

Minutes of the Planning Commission meeting held on Thursday, August 20, 2015, at 6:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Phil Markham, Chair
Gary Dansie
Buck Swaney
Travis Nay
Karen Daniels
Jared Hall, Community & Economic Development Manager
Brad McIlrath, Assistant Planner
G. L. Critchfield, Deputy City Attorney
Citizens

Excused: Tim Taylor
Scot Woodbury

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.

Phil Markham opened the meeting and welcomed those present. He reviewed the public meeting rules and procedures.

APPROVAL OF MINUTES

Mrs. Daniels made a motion to approve the minutes from July 30, 2015, and August 6, 2015. Seconded by Mr. Swaney

A voice vote was made. Motion passed, 5-0

CONFLICT OF INTEREST

There were no conflicts of interest for this agenda.

APPROVAL OF FINDINGS OF FACT

There were no items needing approval of Findings of Fact for this agenda.

Q & A AUTO SALES – 4195 South 500 West #91 & 92 – Project #15-106

Atheer Alqadhi and Ahmed Noori were the applicants present to represent this request. Brad McIlrath reviewed the location and request for a Conditional Use Permit for Auto Sales to be conducted at the property addressed 4195 South 500 West #91 & 92. Municipal Code Ordinance 17.152 allows motor vehicle sales (LU #5510) within the M-G Zoning District subject to Conditional Use Permit approval. The applicants propose to operate a used car sales business at this location which has previously been used for auto repair. The applicants do not intend to perform auto repair except on vehicles that they are selling and they will not be offering auto repair services to the general public. The two units do not include a separating wall, and function as one large unit which measures at 1,710 square feet in total floor area. The applicants have constructed a 90 square foot office space which is only accessible by an exterior door. The large display area will continue to be accessible by the ten foot (10') wide bay doors and a three foot (3') door north of the office space.

The parking requirement for this type of use is calculated at the rate of “4 parking spaces for

each 1,000 square feet of net office space plus 1 parking space for each 750 square feet of net floor area.” According to the submitted floor plans 1 space shall be provided for the 90 square foot office space and 2 spaces for the remaining 1,710 square feet of open warehouse space. Therefore a total of 3 off-street parking spaces shall be provided for this business use. According to the submitted site plan, a total of four (4) exterior parking spaces are provided for the two adjacent units. It is important to note that due to the lack of sufficient off-street parking at this property, all cars that are on display for sale must be displayed inside in order to provide exterior customer parking. In response to that requirement, the applicants have indicated on the plans that all sales vehicles will be located inside the building. According to Section 17.72.070, one disabled/ accessible (ADA) parking space must be provided for every 1-25 total parking spaces provided. In order to comply with this minimum requirement the applicants must provide a van accessible ADA parking space with an eight foot (8’) wide access aisle. By providing the access aisle for the ADA parking space the total available parking spaces on site will be reduced from four (4) spaces to three (3) spaces. However, as stated above the remaining three (3) spaces will still comply with the minimum amount of parking spaces required for this type of use. The existing building complies with the minimum setback and height requirements of the M-G Zoning District. Landscaping for this property was previously approved and installed. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval of the Conditional Use Permit to conduct motor vehicle sales at the properties addressed 4195 South 500 West Units #91 & 92 subject to conditions.

Atheer Alqadhi, 4195 South 500 West #91 & 92, stated that his plan is to purchase cars from an auction, have them repaired so the cars are safe and ready to sell. Mr. Alqadhi indicated that he has reviewed the staff recommendations and will comply.

The meeting was open for public comment. No Comment was made and the public comment portion of the meeting was closed.

Mr. Swaney made a motion to approve a Conditional Use Permit for Auto Sales to be conducted at the property addressed 4195 South 500 West #91 & 92 subject to the following conditions:

1. The project shall meet all applicable building code standards. The applicants shall obtain Murray City Building Division approval for the construction of the office space which may require the applicants to obtain a building permit.
2. The project shall meet all current fire codes and the applicants shall not block fire access.
3. The applicants shall obtain a Murray City Business License prior to the commencement of business operations.

Seconded by Mrs. Daniels.

Call Vote recorded by Brad McIlrath

A _____ Phil Markham
A _____ Gary Dansie
A _____ Buck Swaney

A _____ Travis Nay
A _____ Karen Daniels

Motion passed, 5-0.

CHRISTIAN AUTO INC – 150 West 4800 South #38 – Project #15-108

Luis Ramon Millan-Carillo was the applicant present to represent this request. Jared Hall reviewed the location and request for a Conditional Use Permit for Auto Sales to be conducted at the property addressed 150 West 4800 South, #38. Municipal Code Ordinance 17.152 allows motor vehicle sales (LU #5510) within the M-G Zoning District subject to Conditional Use Permit approval. The applicant currently maintains a business operation for automobile repairs, including auto body and painting at this location. The current application is to add vehicle sales. The applicant has indicated that the vehicle sales business will be small in scale with 2-3 vehicles at any time for sale. No changes to the interior or exterior of the building itself have been proposed. He has leased additional space at another facility to keep vehicles that become problematic for his business (vehicles whose owners may have decided not to repair and continue not to retrieve the vehicle, for example) in order to assure that there is space to keep the lot clean and functioning and to be able to keep three stalls available for vehicle sales. The subject property (unit 38) is the end unit of a building on the property. The property is one of several in this area which are typical warehouse or shop and office units. The unit itself is comprised of 2,360 square feet of shop space, 120 square feet in a restroom and hallway, and a 420 square foot office.

The applicant has submitted a site plan indicating 10 total parking stalls. However, one of those indicated stalls is positioned partially blocking the overhead door to the shop space and has not been included in the calculations by staff. Auto repair requires 3 parking spaces per work station or bay. The building has a single bay door, but the shop space is large and also houses a paint booth. For purposes of this review, Staff has considered this two work stations requiring 6 stalls. The addition of vehicle sales requires 3 dedicated parking stalls. Staff is recommending that the applicant be limited to no more than 3 vehicles for sale on site at any time because the other parking on site is necessary for the collision repair activity. 17.72.020 requires one handicap accessible parking stall for this site, and further that the stall be van accessible. The site plan provided by the applicant indicates a handicap accessible stall. There is sufficient space to accommodate, but restriping will be necessary for the stall to qualify as a van accessible stall under this section. The existing building complies with the minimum setback and height requirements of the M-G Zoning District. The landscaped areas associated with this property were previously approved and installed, and are in good condition. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval of the Conditional Use Permit to conduct motor vehicle sales at the property addressed 150 West 4800 South, #38 subject to conditions.

Luis Ramon Millan-Carillo, 150 West 4800 South #38, stated that he will be buying cars from the auction and fixing them up at his shop. Mr. Carillo stated that he will only be selling 2 or 3 vehicles at a time. Mr. Carillo indicated that he has reviewed the staff recommendations and will comply.

Mr. Swaney asked in addition to the 3 vehicles that are planned to be for sale on the lot, how many other vehicles does Mr. Carillo usually have that he is repairing or actively working on. Mr. Carillo stated that he has another lot where he stores the other vehicles and the vehicles

he is working on he keeps them inside the shop.

The meeting was open for public comment. No Comment was made and the public comment portion of the meeting was closed.

Mr. Nay made a motion to approve a Conditional Use Permit for Auto Sales to be conducted at the property addressed 150 West 4800 South, #38 subject to the following conditions:

1. The applicants shall restripe the handicap accessible stall to comply with Section 17.72.020 standards for van accessible stalls.
2. The applicants shall assure that three stalls on site are available for vehicle sales, and maintain clear access into and out of the building and parking lot.
3. The applicant shall have no more than 3 vehicles for sale on site at any one time.
4. The applicants shall obtain a modification of their current Murray City Business License allowing vehicle sales prior to the commencement of sales operations on site.

Seconded by Mrs. Daniels

Call vote recorded by Brad McIlrath

A_____ Phil Markham
A_____ Gary Dansie
A_____ Buck Swaney
A_____ Travis Nay
A_____ Karen Daniels

Motion passed, 5-0.

KAILE OASIS REIKI & MASSAGE – 921 East Executive Park Drive #E – Project #15-109

Ling He and Xiaying Cao were the applicants present to represent this request. Brad McIlrath reviewed the location and request for a Conditional Use Permit to conduct Reiki at the property addressed 921 E. Executive Park Dr. #E. Municipal Code Ordinance 17.160 allows the practice of Reiki (LU #6297) within the C-D Zoning District subject to Conditional Use Permit approval. The applicants are requesting approval to add Reiki as a business service of the massage establish at this location. The applicants and business owners have submitted a written narrative explaining that the unit includes four (4) rooms and that two (2) of the rooms would be used for Reiki with the remaining two (2) rooms used as a massage room and reception area. According to the property owner the entire 852 square foot unit includes the four (4) rooms with storage closets and utilities located to the rear of the unit. The existing business use as a massage therapy establishment is allowed as a permitted use within the C-D Zoning District. Individuals who practice massage therapy are required to obtain a Utah State Professional License, which requires training, background checks and other requirements. According to Murray Municipal Code, massage therapists must obtain a state professional license prior to obtaining a Murray City Business License. Unlike massage therapy, Reiki practitioners are not required to obtain a Utah State Professional License, therefore this land use has been determined to require conditional use permit approval prior to the issuance of a

Murray City Business License.

The parking requirement for this type of use is calculated at the same rate used for beauty and barber shops which is, "3 spaces for each chair." With each room accommodating only one client at a time, there is the potential for additional clients to be waiting in the reception area for services. With three (3) rooms being used for massage or Reiki services, a total nine (9) exterior parking spaces are required for this use. The parking demand for this business use is not increasing with the addition of Reiki services because the rooms have previously been used for massage therapy which is calculated at the same rate.

Based upon the submitted site plan and a site visit, a total of thirty eight (38) parking spaces are provided for this building in a shared parking arrangement. Two (2) of the total parking spaces are reserved for ADA parking which complies with the minimum standard required for every 26-50 total parking spaces. According to staff analysis of the existing parking layout and parking demand of the proposed use, staff determines that sufficient parking is provided for this use and the other business uses located at this building. The existing buildings comply with the minimum setback and height requirements of the C-D Zoning District. Landscaping was previously approved and installed at this location. Based upon a site visit, the existing landscaping is well maintained and includes sufficient trees, shrub and ground cover for the entire property. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval of the Conditional Use Permit to allow the practice of Reiki (LU #6297) at the property addressed 921 E. Executive Park Drive #E subject to conditions.

Ling He, 921 East Executive Park Drive #E, stated that she uses 2 rooms at the location and more people enjoy Reiki. Ms. He indicated that she has reviewed the staff recommendations and will comply.

The meeting was open for public comment. No Comment was made and the public comment portion of the meeting was closed.

Mrs. Daniels made a motion to approve a Conditional Use Permit to conduct Reiki (LU #6297) at the property addressed 921 East Executive Park Dr. #E 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 applicants and all future operators of the business shall always comply will all local, state and federal laws relating to the operation of a massage and Reiki establishment.
4. The applicants shall obtain Murray City Business Licenses prior to the commencement of business operations.
5. The business owners shall update the existing business license for Kaile Oasis Massage to include Reiki as provided service on the business license.

Seconded by Mr. Swaney

Call vote recorded by Brad McIlrath

A _____ Phil Markham
A _____ Gary Dansie
A _____ Buck Swaney
A _____ Travis Nay
A _____ Karen Daniels

Motion passed, 5-0.

MURRAY BLUFFS PHASE 3 – 6320 South Murray Bluffs Drive – Project #15-65

Blaine Gough was the applicant present to represent this request. Jared Hall reviewed the location and request for a final subdivision approval for Murray Bluffs Phase 3 which consists of 17 single family residential lots at the property addressed 6320 South Murray Bluffs Drive. Municipal Code Ordinance 16.04.050 requires the subdivision of property to be approved by Murray City Officials with a recommendation from the Planning Commission. The applicant is requesting final subdivision approval for Murray Bluffs Phase 3 which has 17 single family residential lots. All of the lots comply with the minimum 10,000 sq. ft. lot area in the R-1-10 zone. The applicant has provided grading and utility plans for the site. There is a concern noted from the City Engineer and Building Official that the canal bank be protected. See the notes in the City Department review comments. The new dwellings are required to comply with the setback requirements of the R-1-10 zone. With development of the single family residential lots, the property owners have one year to complete the residential landscaping as required in Municipal Code Section 17.68.060. The applicant will need to provide and install park strip street trees in compliance with city code and provide a plan for approval by City staff. 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 Engineer noted a special problem of concern with the proposed subdivision which backs onto the North Jordan Canal. The City Engineer has listed his conditions of approval in the conclusions and recommendations listed below. The Murray Building official also noted potential problems with homeowners cutting into the toe of the slope. This can be minimized by the developer of the project providing a wall/fence at the toe of the slope or edge of property line. The Fire Marshall requires the applicant to provide plans with an adequate number and spacing of fire hydrants. The roadways and cul-de-sacs shall be constructed to comply with the IFC. The project shall comply with Murray City Power Division and subdivision ordinance requirements. The applicant shall comply with the Murray City Water and Sewer Divisions requirements for water and wastewater division requirements. (Both specifications are available on the City web site or calling Murray Public Services.) Based on the information presented in this report, application materials submitted and the site review, it is recommended the Planning Commission send a recommendation for final subdivision approval to the Mayor for Murray Bluffs Phase 3 subject to conditions.

Blaine Gough, 12809 South Boulter Street, stated that prior to the first Planning Commission meeting Mr. Gough had begun the process of complying with the conditions. Mr. Gough stated that he met with Trae Stokes, the City Engineer and looked at the challenges and the only real challenge to the subdivision is the canal. Mr. Gough stated that he has already met the conditions and Mr. Gough has documentation of the geo report, where they have done a complete study on the canal. Mr. Gough stated that they are ready to go forward with the recommendations, which is a complete drain system across the canal with a drain system across the back, plus reinforcing it, re-grading the slope of the canal from a 2 to a 1. Mr. Gough stated the canal in that area is actually in integrities condition according to the report, they did about 14 borings across it and about 17 across the base of the canal. Mr. Gough stated that it was suggested they stay off the bank and Mr. Gough wants to do that. Mr. Gough indicated that he has reviewed the staff recommendations and will comply.

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

Mr. Swaney made a motion to send a recommendation of approval to the Mayor for final subdivision approval for Murray Bluffs Phase 3 which has 17 single family residential lots subject to the following conditions:

1. Provide a site geotechnical study. The study should include an assessment of the canal embankment and any deficiencies or maintenance issues should be identified. The study should also include recommendations to address any embankment deficiencies or stability issues.
2. Install / construct any recommended canal embankment improvements.
3. Obtain North Jordan Canal Company approval and permit for any embankment or canal work.
4. Obtain Salt Lake County Flood Control Permit for any embankment or canal work.
5. Abandon the existing irrigation connections to the canal as per Canal Company requirements.
6. Exclude the canal embankment property from the proposed subdivision.
7. Construct a masonry or concrete type wall along the west subdivision boundary to prevent encroachment into the toe-of-slope.
8. Meet City storm drain standards. The existing 15" diameter storm drain line in Murray Bluffs Road is over capacity and will not carry additional runoff. This line will need to be upsized or detention will need to be provided.
9. The subdivision plat and associated improvement plans will need to meet City standards. A bond will need to be provided for all public improvements.
10. All subdivision improvements shall meet City standards.

11. A City excavation permit will be required for work in any existing City rights-of-way.
12. Provide a site SWPPP and obtain a City Land Disturbance Permit prior to beginning any site grading or construction work.
13. The applicant shall apply for final plat approval to the Planning Commission, and submit a PDF file of the plat and associated improvement plans to the Engineering Division for final review.
14. The applicant shall comply with final subdivision approval with compliance to the application and ordinance requirements.
15. The subdivision plat shall comply with the subdivision ordinance requirements for utility easements on the lots.
16. The project shall comply with Murray Fire Department requirements.
17. The project shall comply with building and fire codes. The applicant shall provide a stamped and sealed soils report from a geo-technical engineer when submitting for a building permit.
18. The subdivision shall comply with the fencing regulations in the Land Use Code and Subdivision Ordinance.
19. The applicant shall comply with City Ordinance requirements for installing park strip trees in the subdivision. The applicant will need to provide a tree installation plan for approval by City staff.
20. The applicant shall comply with fence code requirements for fencing installed for this subdivision.

Seconded by Mrs. Daniels.

Call vote recorded by Brad McIlrath

A____ Phil Markham
A____ Gary Dansie
A____ Buck Swaney
A____ Travis Nay
A____ Karen Daniels

Motion passed, 5-0.

ROBERT SMITH – Land Use Ordinance Text Amendment – Project #15-110

Robert Smith was the applicant present to represent this request. Jared Hall reviewed the location and request for a text amendment to the Murray Land Use Code Chapter 17.140.030, relating to inclusion of Standard Land Use Code Number- 6516 as permitted use, which includes rest home services, convalescent, and sanitariums with lodging and meals offered with a full time medical staff, and within the Residential Neighborhood Business Zone. The

purpose of the Residential Neighborhood Business District, as defined in the Murray Land Use Ordinance Chapter 17.140.010, is to provide a variety of mixed use, low scale, low intensity residential, commercial, office and business operations as appropriate transition between high traffic arterial streets and adjacent residential neighborhoods. The zone should share design characteristics with nearby residential uses, provide a good neighborhood "fit" and exude a distinct residential character. Where possible, existing homes should be preserved and converted to appropriate uses.

The Murray City General Plan, in Chapter 2 of the Land Use section, identifies land use issues. One of the key issues identified in the land use planning process is the need to preserve, protect and enhance residential neighborhoods. The General Plan specifies the Residential Business category as low intensity, low scale commercial and business operations, and provides a good neighborhood fit as transition to adjacent residential neighborhoods. A goal listed in the General Plan is to protect the quality of life for residential neighborhoods by enhancing and maintaining appropriate transitions buffers and screens to protect residential neighborhoods from inappropriate commercial and other uses that have incompatible characteristics.

The Murray Community Development staff reviewed and considered the Standard Land Use Number 6516, which includes rest home services, convalescent, and sanitariums with lodging and meals offered, with a full time medical staff, to be incompatible with the adjacent single family residential properties. The #6516 category has more intensive land uses with impacts to adjacent residential neighborhoods with the 24 hour operation of the business uses. There can be significant potential impact on the adjoining single family residential zone properties, with noise and higher traffic numbers at various times in the day and night time, relating to the residents, employees, and visitors entering and exiting the property.

- i. The proposed Land Use Ordinance text amendment to allow land use #6516 is inconsistent with the purpose of the Residential Neighborhood Business District, to provide a variety of mixed use, low scale, low intensity residential, commercial, office, and business operations as appropriate transition between high traffic arterial streets to adjacent residential neighborhoods.
- ii. The General Plan specifies the Residential Business category to be low intensity and low scale commercial and business operations, and to provide a good neighborhood fit as transition to adjacent residential neighborhoods.
- iii. The proposed text amendment for land use #6516, in the Residential Business Zone, could have significant potential impact on the adjoining single family residential zone properties, with noise and higher traffic numbers, at various times in the day and night time relating to the residents, employees and visitors entering and exiting the property.

Based upon the above findings and conclusion, staff recommends that the Planning Commission forward a recommendation of denial to the City Council for the proposed text amendment to the Murray Land Use Code Chapter 17.140.030, relating to the inclusion of Standard Land Use Code Number 6516, to allow rest home, convalescent, and sanitarium land uses in the Residential Neighborhood Business zone because the proposed uses are not compatible with the adjoining single family residential zone properties.

Robert Smith, 935 East South Union Avenue, stated that he thought the assisted living center

would be a good fit. Mr. Smith stated that the average age of the resident is 85 years old and most do not drive. Mr. Smith stated this is not a skilled nursing facility nor would it need 24 hours of medical staff on hand. Mr. Smith stated this would be low impact and great for the area. Mr. Smith questioned if the Land Use Code Number 6516 is the correct category for his business.

Mr. Markham stated that staff is not dealing with a specific project or a specific location, this is strictly a text amendment and should be in no way in reflection of any project Mr. Smith may have planned.

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

Mr. Swaney stated that in the time he has been a commissioner, the warmest meetings they've had is when staff does something that has a direct effect on neighborhoods. Whenever staff gets close to the residences and there are transitional land use questions, that is when the most people show up upset, angry or worried. This is the kind of thing where as it reads this is a request to make this kind of use a permitted use, automatically permitted use that close to the neighborhood and the residences. Mr. Swaney stated that if all the potentially affected neighborhoods understood that this kind of question was being deliberated right now, Mr. Swaney believes there would be about 1,000 people at the Planning Commission Meeting worried about it. Mr. Swaney stated that he does see the danger for having an incompatible type of use that is a permitted use in a zone right now that very carefully protects those neighborhoods.

Mrs. Daniels stated that from the applicants' description what Mr. Smith is looking for is not the type of permit that he is asking for and it feels more like a multi-family. Mrs. Daniels feels the type of permit Mr. Smith is asking for would be a huge impact on the neighborhoods.

Mr. Markham stated that he personally takes a great deal of pride in the effectiveness that the R-N-B District has had on the areas in the City where it has been applied, it has been extremely successful and Mr. Markham hopes it continues to be as successful and provide that buffer between more intensive commercial uses with neighborhoods. Mr. Markham stated he is hesitant to make a lot of changes to it at this time but is curious about the proposed type of use.

Mr. Nay stated that he thinks the proximity of major arterial roads to people that do have the ability to walk away freely, it's not a nursing home, and it's not a lock down facility. Mr. Nay think's the potential for problems with people as they transition out of the applicant's type of use into a more intensive use, the potential for problems and accidents to happen as well as their ability to drive onto the major roads, Mr. Nay believes there is life safety issues for the residents and for the surrounding people. Mr. Nay thinks there is plenty of opportunity within the City to offer this type of service that are on smaller streets and safer environments for it.

Mr. Swaney made a motion to forward a recommendation of Denial to The City Council for a text amendment to the Murray Land Use Code Chapter 17.140.030, relating to inclusion of Standard Land Use Code Number 6516 as permitted use, which includes rest home services, convalescent, and sanitariums with lodging and meals offered with a full time medical staff, and within the Residential Neighborhood Business Zone.

Seconded by Mrs. Daniels.

Call vote recorded by Brad McIlrath

A _____ Phil Markham
A _____ Gary Dansie
A _____ Buck Swaney
A _____ Travis Nay
A _____ Karen Daniels

Motion passed, 5-0.

OTHER BUSINESS

Mr. Hall mentioned the September meetings, and the APA conference.

Meeting adjourned at 7:19 p.m.

Jared Hall, Manager
Community and Economic Development