

Minutes of the Planning Commission meeting held on Thursday, June 7, 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
Chad Wilkinson, Division Manager
Joshua Beach, Assistant Planner
G.L. Critchfield, Deputy City Attorney
Citizens

Excused: Vicki Mackay
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

Ms. Daniels indicated there are corrections to the May 17, 2012 minutes. First item is under staff review meeting. It should state that there was no staff review meeting as there was not a quorum. In addition, the recorded vote on page 5 only lists three board members, when there were actually four, adding Ms. Daniels with an affirmative vote. Mr. Markham made a motion to approve the minutes for May 3, 2012 and May 17, 2012 with the changes noted by Ms. Daniels.

Mr. Black seconded the motion.

A voice vote was taken. Motion passed, 4-0.

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 May 17, 2012 Findings of Fact for Conditional Use Permits for Fireclay Apartments and Recovery Ways.

Seconded by Mr. Black.

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

SNOWBIRD MOTORS – 5932 South 350 West – Project #12-57

Eric Laub was the applicant present to represent this request. Joshua Beach reviewed the location and request for Conditional Use Permit for auto sales for the

property addressed 5932 South 350 West. Municipal Code Ordinance 17.152.030 allows motor vehicle sales within the M-G-C zoning district subject to Conditional Use Permit approval. No automobile service or repair is being allowed in the building. Approximately 200 square feet of space will be used for the car dealership. The remainder of the building is being used for a separate screen printing business. Murray City Zoning Code section 17.72.070 requires that retail stores have one (1) parking stall for every two hundred and fifty (250) square feet of floor space. The business will only contain two hundred (200) square feet, so only one space is required to meet the city standards. The building meets all applicable setbacks for the M-G-C zone. The ten (10) feet of landscaping that is required along all frontages is installed on the site. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval subject to conditions.

Mr. Laub, 5932 South 350 West is the applicant. Mr. Harland asked Mr. Laub if he has reviewed all of the conditions and is able to comply with all of them. Mr. Laub responded in the affirmative. Mr. Laub stated that this will be a small micro car dealership to sell several used cars per month. Ms. Daniels asked if the used cars they will be selling will be on-site and how many at one time. Mr. Laub stated that the cars will be on-site and there will be anywhere from two to five vehicles for sale at one time on the lot. Mr. Black asked if they will be doing any repairs. Mr. Laub responded in the negative, stating that there will be nothing mechanical done on-site. Mr. Harland asked if the cars will be parked outside or inside. Mr. Laub stated that they would be parked outside.

The discussion was then opened up to public comment. No comment was made and the public comment section was closed.

Mr. Black made a motion to approve a Conditional Use Permit for Snowbird Motors, LLC auto sales for the property addressed 5932 South 350 West, 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. The project shall meet all engineering department standards
4. 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. The plan shall show landscaping within the 5-foot area surrounding the parking lot meeting the requirements of the Code and/or previous approvals for the property.
5. Adequate parking shall be provided and striped on the site to meet parking ordinance regulations found in Chapter 17.72, including a disabled stall to meet ADA regulations.

6. The trash container shall be screened as required by Section 17.76.170.

Ms. Daniels seconded the motion.

Call vote recorded by Chad Wilkinson.

A Jim Harland

A Karen Daniels

A Ray Black

A Phil Markham

Motion passed, 4-0.

LARRY H. MILLER USED CARS – 5441 South 5445 South State Street – Project #12-58

Trenton Jones was the applicant present to represent this request. Joshua Beach reviewed the location and request for a Temporary Conditional Use Permit for a used car operation located at 5441 and 5445 South State Street. The building is to be used for a temporary car dealership while the permanent structure is being built at another location. Municipal Code Ordinance 17.160.020 allows for car dealerships within the C-D-C zoning district. Section 17.56.100 allows for the approval of a temporary Conditional Use Permit for up to six months, and authorizes planning staff to approve three extensions of six months each. The planning commission can extend the temporary conditional use permit for one additional year if unusual circumstances are applicable. The parking requirements for a retail business are one (1) stall per 250 square feet of building space. The building is 7,000 square feet total, so the required number of spaces is 35. There are 75 stalls on site, so the dealership is allowed to have 40 display spaces on site. The property meets the required twenty (20) foot front setback for the C-D-C zone. The applicant has submitted a landscape plan showing the required landscaping along the street frontages. Because of the temporary nature of the use, installment of the landscaping may be temporarily delayed. However, landscaping will be required to be installed to meet all applicable requirements at the time a permanent use is established on the site. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval subject to conditions.

Trenton Jones, 730 Pacific Avenue with FFKR Architects, indicated he is representing the Larry H. Miller Group. Mr. Harland asked Mr. Jones if he has reviewed the recommended conditions of approval. Mr. Jones responded in the affirmative.

Mr. Harland confirmed that this application is for a six month temporary Conditional Use Permit that can be extended up to three times. Mr. Jones stated that they understood the time frame and made note that the time was more than adequate for the needs of this particular facility.

Mr. Markham asked if the only changes being made would be interior. Mr. Jones stated that all they will be doing is some minor finish upgrades. Mr. Harland asked if

the building would be leased. Mr. Jones responded in the affirmative.

The discussion was then opened up to public comment. No comment was made and the public comment section was closed.

Ms. Daniels made a motion to approve a temporary Conditional Use Permit for Larry H. Miller Used Cars located at 5441 South 5445 South State Street for 6 months, 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. The applicant will be required to maintain all existing landscaping on site. (If and when a permanent use is established for the site, landscaping will be required to meet all applicable requirements.
4. Meet all Water & Sewer and Power Dept. requirements for the project.
5. Provide adequate paved and striped parking stalls to comply with the land use ordinance regulations, including the required number of ADA parking stalls along with signs posted.
6. Comply with all engineering dept. standards.
7. The trash container shall be screened as required by Section 17.76.170.

Mr. Markham seconded the motion.

Call vote recorded by Chad Wilkinson.

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

Motion passed, 4-0.

REDI INSULATION – 6194 South 300 West – Project # 12-60

Lee Sadler was the applicant present to represent this request. Chad Wilkinson reviewed the location and request for a Conditional Use Permit for an office addition onto an existing building used by an insulation business for the property addressed 6194 South 300 West. Municipal Code Ordinance 17.152.030 allows contract construction uses within the M-G-C district subject to Conditional Use Permit approval. The applicant is proposing to construct a 2,500 sq. ft. office addition onto the existing insulation business building. The existing building contains 1,500 sq. ft. in office space and 4750 sq. ft. in warehouse space. The property is located behind

other office/warehouse buildings off a private lane. The combined 4,000 sq. ft. office space will require 16 parking stalls and the 4,750 sq. ft. warehouse space will require 6 parking stalls for a total of 22 parking stalls. A total of 23 parking stalls are shown on the site plan including one disabled stall. The building complies with the required setbacks for the M-G-C zone. The applicant has shown additional landscaping on the site plan, but the landscaping will need to be modified at the south west corner to comply with City code requirements. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval subject to conditions.

Lee Sadler, 9469 South 500 West, asked if they would need to meet the landscaping criteria since this property has a private lane coming into it and is not visible from 300 West. Mr. Wilkinson responded in the affirmative, stating that the standard applies even on a private lane (called a front setback standard). Mr. Sadler asked for clarification regarding the landscaping at the southeast corner since there will be no parking there. Mr. Wilkinson responded by stating that any time there is parking adjacent to the property line the 5 foot landscape strip is required per code (in this case 5 foot by 18 foot strip).

Mr. Harland asked if Mr. Sadler has read all of the conditions and is willing to comply. Mr. Sadler responded in the affirmative.

The discussion was then opened up to public comment. No comment was made and the public comment section was closed.

Mr. Markham made a motion to approve a Conditional Use Permit for Redi Insulation for an office addition to an existing building at the property addressed 6194 South 300 West, subject to the following conditions:

1. The project shall meet all applicable building code standards. The plans shall be stamped and sealed by an architect, engineer and other appropriate design professionals to include code analysis and egress plan.
2. The project shall meet all current fire codes.
3. The project shall meet all engineering department standards including drainage plan approval.
4. Landscaping shall meet the requirements of Chapter 17.68 of the Murray Municipal Code.
5. All of the parking stalls shall be paved and striped, including one disabled stall with sign posted, to meet zoning code.
6. All trash containers shall be screened as required by Section 17.76.170.
7. Comply with all Murray Water & Sewer and Power Department requirements including clearance from power lines.

Ms. Daniels seconded the motion.

Ms. Daniels asked if it should be added in the motion that they are approving a Conditional Use Permit Amendment. Mr. Wilkinson stated that for clarification purposes, yes.

Mr. Markham amended the motion to include the terminology "Conditional Use Permit Amendment". Ms. Daniels seconded the motion.

Call vote recorded by Chad Wilkinson.

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

Motion passed, 4-0.

TONY'S SOCIAL CLUB – 4760 South 900 East – Project #12-45

Tony Smith was the applicant present to represent this request. Joshua Beach reviewed the location and request for a Conditional Use Permit approval for a bar to be located at 4760 South 900 East. Municipal Code Ordinance 17.160.030 allows drinking places within the C-D-C zoning district subject to Conditional Use Permit approval. The owner of Rivers restaurant, Mosen Pana, has a restaurant liquor license and desires to open a bar in the restaurant. The applicant Anthony Smith has a social club license that would allow him to sell alcohol earlier in the day without purchasing food. The use requires the property to have 67 paved, off street parking spaces including 3 disabled parking van accessible spaces with a sign. Murray City Zoning Code section 17.72.070 requires that there is one parking space for every 100 square feet of net floor area for a restaurant when the number of seats is not known. The net floor area for the building is 6,114 square feet with approximately 600 square feet of patio space. In order to meet the minimum parking standards, the applicant has provided evidence of a lease agreement with Salt Lake City for parking on an adjacent property. Current landscaping on the property needs to be maintained. The landscaping on the property to the south of Big Cottonwood Creek will need to be maintained. Access to the property is off of 900 East. There was one email sent to Staff in opposition of this project. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval subject to conditions.

Mr. Markham asked if Salt Lake City breaks the lease on the adjacent property in the future what will happen. Mr. Beach responded that this project is required to have 67 paved parking spaces for the square footage of the building; therefore, if they do not maintain the lease with Salt Lake City, they will not be issued a business license upon renewal.

Tony Smith, 4760 South 900 East, stated that for the last seven years he has an establishment located in unincorporated Salt Lake County with zero violations through

the Department of Public Safety and Utah Department of Alcoholic and Beverage Control. He stated that he would like to move into the area and have a classy, upscale establishment. He does realize that the landscaping on the leased property does need some work, and has hired someone to come in and take care of it.

Mr. Harland asked Mr. Smith if he has reviewed the conditions of approval and if he will be able to comply. Mr. Smith responded in the affirmative. Mr. Harland asked if the Rivers Restaurant will be staying open. Mr. Smith responded in the affirmative. Mr. Harland then asked if the River's Restaurant is on the same lease with Salt Lake City for the parking. Mr. Smith responded in the affirmative.

Mr. Markham asked the length of the lease. Mr. Smith stated that he signed a five year lease with two additional five year options for renewal. The condition of the lease is that the applicant maintains the landscaping and provides snow removal.

The discussion was then opened up to public comment. No comment was made and the public comment section was closed.

Mr. Black made a motion to approve a Conditional Use Permit for Tony's Social Club located at 4760 South 900 East, 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. The applicant shall maintain a lease on the Salt Lake City property South of Big Cottonwood Creek. This property is required to maintain the minimum number of parking spaces required for the use.
4. The property will meet all of the landscaping requirements for the zone set forth in Chapter 17.68 of the Murray Municipal Code. This includes maintaining all landscaping on the Salt Lake City property.
5. Comply with all Murray Water & Sewer and Power department requirements.
6. The project shall meet all engineering department standards.
7. The trash container shall be screened as required by Section 17.76.170.

Ms. Daniels seconded the motion.

Call vote recorded by Chad Wilkinson.

 A _____ Jim Harland

 A _____ Karen Daniels

 A _____ Ray Black

 A _____ Phil Markham

Motion passed, 4-0.

OLDHAM SUBDIVISION AMENDED #1 – 5595 South 700 West – Project #12-59

Gilbert Salinas was the applicant present to represent this request. Chad Wilkinson reviewed the location and request for a subdivision amendment to combine two lots into one parcel of property at the properties addressed 5555 & 5595 South 700 West. The Oldham Subdivision was approved for a flag lot subdivision by the Planning Commission on March 17, 2011. The proposed plan shows a change of utility easements for the new lot with 10 foot utility easements on the front and rear of the lot, and 7.5 foot easements on the side yards. Municipal Code Ordinance 16.04.050 requires the subdivision of property or amendments to recorded subdivisions to be approved by Murray City Officials with recommendation from the Planning Commission. Any new dwelling and accessory building(s) to be constructed on the lot shall meet the required setbacks. Based on the information presented in this report, application materials submitted and the site review, staff recommends the Planning Commission send a recommendation for approval of the subdivision amendment to the Mayor subject to conditions.

Gilbert Salinas, 428 East 6400 South #110, stated that this property was recorded as a flag lot approximately three months ago. They are now switching it back to one lot for financing reasons.

Mr. Harland asked Mr. Salinas if he has reviewed the conditions of approval and will comply. Mr. Salinas responded in the affirmative.

Mr. Black asked what the reasoning for switching the property back to one lot. Mr. Salinas stated that it is merely for financing purposes. He stated that originally he was planning to sell the two lots as individual parcels, but because they were unable to find a buyer to do that, it was sold as one lot. FHA will not finance two separate parcels. Therefore, they need to be combined again.

The discussion was then opened up to public comment.

Katheryn Jorgensen, 5630 Goodway Drive, stated that she lives directly behind the applicant's lot. She asked what will be built on the lot. Mr. Salinas stated that there are no current construction plans to build on the lot. They are selling it to a home owner that plans to live there and leave the back area of the lot exactly how it is now. There are no plans to tear down the house and build a new one.

The public comment section was closed.

Ms. Daniels made a motion to send a recommendation of approval for the Oldham subdivision amendment to the Mayor for the property addressed 5555 & 5595 South 700 West, combining the two lots into one parcel, subject to the following conditions:

1. Meet the requirements of the Murray City Engineer for the amended subdivision plat for recording at Salt Lake County Recorder's Office.

2. New construction on the lot shall meet all applicable building code standards.

Mr. Markham seconded the motion.

Call vote recorded by Chad Wilkinson.

A _____ Jim Harland

A _____ Karen Daniels

A _____ Ray Black

A _____ Phil Markham

Motion passed, 4-0.

Mr. Salinas would like to get the financing done as quickly as possible, so he brought his plat and asked if he would be able to get the planning commission chairman's signature.

KAREN ANN EDWARDS – 757 West Bullion Street – Project #12-55 – Public Hearing

Karen Edwards was the applicant present to represent this request. Chad Wilkinson reviewed the location and request for a Zone Map Amendment of the property from A-1 (agricultural) to R-1-8 (residential single family) for the property addressed 757 West Bullion Street. The proposed zone change from an A-1 zone to an R-1-8 zone is consistent with the Murray General Plan for a change to residential single family low density. The purpose of the zone change on this property is to subdivide the property into two lots and create a new lot of approximately .72 acre adjoining Anderson Avenue. The north lot will contain approximately .54 acre. The property is located to the south of Bullion Street and north of Anderson Avenue within the A-1 zone district. Various permitted uses are allowed in the A-1 zone such as dwellings and accessory uses, field crops, orchards and vineyards, cattle, horses, chickens, rabbits, apiaries, aviaries, pasture and rangeland, and other agriculture uses. Other uses allowed by Conditional Use Permit include uses such as churches, schools, public parks, libraries and farm variety animals (commercial). Various permitted uses are allowed in the R-1-8 zone such as dwellings and accessory uses, garages, carports and other uses for private recreation and gardening. Other uses allowed by Conditional Use Permit include uses such as churches, schools, public parks, and libraries. A mailing was sent on May 24, 2012 to the surrounding property owners in the area. As of the date of this report there have been a few calls asking information regarding the zone change request. Based on the above findings, staff recommends that the Planning Commission forward a recommendation of approval to the Murray City Council for the requested zone change from A-1 to R-1-8 because it consistent with the Murray General Plan.

Karen Edwards, 757 Bullion Street, stated that she would like to keep her property as A-1 (agricultural), but in order to sell off a portion of the property it requires that the zoning be changed to R-1-8 (residential).

The discussion was then opened up to public comment.

Mr. Wilkinson stated that the Community & Economic Development office did receive a few calls on the property, but they were merely to ask what was being proposed.

No comment was made and the public comment section was closed.

Mr. Markham made a motion to forward a recommendation of approval to the Murray City Council for the requested zone change from A-1 to R-1-8 because it is consistent with the Murray General Plan for the property addressed 757 Bullion Street. Mr. Black seconded the motion.

Call vote recorded by Chad Wilkinson.

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

Motion passed, 4-0.

OTHER BUSINESS

Mr. Wilkinson made note that the Boards and Commissions Recognition dinner will be held on June 20, 2012. He reminded the members to R.S.V.P. for the event.

Ms. Daniels stated that she will not be attending the meeting on June 21, 2012.

Mr. Wilkinson stated that he believes they have the seventh commission seat filled. The candidate will be forwarded to the City Council for approval.

There was no other business.

Meeting adjourned.

Chad Wilkinson, Manager
Community & Economic Development