buffer setback requirement and masonry buffer wall are required along the east side where the property is adjacent to a residential zone. The applicant shall provide formal landscaping/irrigation plans for approval by Murray City officials with the building permit and approved landscaping/irrigation shall be installed prior to occupancy. Access to the property is from State Street and 5460 South. The building official requires the applicant to provide a stamped and sealed soils report from a geo-technical engineer, as well as plans stamped and sealed by appropriate design professionals to include code analysis and egress plan when submitting for a building permit. The applicant shall repair/replace damaged curb, gutter and sidewalk along 5460 South and State Street frontage; obtain U-DOT approval for access changes and improvements along State street frontage. A land disturbance permit is required prior to beginning construction. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval subject to conditions.

Mr. Taylor asked Mr. Beach if the applicant is aware that UDOT will require a new access permit. Mr. Beach indicated that there are two existing accesses on the property, and with this change of use the applicants must obtain a new access permit.

Joey Walker, 13459 South 1400 East, Draper, stated he is the architect for this project. . Mr. Walker stated that his firm is excited about doing a project in Murray. He feels that they have done a nice job of hiding the storage in such a way that it becomes a benefit to the City without being seen. Mr. Harland asked Mr. Walker if he has had a chance to review the Staff report and the ten conditions of approval. If so, would his firm be able to comply. Mr. Walker responded in the affirmative.

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

Mr. Taylor made a motion to approve a Conditional Use Permit for Dahle Investments for retail and storage units located at 5461 South State Street, subject to the following conditions:.

1. The project shall meet all applicable building code standards.
2. The project shall meet all current fire codes. Note: The Fire department indicated

- that they may require additional hydrants to meet fire code requirements.
3. The project shall meet all applicable water and sewer department standards.
 4. The project shall meet all power department standards.
 5. The project shall meet all engineering department requirements.
 6. A formal landscaping plan meeting the requirements of Chapter 17.68 of the Murray Municipal Code shall be submitted and approved by the Murray City Forester and installed as approved prior to occupancy.
 7. The trash container shall be screened as required by Section 17.76.170.
 8. Exterior lighting shall be directed down and away from adjoining properties and streets.
 9. The applicant shall obtain a separate sign permit for any proposed signage.
 10. A 6 ft. high solid masonry wall shall be installed adjacent to the residential zone at the east and side of the property to comply with the fence regulations.

Ms. Daniels seconded the motion.

Call vote recorded by Ray Christensen.

A ___ Karen Daniels
A ___ Phil Markham
A ___ Martin Buchert
A ___ Vicki Mackay
A ___ Jim Harland
A ___ Tim Taylor

Motion passed, 6-0.

OXFORD CREEK SUBDIVISION – 5786 South Erikson Lane – Project #12-08

Nick Mingo was the applicant present to represent this request. Ray Christensen reviewed the location and request for final approval for a single family residential subdivision with 19 lots located at the properties addressed; 5785 & 5786 South Erikson Lane and 760 East Vine Street. This property is in the R-1-8 residential zone. Municipal Code Ordinance 16.04.050 requires the subdivision of property to be approved by Murray City Officials with recommendation from the Planning Commission. All of the lots in Oxford Creek Subdivision comply with the lot area requirement. Lot #118 is a flag lot and was granted Conditional Use Permit approval with the preliminary subdivision approval. Lot #111 shown on the plan has an existing home on this property with a barn and accessory structures. There are two parcels of property that were previously labeled as Parcel A and C on the plans. Parcel C is a portion of property to the west that Shawn Bradley plans to purchase and tie into the

Bradley Subdivision with a boundary adjustment. Parcel A is a portion of property that is planned for a boundary adjustment to tie in with a lot in the Ridge Creek Subdivision. Before final approval and recording the plat for Oxford Creek Subdivision both parcels A and Parcel C will need to have boundary adjustments to tie the parcels into the adjoining subdivisions. Lots #111, #114 and #115 are double frontage lots and adjoin two streets with Vine Street to the east and Ereksom Lane to the west. The subdivision ordinance requires double frontage lots to comply with requirements for a solid masonry wall on the Vine Street frontage and related landscaped improvements. Approval is required by Murray City Officials for the landscaping/irrigation plans, masonry wall, and gates location. The applicant shall provide written CC&R's for recording with the plat for a home owners association which will provide for water and maintenance of the trees and landscaping as required to meet Municipal Code 16.16.140 or the applicant provide written provision how the adjacent property owner(s) shall maintain the required landscaping. All the dwellings shall be required to comply with the setback requirements of the R-1-8 zone. A landscaping plan will need to be submitted with the building permit for the flag lot #118 to comply with the flag lot landscaping requirements. Access to the site is from Ereksom Lane and Walnut Brook Drive. Based on the information presented in this report, application materials submitted and the site review, staff recommends final subdivision approval subject to conditions.

Nick Mingo, 978 East Woodoak Lane, stated that condition # 7 references "homeowners association with CC&R's". He clarified that there will not be a home owners association, but there will be a CC&R's. Mr. Harland asked if the home owners would be responsible to maintain the landscaping. Mr. Mingo responded in the affirmative adding that there is a provision in the CC&R's identifying those lots responsible for those areas. Mr. Mingo stated that Ivory Development will be installing the landscaping as the lots are developed. After the initial installation, the home owners will be responsible for the maintenance.

Mr. Harland pointed out that the items under the conditions need to be completed before the plat can be recorded. Mr. Christensen stated that some of the items need to be completed, before plat recording. Mr. Mingo made note that Ivory Development has addressed all of the items that need to be addressed prior to recording, other than finalizing the bond.

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

Mr. Buchert made a motion for a final subdivision approval for a single family residential development located at the properties addressed 5785 & 5786 South Ereksom Lane and 760 East Vine Street. A Conditional Use Permit was granted with the preliminary subdivision approval for the flag lot. Approval is granted subject to the following conditions (with a modification in condition #7 to strike the words: "The applicant shall provide written provision how the adjacent property owners shall maintain the required landscaping/irrigation system.").

1. The City Engineer noted the following engineering comments and requirements:
 - A. Road dedication is required from Shawn Bradley.

- B. Parcels A and C are going to be added to other subdivisions and should be excluded from the Oxford Creek Subdivision. They should be handled as plat amendments or boundary adjustments to the respective subdivisions.
 - C. State and County permits are required for the bridge to Lot #118 and for all new storm water discharges to Little Cottonwood Creek.
 - D. Comply with Murray City subdivision, engineering and drainage requirements.
 - E. Escrow Security bond is required for all dedicated improvements.
 - F. Existing irrigation ditches may need to be relocated and piped and will require irrigation ditch company approval.
 - G. Sunny Flowers Lane from Walnut Brook Drive to the cul-de-sac will need to be renamed. The lane to Shawn Bradley's home will retain the Sunny Flowers Lane name.
 - H. A Land Disturbance Permit is required prior to beginning any site construction work.
2. Show utility easements on all of the lots to meet the subdivision ordinance regulations
 3. The project shall meet all applicable building code standards.
 4. The project shall meet all current fire codes.
 5. A landscaping plan shall be submitted with the building permit for the flag lot #118 to comply with the flag lot landscaping requirements.
 6. Before final approval and recording of the Oxford Creek Subdivision both parcels A and Parcel C will need to have boundary adjustments to tie the parcels into the adjoining subdivisions.
 7. The double frontage lots #111, #114 and #115 shall comply with the Subdivision Ordinance requirements and staff approval for a solid masonry wall and gates on the Vine Street frontage and related landscape/irrigation system improvements. The applicant shall create a home owners association with CC&R's which will provide for long term water and maintenance of the trees and landscaping as required to meet Municipal Code 16.16.140.

Ms. Daniels seconded the motion.

Call vote recorded by Ray Christensen.

A ___ Karen Daniels
A ___ Phil Markham
A ___ Martin Buchert
A ___ Vicki Mackay
A ___ Jim Harland
A ___ Tim Taylor

Motion passed, 6-0.

OTHER BUSINESS

There was no other business to discuss.

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Meeting adjourned.

Chad Wilkinson, Manager
Community & Economic Development