

Minutes of the Planning Commission meeting held on Thursday, March 7, 2013 at 6:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Karen Daniels, Chair
Tim Taylor, Vice-Chair
Scot Woodbury
Maren Patterson
Chad Wilkinson, Division Manager
Joshua Beach, Assistant Planner
G.L. Critchfield, Deputy City Attorney
Citizens

Excused: Jim Harland
Phil Markham
Vicki Mackay

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.

Karen Daniels opened the meeting and welcomed those present. She reviewed the public meeting rules and procedures.

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

Mr. Taylor made a motion to approve the Findings of Fact for a Conditional Use Permits for Red Rock Place, LLC and Motorcar Auto Brokers, LLC from the meeting on February 21, 2013. Seconded by Mr. Woodbury.

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

VAPEN RUM ARMS – 4195 South 500 West #59 – Project # 13-27

Boyd Anderson was the applicant present to represent this request. Joshua Beach reviewed the location and request for a Conditional Use Permit for manufacturing of small fire arms parts for the property addressed 4195 South 500 West #59. Municipal Code Ordinance 17.152.030: (Land Use 3415.1) Allows small fire arms parts manufacturing within the M-G-C (Manufacturing General Conditional) zoning district subject to Conditional Use Permit approval. The city council recently amended the zoning ordinance to allow for small fire arms parts manufacturing (no assembly) with Conditional Use Permit approval. The parking stalls in the lots adjoining the buildings are shared parking for the various business uses. A disabled parking stall is required for this property to meet ADA regulations. There are adequate parking stalls in the

parking lot for this business use. The buildings meet the required setbacks of the M-G-C zoning district. The site landscaping is already installed on the property. Access to the property is from 500 West. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval subject to conditions.

Boyd Anderson, 4195 South 500 West #59, stated he is a gunsmith by profession. He stated that a manufacturing license will allow him to expand his business as a gunsmith. The parts he will be manufacturing are called frames and receivers which are the parts that hold the serial numbers and are used in tracking by the ATF (Alcohol, Tobacco and Firearms). He stated that he mainly does heat treating on his client's firearms and general gunsmithing. He explained that this is not a production facility.

Ms. Daniels asked if the entire gun is sent to him. Mr. Anderson replied that only the gun parts are sent to be worked on and that there are no complete firearms being produced. There are certain criteria the ATF requires in order for something to be called a firearm and once Mr. Anderson has changed the part to the ATF's standards he then needs to register the part with them and put his name and a serial number on it. From that point on it will be transferred through a federal firearms dealer. Ms. Daniels asked Mr. Anderson if he has read the six conditions for approval and if he can comply with them. Mr. Anderson responded in the affirmative.

Mr. Taylor stated that in the application materials it mentioned the building of custom rifles. He asked Mr. Anderson if that was related to the frame and receiver. Mr. Anderson responded in the affirmative.

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

Mr. Woodbury made a motion to approve a Conditional Use Permit for manufacturing of small fire arms parts at the property addressed 4195 South 500 West #59, 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. All of the parking stalls shall be paved and striped to meet zoning, including disabled stalls to meet ADA regulations.
4. The trash containers shall be screened as required by Section 17.76.170.
5. The manufacturing of small fire arms is limited to parts manufacturing and not assembly of fire arms.
6. The police department requires that no ammunition or gun powder be stored on site.

Ms. Patterson seconded the motion.

Call vote recorded by Chad Wilkinson.

A _____ Karen Daniels

A _____ Tim Taylor

A _____ Scot Woodbury

A _____ Maren Patterson

Motion passed, 4-0.

TEKTON CROSSFIT – 5918 South 350 West – Project # 13-32

Bret Wilson was the applicant present to represent this request. Joshua Beach reviewed the location and request for a Conditional Use Permit for a Gymnasium/Athletic Club for the property addressed 5918 South 350 West. Municipal Code Ordinance 17.152.030 allows Gymnasiums, Athletic Clubs, and body building studios in the M-G-C (Manufacturing General Conditional) zoning district subject to Conditional Use Permit approval. The property is an existing office/warehouse facility. The business has been operating prior to approval of a Conditional Use Permit. The business has a current business license, but only for the retail aspect of their business. The City has received complaints about similar businesses using their parking lot for gym related activities. The parking areas are meant to be used for parking only, and gym related activities will potentially create conflicts with other land uses in the area. Therefore, staff has included recommended conditions limiting the use to indoors only. The property has 5,000 sq. ft. of floor area and the applicant has indicated that there are 31 parking spaces on site. The parking generation manual from the Institute of Traffic Engineers calculates that average parking demand for a Health/Fitness club during a weekday is 5 vehicles per 1,000 sq. ft. According to the site plan, the gym has approximately 2,000 sq. ft. of gym floor area. At this rate the gym will be required to have a minimum of 10 parking spaces. The retail area of the business has approximately 900 sq. ft. of floor area which requires 5 parking spaces, and approximately 300 sq. ft. of office space which requires 2 parking spaces. Therefore, based on an analysis of all of the uses, a total of 17 parking spaces are required for the gym use. In speaking with the owner of Tekton Crossfit, their hours of operation vary somewhat, but the majority of their participants are in the 6 AM, 5:30 PM and 6:30 PM classes. These classes average 10-12 people and are one hour long. These classes are not during normal business hours for the remaining businesses on the property, so the gym has full use of the parking lot during these times. The gym however, is still open during business hours, but the current number of participants during business hours averages to 3 or 4 participants at any one time. The property meets the required setbacks for the zone. The landscaping complies with the current landscaping code. Access to the property is from 350 West. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval subject to conditions.

Brett Wilson, 616 Stonefly Drive, stated he has reviewed the 6 conditions of approval and stated that he can comply with those conditions, but it will end up hurting his

business. Mr. Wilson explained that he chose this location because he felt it suited their needs, but in the end did not understand there would be a Conditional Use requirement. The way Crossfit works is to do a set (i.e. pull-ups), then run, then another set, etc. Not being able to incorporate running into the workout is going to compromise the workout. Mr. Wilson stated that he feels this location lends itself to the running portion of the workout because there isn't a lot of traffic. There is a fenced-in area that is adjacent to the unit and they work out on weekends when nobody is around. He asked if the Commission would consider allowing them to work out on the weekends, use their yard space and run around the building.

Ms. Daniels asked if the gated area is a parking area. Mr. Wilson stated there are parking spaces in that area, but there isn't really any traffic. Ms. Daniels made note that her biggest concerns is consistency and the safety of the clientele. Mr. Wilson stated the safety of their clientele is important to them as well, but the client does know the risk involved. One of the reasons cross-fit businesses tend to go into industrial areas is because they play loud music, drop heavy weights and are fairly noisy. To his knowledge, Murray is the only city that has restricted any cross-fit gym from running out of industrial areas.

Mr. Woodbury asked if the gated parking is gated on both sides. Mr. Wilson responded in the affirmative. Mr. Woodbury asked if the other business that shares that parking has customers coming to that business. Mr. Wilson stated he did not know the logistics of it, but he thought that they do have customers come to drop off vehicles.

Mr. Woodbury asked if the parking behind the business is used mainly for employee parking and/or completed cars by the other business. Mr. Wilson replied in the affirmative. Mr. Woodbury asked how big the gated parking area is. Mr. Wilson indicated he was unsure of the square footage. Mr. Woodbury asked where Mr. Wilson takes his clients to run. Mr. Wilson stated they run around the building. Mr. Woodbury made note as a commission they need to set precedence and need to stay consistent. Mr. Woodbury asked if they were to be restricted to the gated area only for running, would that hurt his business. Mr. Wilson responded by saying, it would hurt the business, but at the same time it would help to be able to go out in a controlled gated area. He indicated that ultimately if they are unable to run, the location is not ideal.

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

Mr. Taylor stated that he would like to revise condition #6 to indicate "Class sizes shall be limited to a maximum of 25 people." Mr. Taylor also addressed condition #5, making note the parking at this site is not conducive to exercise. Mr. Wilkinson commented that recently there had been a similar application in the near area (Pure Workout) that was approved and some of the conflicts and conditions associated with that. In that particular instance there were clients running in the parking lot and throwing tires. The neighboring business owners had concerns with vehicles coming in and out and tires hitting their vehicles. He clarified that what staff is referring to in condition #5 with this project is the parking lot in the immediate exterior of the

building.

Mr. Woodbury asked the applicant if his clients were doing anything other than running in the parking lot. Mr. Wilson responded in the affirmative and added they push and pull things. Those items can stay in the fenced in area, but it would be nice to run around the building.

Mr. Woodbury asked Mr. Wilkinson if there was a maximum of 25 people per class size for Crossfit Posse and Pure Workout. Mr. Wilkinson stated they did not have that condition. Per the building official, Tekton Crossfit does have this condition due to the occupancy of the building. Mr. Wilson made note that they have kept their class size to 20 people.

Ms. Daniels addressed condition #5, asking it to read, "No exercise activities associated with the business are permitted in the parking lot, except in the rear fenced area of the building." Mr. Woodbury made note that he agreed and added that he feels any extra equipment in the surrounding parking area should not be permitted. Mr. Woodbury asked Mr. Wilkinson if the parking spaces in the fenced in area are needed to meet code. Mr. Wilkinson stated there are two businesses in the building and in order to meet the minimum code standards they are required to have the parking spaces in the rear.

Mr. Taylor made a motion to approve a Conditional Use Permit for Tekton Crossfit, a Gymnasium/Athletic Club at the property addressed 5918 South 350 West, subject to conditions 1-6 with the following modifications on conditions 5 & 6 to be as follows:

1. The project shall meet all applicable building code standards.
2. The project shall meet all current fire codes.
3. The trash container shall be screened as required by Section 17.76.170.
4. Parking spaces on site shall be restriped in accordance with the approved plan.
5. No exercise activities associated with the business are permitted in the parking lot except in the rear fenced area of the building.
6. Class sizes shall be limited to a maximum of 25 people.

Mr. Woodbury seconded the motion.

Call vote recorded by Chad Wilkinson.

A _____ Karen Daniels

A _____ Tim Taylor

A _____ Scot Woodbury

A _____ Maren Patterson

Motion passed, 4-0.

GROVE AT COTTONWOODS – 5970 & 6000 South 1300 East – Project # 13-28

Nick Mingo was the applicant present to represent this request. Chad Wilkinson reviewed the location and request for preliminary/final subdivision approval and Conditional Use Permit for a five lot infill subdivision for the properties addressed 5970 and 6000 South 1300 East. Municipal Code Ordinance 16.04.050 requires the subdivision of property to be approved by Murray City Officials with recommendation from the Planning Commission. Section 17.58 authorizes the planning commission to approve residential infill subdivisions. The proposed five lot infill subdivision requires Conditional Use Permit approval by the Murray City Planning Commission. The Planning Commission may recommend that park strips be omitted and the side walk be located at the back of the curb around the cul-de-sac. The applicant has requested elimination of the park strip on the interior of the subdivision surrounding the cul-de-sac. The Murray City Engineer has recommended approval for the sidewalk location. All of the lots exceed the 8,000 sq. ft. minimum area and comply with the minimum lot width and frontage requirements. All dwellings shall comply with the zoning code setback requirements. The minimum front and rear yard setback depth for single family residential infill development shall be 20 ft. The lots are required to be landscaped in compliance with zoning regulations. Access into the property is from 1300 East Street. Based on the information presented in this report, application materials submitted and the site review, staff recommends the commission approve the Conditional Use Permit and send a recommendation to the Murray City Mayor for approval of the infill subdivision subject to conditions.

Ms. Daniels asked Mr. Wilkinson if the park strip is just at the entrance. Mr. Wilkinson responded in the affirmative. Ms. Daniels then asked if the size of the cul-du-sac is standard and meets code. Mr. Wilkinson responded in the affirmative.

Nick Mingo, 978 East Woodoak Lane, stated he did not have anything to add. Ms. Daniels asked if he has reviewed the 11 conditions of approval and is able to comply with them. Mr. Mingo responded in the affirmative.

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

Mr. Woodbury made a motion to approve a Conditional Use Permit for a five lot infill subdivision at The Grove at Cottonwoods located at the properties addressed 5970 and 6000 South 1300 East and send a recommendation to the Murray City Mayor for approval of the infill subdivision, subject to the following conditions:

1. Meet the requirements of the Murray City Engineer for the recording of the plat at the Salt Lake County Recorder's Office.
2. The project shall meet all applicable building code standards.
3. The project shall meet all current fire codes.

4. All fencing on site shall comply with applicable zoning ordinance standards.
5. Meet City subdivision requirements.
6. Meet City drainage requirements.
7. Obtain irrigation company approval for any ditch modifications.
8. Obtain all utility company approvals needed to serve the subdivision.
9. Replace any damaged curb and gutter and sidewalk along the 1300 East Street frontage.
10. Obtain a Land Disturbance Permit prior to beginning site construction work.
11. Provide an escrow security bond for subdivision improvements.

Mr. Taylor seconded the motion.

Call vote recorded by Chad Wilkinson.

A _____ Karen Daniels
A _____ Tim Taylor
A _____ Scot Woodbury
A _____ Maren Patterson

Motion passed, 4-0.

OTHER BUSINESS

Mr. Wilkinson reminded the commission members of a public open house on the issues of chickens, bees and park strips/landscaping on March 26, 2013 at Murray High School. The Murray City web site has an on-line survey in regards to all three issues and encourages the public to fill them out.

At the last City Council meeting they adopted the major home occupation provisions, effective April 1, 2013. This would require anyone with a business in a residential area that has clients coming to the site or construction businesses to get signatures of abutting/neighbor property owners. If those signatures cannot be obtained, they will have the opportunity to come before the Planning Commission to make their case.

Meeting adjourned.

Chad Wilkinson, Manager
Community & Economic Development