

Minutes of the Planning Commission meeting held on Thursday July 3, 2014, at 6:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Phil Markham, Vice-Chair  
Tim Taylor  
Karen Daniels  
Maren Patterson  
Brad McIlrath, Assistant Planner  
Jared Hall, Community and Economic Development Manager  
Tim Tingey, Administrative and Development Services Director  
Frank Nakamura, City Attorney  
Citizens

Excused: Scott Woodbury  
Vicki Mackay  
Buck Swaney

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 Division Office.

Mr. Markham 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 June 19, 2014 as written.

Seconded by Mr. Taylor.

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

#### CONFLICT OF INTEREST

There were no conflicts of interest for this agenda.

#### APPROVAL OF FINDINGS OF FACT

There were no Findings of Fact for this agenda.

#### BASIN ENTERPRISES, LLC – 5380 South 900 East – Project #14-96

Jared Hall reviewed the location and request for Conditional Use Permit approval for the addition of a U-Haul Rental business for the property addressed 5380 South 900 East. Section 17.160.030 of the Murray Municipal Code allows equipment rental and leasing services within the C-D-C zoning district subject to Conditional Use Permit approval from the Planning Commission. The applicant is proposing to add a U-Haul truck rental business to the existing convenience store located at 5380 South 900 East. The proposal includes the addition of 4 (four) parking stalls for the rental trucks directly behind the building and 4 (four) stalls for customer/employee parking on the southwest corner of the property. There are currently 3 (three) customer parking stalls on the south side of the building which includes one ADA stall. The truck rental

business will be operated by clerks of the convenience store with the addition of a computer, hand truck, dolly, and a few miscellaneous moving supplies. The number of rental trucks will be limited because of the limited number of parking stalls available on site. Based on the information presented in this report, applications materials submitted and the site review, staff recommends a continuation to the August 7, 2014 Planning Commission Meeting so the applicant can:

1. Provide the City with a site plan drawn to scale that complies with the landscaping and off street parking regulations of the Murray Municipal Code.

The applicant was not in attendance.

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

Mr. Taylor made a motion to continue this request for a Conditional Use Permit approval for the addition of a U-Haul Rental business for the property addressed 5380 South 900 East to the August 7, 2014 meeting.

Seconded by Ms. Patterson

Call vote recorded by Brad McIlrath.

A \_\_\_\_\_ Phil Markham

A \_\_\_\_\_ Tim Taylor

A \_\_\_\_\_ Maren Patterson

A \_\_\_\_\_ Karen Daniels

Motion passed, 4-0.

FIRST BJJ, LLC – 5508 South Van Winkle Expressway – Project #14-103

Robert Farnsworth was the applicant present to represent this request. Jared Hall reviewed the location and request for Conditional Use Permit approval for a Brazilian Jui-Jitsu business at the property addressed 5508 South Van Winkle Expressway. Representatives of Brazilian Jui-Jitsu are requesting a Conditional Use Permit for a martial arts gym business use within the existing building which is located in a larger commercial development with shared parking. The applicant indicated there will be age groups from age 6 to adults. There are trash containers behind the building which will need to be enclosed within fenced enclosures to comply with code. The site complies with the required parking for the proposed business use. The applicant indicated the lease space for the business use will contain 2,086 sq. ft. Murray City zoning code section 17.72 does not define the exact number of parking stalls that this type of business requires. Section 17.72.070 gives discretion to the Planning Commission when the specific use is undefined in regards to parking requirements. The applicant indicated there will be a maximum 25 students and one time with an instructor which will be a maximum of 26 parking stalls used. There are a total of 786 parking stalls on the site which are shared with other business uses. Some of the lease spaces in this commercial center are currently vacant. The landscaping

generally complies with landscaping code at the time the buildings were constructed. The west side of the property is covered with weeds, which needs to be cleared off in order to comply with landscaping code. Based on the information presented in this report, application materials submitted and the site review, staff recommends Conditional Use Permit approval subject to conditions.

Robert Farnsworth, 7776 Oakshadow Circle and Carlos Santos, 5508 Van Winkle Expressway.

The meeting was opened for public comment.

Barbara and John Mitchell, 1378 Old Maple Court, stated that she is delighted that a martial arts business wants to locate at this address, although she has one small concern. Ms. Mitchell stated that she lives the townhouse complex directly behind the facility. 24-Hour Fitness (Gold's Gym) does all the cleaning of the facility at night and Ms. Mitchell is curious if this business will also be doing cleaning at night.

The public comment portion of the meeting was closed.

Mr. Farnsworth stated that there would be some cleaning done at night, but as it is a small building, the cleaning won't be as intense as 24-Hour Fitness (Gold's Gym). The only cleaning that will need to be done is the bathrooms and the open mat area. Mr. Farnsworth stated that after each class, the mats are cleaned so that should help with cleaning at the end of the night.

Ms. Patterson made a motion to approve a Conditional Use Permit for a Brazilian Jui-Jitsu business at the property addressed 5508 South Van Winkle Expressway 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. The trash container shall be screened as required by Section 17.76.170.
4. Landscaping on site must meet the requirements of Chapter 17.68 of the Murray Municipal Code. The west side of the property near the hill is covered with weeds and needs to be cleared off and property landscaped to comply with code.
5. All business operations/classes must be held inside the building.

Seconded by Ms. Daniels

Call vote recorded by Brad McIlrath.

A \_\_\_\_\_ Phil Markham

A \_\_\_\_\_ Tim Taylor

A \_\_\_\_\_ Maren Patterson

A \_\_\_\_\_ Karen Daniels

Motion passed, 4-0.

Mr. Santos expressed that when the business address is searched in Google, the address shows Salt Lake City, it doesn't show Murray. Mr. McIlrtah stated that when it is searched in Google, the address is based off the US Postal Service, which has its own coding systems.

GET AIR SALT LAKE – 5580 South Van Winkle Expressway #3 – Project #14-105

Brian Christiansen was the applicant present to represent this request. Jared Hall reviewed the location and request for Conditional Use Permit approval for a trampoline recreation business use for the property addressed 5580 South Van Winkle Expressway. Municipal Code Ordinance 17.160 allows trampoline business use in the C-D-C zoning district subject to Conditional Use Permit approval. Representatives of Get Air Salt Lake are requesting a Conditional Use Permit for a trampoline use business within the existing building which is located in a larger commercial development with shared parking. The City Council recently approved a text amendment for the C-D-C zone to allow a trampoline pit business subject to Conditional Use Permit approval. There are trash containers behind the building which will need to be enclosed within fenced enclosures to comply with code. The site complies with the required parking for the proposed business use. The applicant indicated the lease space for the business use will contain 42,427 sq. ft. Murray City zoning code chapter 17.72 relating to off-street parking standards does not define the number of parking stalls that this type of business requires. Section 17.72.070 gives discretion to the Planning Commission when the specific use is undefined in regards to parking requirements. The applicant indicated the parking provided for this type of business use, for other trampoline facilities they have developed, provides for one parking stall per three people. The maximum occupancy for this space is 245 people every hour which will require 81 parking stalls based on the ratio of one stall per three people. This is less parking required for the site than the retail requirement of 212 parking stalls. There are a total of 786 parking stalls on the site which are shared with other business uses. Some of the lease spaces in this commercial center are currently vacant. Based on the information presented in this report, application materials submitted and the site review, staff recommends Conditional Use Permit approval subject to conditions.

Brian Christiansen, project manager for trampoline parks, 6879 South 3420 West. Mr. Christiansen asked why the landscaping needed to be addressed. Mr. Hall explained what needed to be done to meet landscaping requirements. Mr. Markham asked Mr. Christiansen if he has had the opportunity to review the five conditions of approval and if he could comply with them. Mr. Christiansen answered in the affirmative. Mr. Markham asked when the projected opening date would be for this business. Ms. Daniels stated that since this trampoline park is in the same complex as the Brazilian Jiu-Jitsu and there was public comment regarding noise from cleaning the facility, that it would be good to know when this business will perform its cleaning. Mr. Christiansen stated that cleaning will be done prior to opening the business for the day.

The meeting was opened for public comment.

Chris Monson, 376 E 400 S Suite 120, stated that he is representing the property owner. Mr. Monson stated that they are planning to get the landscaping up to code for the applicants. He is also happy to meet with citizens that were present and see if there is a solution to the noise coming from the fitness center.

The public comment portion of the meeting was closed.

Mr. Taylor made a motion to approve a Conditional Use Permit for a trampoline recreation business use for the property addressed 5580 South Van Winkle Expressway 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. The trash container shall be screened as required by Section 17.76.170.
4. Landscaping on site must meet the requirements of Chapter 17.68 of the Murray Municipal Code. The west side of the property near the hill is covered with weeds and needs to be cleared off and property landscaped to comply with code.
5. All business operations/classes must be held inside the building.

Seconded by Ms. Daniels

Call vote recorded by Brad McIlrath.

A Phil Markham

A Tim Taylor

A Maren Patterson

A Karen Daniels

Motion passed, 4-0.

CLARUS VISION – 6344 South 900 East – Project #14-106

Leah Bergerson was the applicant present to represent this request. Brad McIlrath reviewed the location and request for a General Plan and Zone Map Amendment for the property addressed 6344 South 900 East. The applicant has submitted a proposal to amend the subdivision with a boundary adjustment to the two lots of the subdivision. The amendment will involve adjusting the shared property line to the east by five feet (5'). The applicant is proposing to amend the General Plan and Zoning Map for these two properties in order for the land use and zoning classifications to be in line with the proposed property lines. The purpose of the General Plan is to provide overall goal and policy guidance related to planning issues in the community. The

plan provides for flexibility in the implementation of the goals and policies depending on individual situations and characteristics of a particular site. Chapter 2 of the Murray City General Plan identifies the goals and objectives for land use in the community. The plan also identifies future land use as depicted in Map 2-4. The requested General Plan and Zoning Map amendments are consistent with the General Plan. The land use and zoning classifications will only change to ensure that the west property only has one general plan and zoning classification as residential single family. Based on the above findings, staff recommends that the Planning Commission forward a recommendation of approval to the City Council for the requested Murray General Plan Amendment and Zone Change.

Ms. Patterson clarified that the wall is already built; she asked if the wall would need to be taken down if Planning Commission does not approve this. Mr. McIlrath stated that the wall would need to be moved 5 feet to the West.

Leah Bergerson, 56 Daily, Park City, stated that she did not have anything else to add.

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

The meeting was opened for public comment regarding the subdivision amendment. 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 City Council for the General Plan Amendment for the property addressed 6344 South 900 East from Residential Neighborhood Business to Residential Single Family Low Density.

Seconded by Mr. Taylor

Call vote recorded by Brad McIlrath.

A Phil Markham

A Tim Taylor

A Maren Patterson

A Karen Daniels

Motion passed, 4-0.

Ms. Daniels made a motion to forward a recommendation of approval to the City Council for a Zone Map Amendment for Clarus Vision at the property addressed 6344 South 900 East, Zone Map Amendment from R-N-B to R-1-8.

Seconded by Ms. Patterson

Tim Tingey mentioned that it is a recommendation of approval that is being forwarded to the City Council.

Call vote recorded by Brad McIlrath.

A \_\_\_\_\_ Phil Markham

A \_\_\_\_\_ Tim Taylor

A \_\_\_\_\_ Maren Patterson

A \_\_\_\_\_ Karen Daniels

Motion passed, 4-0.

Ms. Daniels made a motion to approve the amendment to the Clarus Vision Subdivision property addressed 6344 South 900 East subject to conditions 1-4 as listed:

1. Meet the requirements of the Murray City Engineer for the recording of the plat at the Salt Lake County Recorder's Office.
2. Show utility easements on all of the lots to meet the subdivision ordinance regulations
3. Meet Murray City subdivision requirements.
4. The project shall meet all applicable building and fire code standards.

Seconded by Mr. Taylor.

Call vote recorded by Brad McIlrath.

A \_\_\_\_\_ Phil Markham

A \_\_\_\_\_ Tim Taylor

A \_\_\_\_\_ Maren Patterson

A \_\_\_\_\_ Karen Daniels

Motion passed, 4-0.

BIRKHILL APARTMENTS – Phase 3 – 4263 Jummer Way – Proj. #14-113 #14-114

Hooper Knowlton was the applicant present to represent this request. Brad McIlrath reviewed the location and request to create a two lot subdivision at the location. The proposal will create lots 301 and 302 for the Birkhill Apartments Phase 3. Lot 301 will comprise the building area for the future apartment building with lot 302 comprising the area of the future parking structure. Lot 301 will include a private ingress/egress access easement for vehicle access to the parking structure located on lot 302. There is a second private ingress/egress access easement for residents of the apartments to access the parking structure located on lot 302. The proposed subdivision will not require the alteration of the proposed plans for the apartments and adjacent parking structure. Murray City Code Title 16 outlines the requirements for subdivision review. The Murray Planning Commission is required by State Code (10-9a-207) to conduct a public hearing and review all subdivisions of property within the City. The Planning Commission's role is to ensure that a proposed subdivision is consistent with established ordinances, policies and planning practices of the City. The Planning Commission acts as an advisory body to the Mayor and shall make

investigations, reports and recommendation on proposed subdivisions as to their conformance to the general plan, zoning code and other pertinent documents as it deems necessary. Following the Commission's review and recommendation of a subdivision application, it will be forwarded to the Mayor for final approval. The plat is then forwarded to the Salt Lake County Recorder's office for review and recording.

The Murray City Fire Department recommends approval with no conditions. The Murray City Water and Sewer Division recommends approval noting that the applicable water utilities are located within the Jummer Way right of way and that those utilities will not be affected by the proposed subdivision. The Murray City Power Department recommends approval with utility easements being shown on the final plat as required by the Murray City Engineer. The Murray City Engineer recommends approval subject to the requirements outlined in the conditions of approval. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval subject to conditions.

The applicant is also requesting Planning Commission approval for a condominium plat project for the Birkhill Apartments Phase 3 Parking Structure for the property addressed 4263 S. Jummer Way. With approval, that two lot subdivision will create lots #301 and #302 for the apartments and parking structure. The applicant is requesting Planning Commission approval to divide the proposed lot #302 into five condominium units corresponding to the proposed parking structure. The applicant has indicated that the proposed condominium units in the parking structure are a requirement of the Tax Credit Equity investor for the project. The applicant has previously received Planning Commission approval to divide lot #102 of the Birkhill Apartments Phase 1 subdivision into four condominium units for the corresponding parking structure.

As with the previous application, staff is concerned that the individual units could potentially be sold independent of the apartments that they serve. Although there is no specific ordinance or statute that would prohibit a condominium subdivision of the parking structure, staff would like to ensure that the individual units remain tied to the apartments that they serve. Therefore, staff is requesting that the Conditions, Covenants and Restrictions (CCR's) for the project include a restriction preventing the parking from being sold independent of the apartment buildings. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval subject to conditions.

Hooper Knowlton, 27 E. Gillbride Ave #1412, stated that he had nothing more to add but that he would like to get these two items approved so he can move forward with this project. Mr. Markham asked a question concerning the parking garage, how difficult will future expansion be with the parking garage structure being used. Mr. Knowlton stated that the same situation happened in Phase 1, there were 3 levels to the parking structure built and then prior to commencement of Phase 2, which will be completed in mid-August, the fourth level was built to accommodate the second phase. When that occurs, there is a little disruption to people parking in the structure. There was about 30 days that people had to park in a different parking lot. This will be the same for Phase 3.

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

Mr. Taylor made a motion to approve the Birkhill Apartments – Phase 3 for the property addressed 7263 Jummer Way subject to conditions 1-8 as listed:

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 two subdivision proposals shall be submitted as two separate plats. The first plat (Birkhill Apartments Phase 3) creating the two lot subdivision shall be recorded prior to the second plat (Birkhill Expandable Parking Condominiums – Phase 3) for the parking structure.
3. Show utility easements on all of the lots to meeting the subdivision ordinance regulations to the satisfaction of the Murray City Engineer and impacted utilities.
4. Meet Murray City subdivision platting requirements.
5. Upon receiving Planning Commission approval, submit a subdivision application form and a pdf of the plat to the Engineering Division for final review.
6. The project shall meet all current building and fire code standards.
7. The project shall comply with all Murray Power Department requirements.
8. The project shall comply with all Murray City Water and Sewer requirements.

Seconded by Ms. Daniels

Mr. Markham asked Mr. Knowlton if he has had an opportunity to review the conditions of approval 1-8 and if he can comply with them. Mr. Knowlton answered in the affirmative

Call vote recorded by Brad McIlrath.

A \_\_\_\_\_ Phil Markham  
A \_\_\_\_\_ Tim Taylor  
A \_\_\_\_\_ Maren Patterson  
A \_\_\_\_\_ Karen Daniels

Motion passed, 4-0.

Mr. Taylor made a motion to approve the condominium plat project for the Birkhill Apartments Phase 3 parking structure for the property addressed 4263 Jummer Way subject to conditions 1-9 as listed:

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 two subdivision proposals shall be submitted as two separate plats. The first plat (Birkhill Apartments Phase 3) creating the two lot subdivision shall be recorded prior to the second plat (Birkhill Expandable Parking Condominiums – Phase 3) for the parking structure.
3. Show utility easements on all of the lots to meet the subdivision ordinance regulations to the satisfaction of the City Engineer and impacted utilities.
4. Meet Murray City subdivision platting requirements.
5. Upon receiving Planning Commission approval, submit a subdivision application form and a pdf of the plat to the Engineering Division for final review.
6. A copy of the Conditions, Covenants and Restrictions (CCR's) for the proposed condominium project shall be submitted to Community Development Staff for review and approval prior to the recording of the plat. The CCR's shall include a provision that restricts the parking structure from being sold independent of the apartment building.
7. The project shall meet all current building and fire code standards.
8. The project shall comply with all Murray Power Department requirements.
9. The project shall comply with all Murray City Water and Sewer requirements.

Seconded by Ms. Daniels

Mr. Markham asked Mr. Knowlton if he has had an opportunity to review the conditions of approval 1-9 and if he can comply with them. Mr. Knowlton answered in the affirmative

Call vote recorded by Brad McIlrath.

A \_\_\_\_\_ Phil Markham  
A \_\_\_\_\_ Tim Taylor  
A \_\_\_\_\_ Maren Patterson  
A \_\_\_\_\_ Karen Daniels

Motion passed, 4-0.

#### OTHER BUSINESS

Planning commission training will not work in August but is planned to be held on September 11, 2014.

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Meeting adjourned at 7:17 p.m.

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Jared Hall, Manager  
Community and Economic Development