

Minutes of the Planning Commission meeting held on Thursday, February 6, 2014, at 6:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Scot Woodbury, Chair
Phil Markham, Vice-Chair
Karen Daniels
Tim Taylor
Vicki Mackay
Maren Patterson
Buck Swaney
Chad Wilkinson, Community Development Manager
Brad McIlrath, Assistant Planner
G.L. Critchfield, Deputy City Attorney
Citizens

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.

Scot Woodbury opened the meeting and welcomed those present. He reviewed the public meeting rules and procedures.

APPROVAL OF MINUTES

Ms. Daniels made a motion to approve the minutes from January 16, 2014 as presented. Seconded by Ms. Mackay.

A voice vote was made. Motion passed, 7-0.

CONFLICT OF INTEREST

There were no conflicts of interest for this agenda.

APPROVAL OF FINDINGS OF FACT

There were no changes made to the Findings of Fact. Mr. Taylor made a motion to approve the Findings of Fact and Conclusions for a Conditional Use Permit for Gregory McConnehey.

Seconded by Mr. Markham.

A voice vote was made. Motion passed, 7-0.

OPEN BOOK AUTO – 5445 South State Street – Project #14-08

Jeff Krantz was the applicant present to represent this request. Brad McIlrath reviewed the location and request for a Conditional Use Permit for an Electronic Message Center Sign for the property addressed 5445 S. State Street. Municipal Code Ordinance 17.48.200 allows electronic message center signs within the C-D-C zoning district subject to Conditional Use Permit approval. The applicant is requesting a Conditional Use Permit to add an electronic message center to an existing detached

sign along the State Street frontage of this property. The proposed electronic message center will be centered on the pole and be located beneath the existing sign. The electronic message center will be approximately 27½ square feet, also including the square footage of the existing sign. The total signage area complies with sign area requirements for detached signs. The proposed plan shows the sign complying with the minimum two (2') foot setback from the front property line. The proposed plan also shows the sign meeting the minimum clearance requirement of eight (8') feet. There are two accesses provided for this property. One is located off of State Street and the other off 5460 South Street. The proposed message center will be located adjacent to the State Street access. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval subject to conditions.

Jeff Krantz, Young Electric Sign Company on behalf of Open Book Auto, 4139 Mt. Olympus Way. Mr. Krantz stated that he was not aware of some of the conditions of approval. He explained that this is an auto dealership, so there are different seasonal events that happen with different banners that will sometimes go up.

Heather Nordin, 792 W Red Oaks Drive, stated that she wasn't aware that the flags going through the lot were an issue or that the banner out front was an issue. Ms. Nordin stated that they placed a banner where Larry H. Miller, the previous tenants, had placed one. Ms. Nordin commented that they were unaware that the flags and banners were considered signage and inquired as to what they need to do with them.

Mr. Woodbury asked Mr. Krantz if he has had an opportunity to read the five conditions of approval and if he can comply with them. Mr. Krantz responded in the affirmative.

Mr. McIlrath stated that because this is a conditional use permit it gives the City the opportunity to make sure the property complies with any standards of the ordinance. Mr. Wilkinson clarified that there are provisions for temporary banners and we are happy to work with the tenants with what is allowed through the code, those types are restricted though. Mr. Woodbury asked if there was a time limit with the banners, Mr. Wilkinson answered that there is a 90 day time limit with banners. The point of the condition is that if there are signs not allowed by the code, those do need to be removed.

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

Ms. Patterson made a motion to approve a Conditional Use Permit for an Electronic Message Center Sign for the property addressed 5445 S. State Street subject to conditions 1-5 as listed:

1. The sign shall meet all building and fire code standards.
2. A structural engineer shall confirm that the existing pole, footings, etc. of the existing sign are capable of supporting the additional load from the new message center. That information shall be submitted as part of the sign permit with the Murray City Building Division.

3. The applicant shall submit plans stamped and sealed by appropriate design professionals for a sign permit with the Murray City Building Division.
4. The sign shall comply with all applicable sign code standards outlined in sections 17.48.160 and 17.48.200 for detached signs and electronic message centers. Must comply with the standards related to sign setback, clearance, brightness of sign, etc.
5. All signs that do not comply with Chapter 17.48 of the Murray Municipal Code shall be removed prior to issuance of the sign permit for the electronic message center.

Seconded by Ms. Daniels.

Call vote recorded by Mr. McIlrath.

A _____ Maren Patterson
A _____ Tim Taylor
A _____ Scot Woodbury
A _____ Karen Daniels
A _____ Vicki Mackay
A _____ Phil Markham
A _____ Buck Swaney

Motion passed, 7-0.

RECOVERY WAYS BRUNSWICK PLACE – 4848 South Commerce Dr. – Project #14-13

Jim Peterson was the applicant present to represent this request. Brad McIlrath reviewed the location and request for a Convalescent/Rehabilitation Center for Drug & Alcohol Addiction Treatment for the property addressed 4848 S. Commerce Dr. Municipal Code Ordinance 17.146 allows convalescent/rehabilitation centers (LU #6516) within the M-U zoning district subject to Conditional Use Permit approval. The applicant is requesting a Conditional Use Permit for a convalescent/rehabilitation center for drug and alcohol addiction treatment within the M-U zoning district. This facility will be similar to the facilities located at 4883 South Box Elder Street and 5288 South Allendale Drive. The proposed facility will be a two-story building with a total floor area of 44,031 square feet. The facility will be divided between office and rehab space with the total office space floor area being 11,739 square feet and the total rehab space floor area being 32,292 square feet. According to the submitted plans both floors will consist of office and rehab space with a kitchen and cafeteria located on the first floor. The facility will contain a total of fifty-six (56) client rooms with the rooms being located in the west and east wings of the building. The applicant is proposing to sell a 12,835 square foot parcel at the southwest portion of the property to an adjacent property owner. A copy of the deed or a plat will need to be submitted prior to the issuance of a building permit. According to disabled parking standards found in section 17.72.070 of the zoning ordinance, four (4) disabled parking stalls shall be provided for every seventy-six to one hundred (76-100) total spaces provided. The proposed plan complies with the minimum number required by providing five (5)

disabled parking stalls. The site plan shows a proposed location of two (2) disabled stalls along the south property line and near the main entrance. The two (2) stalls may be placed at this location, provided that a designated and marked crosswalk is striped across the lanes of vehicular traffic. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval subject to conditions.

Jim Petersen, indicated he is representing Recovery Ways, at 6609 Old Mill Circle, Salt Lake City. Mr. Petersen stated that they are requesting to build a drug and alcohol treatment facility. Mr. Petersen stated that there are two other facilities in Murray. He clarified that their business does not do detox at the facility and their patients are sober and medically stable when they come for help. He stated this is a high quality program, and they are accredited by the joint commission, they have gone through approvals and are aware of the requirements and can meet them.

The meeting was opened for public comment.

Brent Woodward, 6790 Olivet Drive, stated that he had a few questions with how this fits into the City's Master Plan, with the zoning change. Mr. Woodward stated that he owns property directly to the East, which is developed as an industrial park. Mr. Woodward expressed that he has experienced quite a bit of drug traffic through his facility over the years, there is a known meth house on 5th Avenue within less than 500 feet of this proposed sight. He stated that the City has made efforts to remove this home but it is still there. He asked how this would affect the master plan for his property as well.

Dan Snarr, 4870 S 300 W, stated that he has supported Recovery Ways over the last several years in building these facilities in our City. He stated that although there has been some push back, the police department has not responded to these facilities, staff does an excellent job managing and caring for the patients in these facilities. Mr. Snarr stated that he is very supportive of these types of facilities because of the good work they do and the need we have for them, not only in our community but throughout the state of Utah. Mr. Snarr stated that he is an adjoining property owner and he is intending to buy some of the additional property, that for several years he has been leasing from the former owner. Mr. Snarr commented that he feels that this will be a great addition to the neighborhood. There are some issues in this neighborhood still, this is a transitioning area, where some of the homes have been sold, and some of the other properties have been sold, or are up for sale. He is aware of the home on 5th Avenue and the police department is trying to build a strong enough case against that property to have enough evidence so that it would stick. Mr. Snarr stated that in his opinion this facility would be great and there are the two current facilities in the City and although the neighbors were opposed to it at first, they are no longer opposed to it.

Mark Dorwart, 231 W 4860 S, stated he was representing Weld Inc., and Boulder Bag. Mr. Dorwart stated that these businesses are all opposed to this Rehab Center unless the meth house on 5th Avenue will be removed. The police have known about this issue for years. Mr. Dorwart stated that his property is directly behind this meth house and he sees that they are fully operational but the police will not do anything

about it. He does not see how a Rehab Center can be effective within 300 feet of a known meth house that the police will not do anything about.

Brad Crawford stated that he owns the building known as Commerce Business Park at 4892 S 300 W. Mr. Crawford stated that obviously there is a concern with a drug and alcohol treatment center but it sounds like there are others operating in the City so he would like to know if there have been issues with these other facilities.

Frankie Scarborough, 4860 S Commerce Drive, stated that she resides on the property adjacent to this facility. Ms. Scarborough asked if this is a lock-up facility or are they free to come and go. She asked what is a conditional use permit. Ms. Scarborough stated that if this is a recovery facility it's great, if it's like Odyssey House, she isn't too thrilled with something like that.

Mr. McIlrath stated this proposed use is something that is allowed within this district with a conditional use permit approval. Approval of this would not affect any existing uses that are there, those uses can continue as long as they'd like. Within each zoning district in the City, there are uses that are permitted by right and uses are allowed with a conditional use permit which requires applicants to come before the Planning Commission, staff reviews the applications and there are usually certain conditions of that approval that apply. If the Planning Commission approves the Conditional Use they will approve it based on certain conditions.

Mr. Woodbury stated that he thinks of Conditional Use Permits as a great way just to check and make sure what is applied for is something we want in our neighborhoods and cities, it helps everyone to understand what the project is. Mr. Wilkinson addressed the question regarding issues with other facilities. He stated that this would be the third type of facility in Murray City and the city hasn't had any issues with it. It might be helpful for the applicant to explain the operations of the facility so the neighbors can understand more. In other instances the neighbors have visited these sites and once they see the site, the concerns are resolved.

Jim Petersen explained how the Recovery Ways facilities operate. He stated that people come to the facility already sober, and this facility would be the most sober of all the facilities; they come to these facilities to get additional help. If the patients do leave the facility, they are with a therapist and there is no wandering around the facility or the neighborhood. When they come back to the facility, patients and staff both get drug tested numerous times a week. As far as the type of patients, these are not court ordered patients, they are professional, working people and it's not paid by state, and is paid privately, by a union or insurance paid.

Mr. Woodbury asked what the average time frame for the patients to stay in the facility. Mr. Petersen stated that the average stay is 30-45 days.

Ms. Patterson asked if this is an inpatient facility and asked if families come to visit these patients. Mr. Petersen responded in the affirmative. He explained that this is an inpatient facility and there is a family program, every three weeks on Thursday or Friday. About 25% of the patients have family come visit and it is a monitored, structured family program. He stated with regards to friends and family coming by

just to visit, it is not allowed. This program is not a lock-down program. If someone wants to leave the program, they are sober, they are welcome to leave but they cannot come back.

Ms. Patterson asked if there have been any problems with any of the other facilities in Murray, any issues that the public should know about. Mr. Petersen stated that he is unaware of any issues that have involved police or any dangerous situations.

Mr. Woodbury asked if this home would be any different than the other facilities. Mr. Petersen stated that they are identical programs. He explained that when patients come in, first they go to a hospital from anywhere from 3-7 days and get medically stable and detox. Then they come to their facility and are looking for hope, healing, recovery and they are already sober.

Mr. Markham stated that he has watched the other two facilities closely in his travels and both locations are always in the best shape, he has never seen any excess traffic or parking, he has never seen anyone ever wandering around outside the facilities. They are beautiful buildings; they have been a great asset to the community.

There was a question regarding the previously referred to meth house. Mr. Woodbury stated that property is an issue that the planning commission can't impose a condition for this application that the police department shut it down. This is something that the Planning and Zoning Commission are unable to make a decision on at this meeting.

Mr. Dorwart asked Mr. Woodbury if this issue isn't going to weigh on the decision made. Mr. Woodbury stated that it would be addressed to the best of their ability. Mr. Woodbury explained that the purpose of this meeting is to understand what the ordinance is, what the requirements are for the conditional use, and what the business is and to listen to what people have to say. He stated that the commission members understand that the meth home on 5th Avenue is an issue and they would like to do everything they can, but it is not within their power to do so. He stated that the planning commission would encourage the police department to do everything that they can.

The public comment portion of the meeting was closed.

Mr. Swaney asked if there is anything in the conditional use permit details that provide any kind of a buffer from a known meth house/drug house to a facility like this. Mr. Wilkinson answered that there isn't. It is unfortunate, but the planning commission or city staff cannot impose a condition that requires an applicant to go to someone else's property and address a situation on that property. As staff, that is an issue that we will forward on to the police department.

Mr. Markham made a motion to approve the request for Recovery Ways Brunswick Place, a Convalescent/ Rehabilitation Center for Drug & Alcohol Addiction Treatment, for the property addressed 4848 S. Commerce Dr. subject to conditions 1-9 as listed:

1. The project shall meet all applicable building code standards. The applicant shall provide plans stamped and sealed by appropriate design professionals to

include code analysis and an egress plan. The applicant shall provide a stamped and sealed soils report from a geo-technical engineer.

2. The project shall meet all current fire codes and requirements.
3. A formal landscaping plan meeting the requirements of Chapter 17.68 and Chapter 17.146 of the Murray Municipal Code shall be submitted and approved by the Community Development staff and installed as approved prior to occupancy. The plan shall show landscaping within the 5-foot area surrounding the parking, coverage calculations for ground cover meeting the minimum code coverage requirements, and the size of shrubs to be used within the front setback area.
4. The trash container shall be screened as required by Section 17.76.170.
5. Adequate parking stalls, including disabled stalls and a marked crosswalk across lanes of vehicular traffic, shall be paved and striped to comply with ADA and parking regulations found in Chapter 17.72 of the Murray Municipal Code.
6. Access improvements shall be installed to include seven foot (7') wide sidewalk with an eight foot (8') wide park strip along Commerce frontage. The east entry shall be a public and open entrance.
7. Comply with Murray Water & Sewer and Power Department requirements.
8. Prior to building permit, provide copy of deed or plat to combine the southwest corner property with the neighboring property to Community Development Staff.
9. Comply with all Murray City Engineer requirements which include the following conditions:
 - (a) Install sidewalk and repair any damaged curb and gutter along Commerce frontage.
 - (b) Meet City drainage requirements (on-site detention and treatment is required).
 - (c) Provide deeds or plat to combine the southwest corner property with neighboring property.

Seconded by Mr. Taylor

Call vote recorded by Brad McIlrath.

A _____ Maren Patterson

A _____ Tim Taylor

A _____ Scot Woodbury

A _____ Karen Daniels

A _____ Vicki Mackay

A _____ Phil Markham

A _____ Buck Swaney

Motion passed, 7-0.

ROMMEL KOSHABA – 4195 South 500 West #87 – Project #14-16

Rommel Koshaba was the applicant present to represent this request. Chad Wilkinson reviewed the location and request for a Conditional Use Permit for auto sales at the property addressed 4195 South 500 West #87. Municipal Code Ordinance 17.152.030 allows auto sales within the M-G-C zoning district subject to Conditional Use Permit approval. The applicant is requesting a Conditional Use Permit for auto sales at unit #87, which was previously used by a business called Affordable Tree Service. The existing building has a small office and the applicant plans to park three vehicles inside for sale. The floor plan shows the building contains 900 square feet of floor space which will require two parking stalls. Adequate paved and striped parking stalls shall be provided to comply with the off-street parking regulations in Murray City Municipal Code Chapter 17.72. The building meets the required setbacks for the M-G-C zone. The site has existing landscaping which was previously approved. Access into the property is from 500 West. Based on the information presented in this report, application materials submitted and the site review, staff recommends conditional use permit approval subject to conditions.

Rommel Koshaba, 4195 S 500 W, stated that he has a body shop in South Salt Lake so he would like to be able to do sales here and have the repairs in South Salt Lake. Mr. Woodbury asked Mr. Koshaba if he has had an opportunity to read the five conditions of approval and if he can comply with them. Mr. Koshaba responded in the affirmative.

Mr. Swaney clarified with Mr. Koshaba that no auto repair means mechanical or auto body repair. Mr. Koshaba responded in the affirmative.

The meeting was opened for public comment. There were no comments made and the public comment portion was closed.

Mr. Taylor made a motion to approve the request for a Conditional Use Permit for auto sales at the property addressed 4195 South 500 West #87 subject to conditions 1-5 as listed:

1. The project shall meet all applicable building code standards.
2. The project shall meet all current fire codes.
3. Adequate parking shall be provided and striped on the site to meet parking ordinance regulations found in Chapter 17.72. Two exterior parking stalls will need to be designated on the site for customers and employees and not be used for display of vehicles for sale. Due to the limited exterior parking for this business use, the parking of vehicles for sale is limited to vehicles parked only inside the building.

4. Trash containers shall be screened as required by Section 17.76.170.
5. No auto repair is allowed at this unit location.

Seconded by Ms. Daniels.

Call vote recorded by Brad McIlrath.

A _____ Maren Patterson

A _____ Tim Taylor

A _____ Scot Woodbury

A _____ Karen Daniels

A _____ Vicki Mackay

A _____ Phil Markham

A _____ Buck Swaney

Motion passed, 7-0.

EREKSON PLACE SUBDIVISION AMENDMENT – 714 & 718 E Erekson View Cir –
Project # 14-12

Greg Lowe was the applicant present to represent this request. Chad Wilkinson reviewed the location and request for a subdivision amendment approval for the Erekson Place Subdivision at the properties addressed 714 and 718 East Erekson View Circle. Municipal Code Ordinance 16.04.050 requires the subdivision of property to be approved by Murray City Officials with recommendation from the Planning Commission. The applicants are requesting subdivision amendment approval for boundary adjustments to lots #20 & #21 in the Erekson Place Subdivision. The Erekson Place Subdivision was originally approved and recorded at Salt Lake County Recorder's Office in 1988. The previous property owner of both lots had made adjustments to the lots' boundaries, after the 1988 subdivision plat was recorded, without Murray City approval. The subdivision amendment adjusts the subdivision closer to the boundaries that were approved in 1988 and changes the boundary line between lots #20 and #21. A future new dwelling, to be constructed on lot #21, shall be required to comply with the setback requirements of the R-1-8 zone. The lots shall comply with the landscaping requirements in the R-1-8 zone. The access to the property is off Erekson View Circle. Based on the information presented in this report, application materials submitted and the site review, staff recommends the planning commission forward a recommendation of approval to the mayor for subdivision amendment to Erekson Place Subdivision subject to conditions.

Mr. Wilkinson explained that an existing boundary dispute along the eastern portion of the property would not be addressed with the proposed amendment. The boundaries of the property on the east are not proposed to be changed at this time.

Ms. Daniels asked for clarification, on the back property line of the subdivision, would there need to be a survey redone or is it just off the legal description to know where the boundaries were at. Mr. Wilkinson answered that would have to be taken up with

survey's with either parties, there is no change to the plat there now, the only change that they are proposing is in the small triangle piece to the South West of the property.

Greg Lowe, 6186 S 725 E, Murray. Mr. Woodbury asked Mr. Lowe if he has had an opportunity to read the five conditions of approval and if he can comply with them. Mr. Lowe responded in the affirmative.

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

Ms. Daniels made a motion to forward a recommendation of approval to the Mayor for a subdivision amendment approval for the Erekson Place Subdivision at the properties addressed 714 and 718 East Erekson View Circle (lots #20 & 21) subject to conditions 1-5 as listed:

1. Meet the requirements of the Murray City Engineer and city departments for subdivision and plat recording requirements.
2. Show public utility easements on the lots to meet the subdivision ordinance regulations.
3. The project shall meet all applicable building and fire code standards.
4. The project shall comply with Murray Fire, Power and Murray Water and Sewer Department requirements.
5. Upon receiving Planning Commission approval, submit a Subdivision Application form and a pdf of the plat to the City Engineer for final review.

Seconded by Mr. Markham.

Call vote recorded by Brad McIlrath.

A _____ Maren Patterson

A _____ Tim Taylor

A _____ Scot Woodbury

A _____ Karen Daniels

A _____ Vicki Mackay

A _____ Phil Markham

A _____ Buck Swaney

Motion passed, 7-0.

LAND USE TEXT AMENDMENT – Alternative Parking Standards for Auto Dealership Inventory – Project # 14-09

Mr. Wilkinson explained the proposed amendment. Murray City staff is proposing a text amendment to the parking dimensional standards for automobile dealership inventory. Staff proposes the following text be added to Chapter 17.72-Off Street

Parking and Motor Vehicle Standards: 17.72.090 G. Modification of Parking Geometries for Automobile Dealership Sales Inventory: The Community Development Director or designee may authorize alternate parking geometry configurations for automobile sales inventory other than those normally required by city code or policy. An applicant for alternate parking geometry shall apply for site plan review and plans shall be provided for review and approval by City staff. In no case shall parking geometry modifications be allowed for customer, employee or disabled person parking spaces. Where alternative parking geometries are used, employee and customer parking shall be clearly marked with signage or striping on the pavement. A minimum aisle space of 20 feet shall be maintained behind every automobile sales inventory space. In the past, the dimensions for standard automobile spaces have been used in determining the dimensions for auto sales inventory. These spaces are typically used for parking of inventory with the vehicles being parked and maneuvered around the site by employees of the dealership. Because the vehicles are generally parked by employees, the dimensions could be reduced without significant impacts to the general public. Parking dimension standards are meant to provide for adequate area for safely maneuvering vehicles on properties. Standards also provide for sufficient area to minimize possible conflicts arising between vehicle operators. Providing for reductions for sales inventory will allow more efficient use of properties while maintaining adequate area for safely maneuvering vehicles on site. The maneuvering aisle dimension of 20 feet corresponds with the minimum driveway dimension required fire code. Staff recommends that the Planning Commission recommend approval of the proposed text amendment to the City Council.

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

Mr. Taylor made a motion to that the Planning Commission sends a recommendation of approval of the proposed modification of parking geometries for automobile dealership sales and inventory text amendment to the City Council.

Seconded by Ms. Mackay.

Call vote recorded by Brad McIlrath.

A ___ Maren Patterson

A ___ Tim Taylor

A ___ Scot Woodbury

A ___ Karen Daniels

A ___ Vicki Mackay

A ___ Phil Markham

A ___ Buck Swaney

Motion passed, 7-0.

OTHER BUSINESS

Mr. Woodbury recognized Jim Harland in the audience. Mr. Wilkinson thanked Mr. Harland for his service to the City as a planning commissioner.

Planning Commission Meeting
February 6, 2014
Page 12

Meeting adjourned at 7:26 p.m.

Chad Wilkinson, Manager
Community & Economic Development