

Minutes of the Planning Commission meeting held on Thursday, October 6, 2016, at 6:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Travis Nay, Chair
Maren Patterson, Vice-Chair
Buck Swaney
Sue Wilson
Phil Markham
Scot Woodbury
Jared Hall, Community & Economic Development Manager
Ray Christensen, Senior Planner
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 Division Office.

Travis Nay opened the meeting and welcomed those present. He reviewed the public meeting rules and procedures.

APPROVAL OF MINUTES

Mr. Woodbury made a motion to approve the minutes from September 15, 2016 as submitted. Seconded by Mr. Swaney

A voice vote was made, motion passes 6-0

CONFLICT OF INTEREST

There were no conflicts of interests for this agenda.

APPROVAL OF FINDINGS OF FACT

Mr. Woodbury made a motion to approve the Findings of Fact for Mike Hale Acura, Division Gym, and the Lofts on Vine. Mr. Markham seconded the motion.

A voice vote was made, motion passes 6-0.

BAILEY'S AUTO SERVICE – 187 West 4800 South #28– Project # 16-118

Craig Stitche was the applicant present to represent this request. Ray Christensen reviewed the location and request for Conditional Use Permit for auto sales with a maximum of 3 vehicles addressed 187 West 4800 South #28. Municipal Code Ordinance 17.152 allows motor vehicle sales (LU# 5510) within the M-G Zoning District subject to Conditional Use Permit review and approval by the Planning Commission. Parking for these types of office/warehouse auto sales facilities are calculated at the rate of four (4) parking spaces for each one thousand (1,000) square feet of net office space. The floor plan shows 800 sq. ft. office space and 5,500 sq. ft. shop space with four lifts for auto repair which will require 15 parking stalls. The site plan shows a total of 18 parking stalls for the business use. The applicant has 8 parking stalls for

customers and employees in front of the building, including one disabled stall. The site plans show 10 parking stalls behind the building, where three vehicles for sale will be parked. Due to the limited exterior parking, the vehicles for sale are limited to three exterior parking stalls which will need to be parked in stalls behind the building. The rear parking area will need additional paving and striping, no washing of vehicles will be allowed on the premises and the exterior trash containers must be enclosed. Based on the information presented in the report, application materials submitted and the site review, staff recommends that the Planning Commission approve a Conditional Use Permit allowing an auto sales and service shop at the property addressed 187 West 4800 South, Unit 28 subject to conditions.

Mr. Nay reminded Mr. Stitcher that according to condition #3 he is not allowed to wash vehicles on the premises and in the future if he desired to do so he may need additional infrastructure put in place and, any additional vehicles for sale would need to be displayed in the rear of the building.

Mr. Woodbury clarified that only 3 vehicles total on the outside of the building are allowed to be displayed for purposes of selling at any time, but additional vehicles are only allowed on the inside of the shop in bays for the purpose of repair.

Craig Stitcher, 187 West 4800 South #28, stated he has reviewed the staff recommendations and will comply. Mr. Stitcher stated that most of the vehicles on site would be for the purpose of repair and that he could easily meet the requirements for parking only 3 vehicles outside in the rear yard as he rarely sells vehicles.

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

Mr. Markham made a motion to grant Conditional Use Permit approval for Bailey's Auto service located at 187 West 4800 South #28 subject to the following conditions:

1. The project shall meet all applicable building code standards.
2. The project shall meet all current fire codes.
3. The project shall comply with all Murray City Water and Sewer Department requirements. The business shall not wash vehicles unless approved by the Murray City Water and Sewer to do so, prior to the application for a business license.
4. The applicants shall provide and stripe adequate exterior parking, including one (1) van accessible ADA parking space, with the required signage and adjacent access aisle as outlined in Chapter 17.72 of the Murray Municipal Code.
5. The exterior trash container(s) shall be screened as required by Section 17.76.170.
6. The applicant shall obtain a Murray City Business License for auto sales (with a limitation of 3 vehicles for sale to be parked behind the building, due to the limited exterior parking stalls for this business) prior to the commencement of the auto sales with the business operation.

Seconded by Mr. Swaney.

Call vote recorded by Mr. McIlrath.

A ___ Phil Markham

A ___ Buck Swaney

A ___ Scot Woodbury

A ___ Sue Wilson

A ___ Maren Patterson

A ___ Travis Nay

Motion passed 6-0.

CRAIG FISHER – 346 West 6100 South #A & B – Project #16-121

The applicant was not present to represent this request. Brad McIlrath reviewed the location and request for Conditional Use Permit to allow for a painting contractor use to be located at the property addressed 346 West 6100 South, Suites A & B. Under Municipal Code Ordinance 17.152 allows painting contractor services (LU# 6622) within the M-G Zoning District subject to conditional use permit approval. The applicant would occupy approximately 3,510 sq. ft. which consists of 543 sq. feet of office space, 2,894 sq. ft. of warehouse space, 43 sq. ft. for a restroom. There is another restroom which only accessible from the outside or the building and does not belong to Craig Fisher. Based upon the submitted floor plans, a total of six (6) exterior parking spaces are required for this use. In addition to the minimum amount of exterior parking spaces required for this use it is recommended by Staff that one (1) van accessible ADA parking space be required as part of this conditional use permit. The dumpsters located on the north end of the property are not in dumpster enclosures but are in an area that is secluded and shielded from traffic and thus meets the "screened" specifications as they are out of view from the street. Tenants can use a rear exit to access the dumpsters eliminating the need to take trash out from the front of the building. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval of a Conditional Use Permit allowing a painting contractor use at 346 West 6100 South, Suites A & B subject to conditions.

Mr. Nay asked Mr. McIlrath if he had reviewed the conditions with the applicant as the applicant is not present. Mr. McIlrath responded that he had the chance to review them with the wife of Mr. Fisher when she came into the office to apply for her business licenses and she indicated they would be able to comply with the conditions.

The meeting was opened for public comment regarding the conditional use permit request.

Parker Jones, 314 West 6160 South, stated he is the landlord of the property and they will be able to comply with adding the ADA parking stall as well as the other conditions.

The public comment portion was closed.

Mr. Woodbury made a motion to grant Conditional Use Permit approval for a painting contractor located at 346 West 6100 South, Suites A & B subject to the following condition.

1. The project shall meet all applicable building code standards.
2. The project shall meet all current fire codes. The painting contractor business shall comply with all International Fire Code standards regarding the types and quantities of flammable liquids stored at this location.
3. The proposed business use shall comply with all Murray City Water and Sewer Department standards and shall not dispose of paint materials at this site.
4. One (1) van accessible ADA parking space shall be provided with an adjacent eight foot (8') wide access aisle and signage as outlined in Chapter 17.72 of the Murray Municipal Code.
5. The applicant shall obtain a Murray City Business License and pay the applicable business licensing fees.

Seconded by Mr. Markham.

Call vote recorded by Mr. McIlrath.

A Scot Woodbury
A Phil Markham
A Sue Wilson
A Buck Swaney
A Maren Patterson
A Travis Nay

Motion passed 6-0.

WEST AUTO SALES – 5803 South State Street – Project #16-124

Robby West was the applicant present to represent this request. Ray Christensen reviewed the location and request for a Conditional Use Permit for parking of sales vehicles and auto repair and cleaning of the vehicles in the warehouse building located at the property addressed 5803 South State Street. Municipal Code Ordinance 17.160 allows motor vehicle sales parking and auto repair (LU# 5510) within the C-D Zoning District subject to Conditional Use Permit approval. The applicant proposes to use the warehouse building in the back of the subject property for auto repair and cleaning of vehicles. There is shared parking on the site for other business uses. Currently there are other vacant lease spaces on the site, making available parking for this use, which West Auto is using the rear yard parking for sales vehicles. Parking stalls are not permitted in front of overhead doors. Any dumpsters on the site would need to be enclosed to meet ordinance requirements. The applicant will need to apply for a business license prior to the operation of the business. The Water Department has indicated that a sand or grease interceptor would need to be installed in the building in order to allow vehicles to be washed on the premise. The Building Official indicated auto repair requires a change of use review of the building. A vehicle lift was installed without obtaining building permits and that West Auto would need to comply with a change of use before operating the business. With the change of use the property owner would need to employ an architect to bring the building up to code. The applicant has indicated that auto repair would not be offered to the public, only for vehicles that are intended to be sold. According to the application materials, the unit has a large

warehouse storage area square footage of 8,773 square feet.

Based on the information presented in this report, application materials submitted and the site review, staff recommends that the Planning Commission grant Conditional Use Permit approval for the sales, repair and washing of vehicles at the property addressed 5803 South State subject to conditions of approval listed.

Mr. Woodbury asked if the application for Conditional Use is for the parking lot or the building. Mr. Christensen replied the Conditional Use Permit is for auto sales and auto repairs & washing.

Robby West, 5773 South State Street, stated he has reviewed the 8 conditions of approval and will comply.

Ms. Wilson asked if it is a concern that the applicant should stop the business until he meets the compliance conditions. Mr. Nay asked if they are currently using the building to conduct business. Mr. West responded that he is using the building to conduct business, based on the fact that when he purchased the building it was being used as a mechanic shop and assumed it was in compliance and currently employs one part-time mechanic. Mr. Christensen commented the building has not city approval for auto repair in that building and it is apparent that some illegal business operation has been conducted.

Ms. Patterson asked if the stipulations of conditions # 3 and 7 have been installed since Mr. West has taken possession of the building or are the chemicals being improperly disposed. Mr. West said that nothing has been installed to prevent chemicals from going into the storm drains currently, but they are not planning to wash cars or chemicals into the drains, only vacuuming and cleaning the inside of the vehicles. Ms. Patterson replied that the conditions from Murray City Sewer Department have not been met and he is not allowed to conduct business at this time. Mr. West replied that he is understanding that no more operations of washing and cleaning vehicles can commence until he meets the conditions of installing a sand and grease interceptor and will provide proof to Murray City.

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

Mr. Markham made motion to grant Conditional Use Permit approval for vehicle sales with auto repair and cleaning located at 5803 South state subject to the following conditions:

1. The Murray Building Official noted with the change of the previous use from the (Huetter Mill) warehouse building to auto repair use, the owner/applicant shall comply with a change of use form which needs to be completed by registered design professionals for compliance to building code, prior to operation of the business and the business license approval. All lifts installation and remodel work requires building permit(s).The business shall comply with all applicable building code and fire code standards for the structures.
2. The project shall meet all current fire codes and fire department approval for business licensing.
3. The project shall comply with all Murray City Water and Sewer Department

requirements. The business shall not wash vehicles unless approved by the Murray City Water and Sewer to do so and will need to have a sand and grease interceptor.

4. All exterior trash containers shall be screened as required by Section 17.76.170.
5. The owner/applicant shall provide adequate striped parking stalls including one (1) van accessible ADA parking space with the required signage and adjacent access aisle as outlined in Chapter 17.72 of the Murray Municipal Code.
6. The applicant shall obtain a Murray City Business License prior to the commencement of business operations.
7. The City Engineer noted cleaning, detailing and mechanical repairs need to be done inside the building subject to city code compliance. The discharge of cleaning and detailing products into the storm drain is not allowed.
8. The property owner shall comply with the Murray City landscaping ordinance regulation Chapter 17.68 for the property prior to business license approval.

Seconded by Mr. Swaney.

Call vote recorded by Mr. McIlrath.

- A ___ Phil Markham
- A ___ Buck Swaney
- A ___ Scot Woodbury
- A ___ Sue Wilson
- A ___ Maren Patterson
- A ___ Travis Nay

Motion passed 6-0.

RULOS AUTO SALES – 150 West 4800 South #46 – Project #16-126

Dalila Perez was the applicant present to represent this request. Brad McIlrath reviewed the location and request for a Conditional Use Permit for an indoor auto sales use to be located at the property addressed 150 West 4800 South #46. 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 proposes to use an existing unit for inside storage of vehicles for sale and the exterior parking would be used for customers. The site visit revealed a large area for cars as well as an office area for clients to conduct purchasing agreements. The unique layout of the building features entrances on both the north and south end, the south end being used primarily by customers. With a site visit, it was observed that the parking spaces on the north and south of the unit will need to be striped and the ADA parking space should be moved to different location away from the bay door as the current site does not have an open lane away from traffic. This site has a shared parking arrangement, and the vehicles belonging to other businesses will be removed to allow parking spaces for this business. The space on the north end on the building next to the bay door will be striped for future parking spaces. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval subject to conditions.

Dalila Perez, 150 West 4800 South #46, stated he has reviewed the 5 conditions for the Conditional Use Permit and will be able to comply. Mr. Nay asked if she would be able to comply specifically with condition # 3 which discusses no washing of vehicles unless she goes through the city. Ms. Perez stated she would be able to comply.

The meeting was opened for public comment regarding the conditional use permit request.

No comments were made and the public comment portion was closed.

Mr. Woodbury made a motion to grant Conditional Use Permit approval for indoor auto sales located 150 West 4800 south # 46, subject to the following conditions:

1. The project shall meet all applicable building code standards.
2. The project shall meet all current 2015 fire codes. No painting shall occur without the approval and installation of a paint booth.
3. The business shall comply with all Murray City Water & Sewer Department requirements. Prior to performing auto detailing or repair, the business shall contact the water and sewer department to ensure that sufficient protection is provided for the water and sewer systems.
4. The parking to the north and south of the tenant space shall be restriped in accordance to the standards outlined in Chapter 17.72 of the Murray Land Use Ordinance. The van accessible ADA parking space shall not have the access aisle provided in the same location as a bay door entrance.
5. The applicant shall obtain a Murray City Business License prior to the commencement of business.

Seconded by Mr. Markham.

Call vote recorded by Mr. McIlrath.

A ___ Scot Woodbury
A ___ Phil Markham
A ___ Buck Swaney
A ___ Sue Wilson
A ___ Maren Patterson
A ___ Travis Nay

Motion passed 6-0.

SHAHIN BARZEGARI – 1542 East Jamestown Drive – Project # 16-129

Shahin Barzegari was the applicant present to represent this request. Jared Hall reviewed the location and request for Conditional Use Permit to allow an accessory dwelling unit for the subject property, addressed 1542 East Jamestown Drive. Mr. Hall explained that accessory dwelling units are allowed within all single family residential zoning districts subject to

Conditional Use Permit approval by the Murray Planning Commission. The definition of an ADU is another dwelling unit in a primary residence that is subordinate to the primary residence. The property is in a large area of R-1-10 zoned properties. This dwelling is a large single family home being used for two families. When it came to the attention of Murray City we advised the residents to seek an accessory dwelling unit through the Conditional Process. Two of the main conditions that apply to ADU's that are the property owner must be a resident of one of the two units and that it be no more that forty percent of the home. The ADU for this proposal is to be located in the basement which is over the forty percent ratio. In order to comply with the 40% requirement, the basement will have a wall that would separate the cold storage unit as well as create a second storage area that would not be available to the ADU in order to minimize the size of the living area. If the conditions can be met the ADU would be allowed. Murray City has currently processed twenty to twenty-five successful ADU applications. To accommodate the adjustment of the dwelling, building permits must be obtained and all building codes must be met. The applicant shall submit a copy of the recorded Accessory Dwelling Unit – Owner Occupancy Affidavit to Murray City Staff. The affidavit shall be recorded with the Salt Lake County Recorder's office with the copy submitted to the Community Development Division. The applicant must also obtain a business license for a rental unit. A notice was sent to the public regarding this agenda item that generated a large amount of public input by email all of which were opposed and several phone calls that were taken all but one were opposed to the ADU as well. Based on the information presented in this report, applications materials submitted and the site review, staff recommends that the Planning Commission approve a Conditional Use Permit allowing an accessory dwelling unit for the subject property, addressed 1542 East Jamestown Drive.

Mr. Markham commented that the emails received by the commission referred to the change of use to a duplex but the proposal states an ADU. Mr. Hall commented that the change of use is only for an ADU and that Murray City does not have any code allowing a duplex to be in an R-1-10 zone currently and the extra parking for tenants should be off-street parking only.

Mr. Swaney stated, for the benefit of the large audience for this agenda item, he emphasized the point that if the applicant can meet all the conditions of the ADU application, and if the conditions of approval can be met, the commission is required by state law to approve the application.

Ms. Wilson asked for clarification of the Owner Occupancy Affidavit and if it requires the owner to reside in the dwelling as a primary residence. Mr. Hall confirmed that the owner on the title of the house and utilities is Shahin Barzegari and if at any time Mr. Barzegari were to no longer occupy the dwelling then the dwelling could be rented to a single family but not two different families that are not the owner and the CUP would be revoked. Ms. Wilson asked if the conditions must be met before the unit can be rented. Mr. Hall answered that the space must be modified to meet the forty percent requirement and should not be occupied at this time.

Mr. Nay, planning commission chair, asked that outbursts from the audience will not be tolerated and those in attendance will be given the opportunity to speak.

Mr. Woodbury asked if the applicant completes all the conditions of the CUP, would he be able to rent the ADU to anybody he desires? Mr. Hall replied that when Murray City verifies all conditions have been met a business license will be issued and able to rent.

Mr. Swaney asked if there are currently two separate families living in the dwelling, what would be required of them now. Mr. Hall stated that if two families are currently living in the dwelling, and have a CUP in place they would be allowed to reside in the dwelling and that penalties would be assessed to the applicant to pay.

Shahin Barzegari 1542 East Jamestown Drive, stated he has reviewed the staff recommendations and will comply. He stated that this is his primary residence since 2006.

Ms. Wilson asked if Mr. Barzegari plans to occupy the residence full time. Mr. Barzegari responded that he plans to live here for the duration of his life.

Mr. Woodbury asked Mr. Barzegari to address some of the concerns expressed in the emails given to the planning Commission regarding the appearance of the yard and suggested that Mr. Barzegari care for his yard in a way that will be pleasing to the neighbors. Mr. Barzegari replied that he has the greenest grass on the block and will continue the upkeep of his property.

Mr. Swaney suggested to Mr. Barzegari that he listen to the concerns of the neighbors who will speak tonight and take action to remedy any issues that would detract from the appearance of the neighborhood.

The meeting was opened for public comment.

Bill Hoggan, 6245 Rodeo Lane, commented that Jamestown has a homeowners association and he is the Chairman of the Committee and feels that the approval of the CUP is a violation of the law as stated by Salt Lake County as well as the covenants of Jamestown and that those documents are not present at this meeting, but he would be able to submit them to the city.

Ellen George, 6344 Jamestown Court, commented that she chose Jamestown neighborhood as her residence because of the strict covenants which restrict multifamily dwellings and that Mr. Barzegari occupies the basement space and not the primary space and in her opinion the property is a dump and cars are on the street. She does not want to allow the CUP to be granted based on the fact that he has broken the zoning law by allowing his family to live with him and not obtaining the proper building permits which is a punishment to the neighbors who abide by the covenants of the Jamestown covenants.

The public comment portion was closed regarding the conditional use permit request.

Mr. Hall discussed CCR's on the property and the effect by city code, and additionally stated that Murray City does not enforce the Jamestown Covenants. He stated that a copy of the Jamestown CCR's have not been supplied to the city and is not sure that the Homeowners Association is currently active due to the lack of activity and membership. The Homeowner Association could possibly take action against Mr. Barzegari if the CCR's allow.

Mr. Swaney commented that when the annexation of Salt Lake County into Murray occurred several years ago, that Murray City's Land Use Code became the prevailing land use code for all areas. Mr. Hall confirmed his statement adding that it is an R-1-10 zone and it is an allowed use.

Mr. Woodbury asked if this agenda item should be pushed to the next meeting to allow for further investigation of the Jamestown covenants. Mr. Hall states that it would not change the outcome if we investigated it further because Murray City does not get involved in a civil matter and the Homeowners association would need to enforce their own covenants. He added that staff always advises citizens that may live in an HOA area to check that it is allowed in the HOA covenants.

Mr. Woodbury asked Mr. Hall if he was aware that Jamestown had an HOA. Mr. Hall replied that he was not aware of this until this meeting, and it was not referenced in the phone calls or emails that were previously received.

Mr. Swaney asked for a brief clarification about the claim that the dwelling is a duplex based on the fact that two families are living in the home. Mr. Hall explained that the Murray Land Use Code states that a duplex is a two-family dwelling on a single lot that has been approved in certain zones that would allow it, and the two units may or may not be the same size, have two addresses, two utility meters, and does not need to be family members nor does it require that the owner reside in one of the units.

Mr. Woodbury asked again about the covenants of the HOA and that Murray City should not interfere with them and suggested that this item be continued to another meeting allowing further investigation. Mr. Hall answered that it is possible to delay but it would not change the outcome of the approval of the CUP and could be explored in the application for business license.

Responding to verbal shouts from the audience Mr. Nay reminded the audience that the public portion is closed.

Mr. Swaney asked staff to clarify the appeal process. Mr. Hall explained that decisions of the Planning Commission can be appealed through a process of submittal to the Hearing Officer and must be filed within thirty days of the decision and offered to provide forms.

Upon request Mr. Nay allowed the applicant, Mr. Barzegari to come back up to speak. Mr. Barzegari stated that since the house was purchased the title has been in his name, and he has lived in the basement because his parents lived with him while his father had cancer, who recently passed away and brothers lived there as well because they were going to school but his brothers recently moved out. The residence has a two car garage, driveway and large RV parking to accommodate off street parking. Mr. Nay said the commission is in agreement with Mr. Barzegari's statements.

For the benefit of the public Mr. Swaney stated that the existing General Plan and future General Plan have designated zoning for R-1-8 and R-1-10 which Murray City has a high priority to keep the area as close to the original zoning as possible, but due to the Murray City CUP's it allows changes to the types of uses in these zones. As a suggestion to the present attendees Mr. Swaney offered the idea of contacting Politicians, Mayor and City council members to change the allowed conditions in the Residential Zoned area to better protect the areas.

Mr. Woodbury commented that it is not a Murray City law or ordinance that says the Commission must approve the use, but rather a Utah State Law. Mr. Woodbury reads the Utah

State code regarding Conditional Uses, "A Conditional Use shall be approved if reasonable conditions are proposed or can be imposed to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards".

Mr. Swaney emphasized to the public to contact the appropriate parties to voice the concerns of the laws and to have changes put in place. Ms. Patterson states that another reason to have these types of laws is that it makes it possible for a City to have a recourse when people are not following the ordinances and with city involvement we are able to make sure that certain codes are followed as opposed to having no control over what a resident can do with the dwelling or property.

Ms. Patterson made a motion to grant Conditional Use Permit approval to allow an accessory dwelling unit for the subject property, addressed 1542 East Jamestown Drive subject to the following conditions:

1. The project shall meet all applicable building code standards. Plans shall be provided for the proposed storage room addition, and all smoke alarms shall be hard wired and interconnected throughout the dwelling to meet the 2012 International Residential Code.
2. The project shall meet all current fire codes.
3. The project shall comply with all applicable development standards for Accessory Dwelling Units as found in Chapter 17.78 of the Murray City Land Use Ordinance.
4. The installation of a separate utility meter for the Accessory Dwelling Unit is prohibited.
5. The applicant shall submit a copy of the recorded Accessory Dwelling Unit – Owner Occupancy Affidavit to Murray City Staff. The affidavit shall be recorded with the Salt Lake County Recorder's office with the copy submitted to the Community Development Division.
6. The applicant shall obtain a Murray City Business License and pay applicable penalty fees for renting the unit prior to obtaining a business license.

Seconded by Mr. Markham.

Call vote recorded by Mr. McIlrath.

A Maren Patterson
A Phil Markham
A Scot Woodbury
A Sue Wilson
A Buck Swaney
A Travis Nay

Motion passed 6-0

REMEDY TATTOO PARLOR – 6618 South State Street– Project #16-130

Lonnie Tibbals was the applicant present to represent this request. Jared Hall reviewed the location and request for a Conditional Use approval to allow the operation of a Tattoo Parlor on the property located at 6618 South State Street in the C-D zone. Municipal Code Ordinance 17.160.030 allows *Tattooing Parlors* (LU #6295) within the C-D zoning district subject to Conditional Use Permit approval by the Planning Commission. The applicant proposes to open and operate a multi-booth tattoo parlor within a 1,974 square foot lease space in a multi-tenant strip commercial building fronting State Street. Shared parking is located along the rear of the building, in front of State Street and adjacent to the buildings. The combined parking totals 23,000 square feet, requiring about 108 parking stalls. The applicant proposes to install six booths which requires three parking stalls for each booth requiring 18 spaces which is supported by the existing stalls. There are several ADA compliant stalls on site. Staff does not recommend any changes to parking striping, landscaping or dumpster enclosures as they all meet requirements. Based on the information presented in this report, application materials submitted and the site review, staff recommends that the Planning Commission grant a Conditional Use Permit to allow the operation of a tattoo parlor on the property located at 6618 South State Street subject to conditions.

Mr. Nay commented that he feels that three stalls per booth is a very high requirement for this type of business. Mr. Hall replied that the standard has been applied is in accordance with other similar uses that have booths and perform services on people that are cosmetic in nature, for example beauty salons which have the same parking requirement.

Lonnie Tibbals, 6618 South State Street, stated she has reviewed the 3 conditions for the Conditional Use Permit and will be able to comply.

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

Mr. Woodbury made a motion to grant a Conditional Use Permit approval for Remedy Tattoo Parlor located at 6618 South State subject to the following conditions:

1. The applicant shall obtain a Murray City building permit for the remodel work and ensure that all work on the project meets applicable building and fire code standards.
2. The applicant shall ensure that all required state and county health permits are in place, and that all health department requirements are met with respect to the establishment itself and the professionals operating therein.
3. The applicant shall obtain a Murray City business license prior to beginning operations on the site.

Seconded by Mr. Swaney.

Call vote recorded by Mr. McIlrath.

A Scot Woodbury
A Buck Swaney

A _____ Phil Markham

A _____ Sue Wilson

A _____ Maren Patterson

A _____ Travis Nay

Motion passed 6-0.

LAUREL FETZER – 4719 South and 4727 south Rainbow Drive – Project #16-125

Laurel Fetzer was the applicant present to represent this request. Jared Hall reviewed the location and request for approval of a lot line adjustment for 4719 south and 4727 south Rainbow Drive. The applicant owns two properties, and both properties have single family homes on them. Ms. Fetzer would like to adjust the lot line between the two parcels which would cut 4719 S. into a smaller lot and add that portion to the 4727 S. lot to make it larger. The north lot is 17,115 square feet and the south lot is 13,201 square feet, after the change the north lot will be 11,018 square feet. Both lots would still be in compliance with zoning requirements. State code would require an amendment of the subdivision but not the recoding of a plat. Municipal Code Ordinance 16.04.030.C requires that any amendment, vacation, alteration or modification of any prior recorded subdivision plat be approved by Murray City officials. Utah State Code Section 10-9a-608 (5) (a) states that the owners of adjacent parcels that are described either by a metes and bounds description or by a recorded subdivision plat may exchange title or portions of those parcels if the exchange is approved by the local land use authority in accordance with Subsection (5) (b). The land use authority shall approve an exchange of title under Subsection (5) (a) if the exchange of title will not result in violation of any land use ordinance. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval of the proposed subdivision amendments by way of lot line adjustments for the properties 4719 South and 4727 South Rainbow Drive subject to conditions.

Mr. Woodbury asked if the building on the south lot is allowed to be right next to the property line. Mr. Hall replied that is an accessory shed and is allowed to be on the lot line.

Laurel Fetzer, 4727 south Rainbow Drive, stated she is the owner of the property and be able to comply with the conditions of the Lot Line Adjustment.

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

Mr. Swaney made a motion to approve the subdivision amendment by way of lot line adjustment for the properties addressed 4719 south and 4727 South Rainbow Drive subject to condition:

1. The applicant shall meet the requirements of the Murray City Engineering Division and the Community and Economic Development Department for the recording of the deeds and the adjustment of the lot lines prior to the recording of those documents with the Salt Lake County Recorder's office.

Seconded by Mrs. Patterson.

Call vote recorded by Mr. McIlrath.

A ___ Buck Swaney
A ___ Maren Patterson
A ___ Sue Wilson
A ___ Phil Markham
A ___ Scot Woodbury
A ___ Travis Nay

Motion passed 6-0.

NORTHSTAR BUILDERS, INC. – 64, 72, 82, 90, 96, 106 and 116 West Woodrow Street – Project #16-127- and Project #16-128

Phil Winston was the applicant present to represent this request. Ray Christensen reviewed the location and request for a Murray Zone Map Amendment from Residential Single Family Low Density to Office, and an associated Zone Map amendment from R-1-8 (Residential Single Family) district to a G-O (General Office) at the properties addressed 64, 72, 82, 90, 96, 106 and 116 West Woodrow Street. The Murray General Plan future land use map identifies the properties as residential single family low density. The application states that the plan is to create new medical related development at the site if the zoning is changed. The seven properties along the north side of Woodrow Street that are included in the General Plan zone change. Mr. Christensen explained that there are various permitted uses allowed in the General Office zone such as business financial, insurance, and real estate office uses, pharmacies, and optical shops. Other types of uses are allowed in the General Office zone with Conditional Use Permit approval such as: restaurants, retirement homes, barber services, travel agencies, education uses. To the north a brick masonry wall currently acts as a buffer between the office building and the residential zone. Generally staff does not like to approve a zone change where a street is the dividing line between residential and commercial zone because the construction of a masonry wall at a rear property lines serves as a better buffer. Staff does not find a compelling reason to approve a zone change as it is not consistent with the General Plan. One of the objectives of the General Plan is to try to protect the quality of life in residential neighborhoods and this business would be in conflict. Based on the information presented in this report, application materials submitted and the site review, staff recommends denial of the proposed General Plan Map amendment from Residential Single Family Low Density to Office, and an associated Zone Map amendment from R-1-8 (Residential Single Family) to G-O (General Office) at the subject properties.

Mr. Nay asked for clarification about how many abandoned houses are in the area. Mr. Christensen replied that of the seven subject properties, five lots are vacant and two lots are abandoned and two have dwellings.

Mr. Woodbury asked what type of uses the future General plan designates for the area. Mr. Christensen stated, the general plan designates low density single family residential. Mr. Woodbury stated that he realizes that the decision must be made using the current plan and hopes that the decision will not conflict with any possible future changes to updating of the General Plan that is now in process.

Phil Winston, 1606 Yale Avenue, Salt Lake City, stated he is the owner and operator of Northstar Builders, Inc. Mr. Winston thanked staff and the commission for the time and efforts

they have spent on his proposal. Mr. Winston realizes the hardships on the neighborhood as he has spoken to a lot of the neighbors and has been told the area has had increase in transient activity on the vacant lots, it lacks curb, gutter and landscaping, and is predominantly rental properties or vacant properties which is less than twenty-eight percent owner occupied. Mr. Winston read a Murray City Police report from Woodrow Street for the last 6 months: "May 8th assault with a deadly weapon, Several reports of theft from a vehicle including one that took place at 2pm in the afternoon August 8th and August 15th, several reports of possession of drug and drug paraphernalia June 14th and July 28th, burglary July 10th, burglary August 15th, Assault June 9th and the list goes on". Mr. Winston stated that he feels that the proposed building will comply with the General Plan goals which are "to expand the commercial growth within a commercial core, advance economic health of Murray City and its commercial and residential area, strengthen the city's medical related community and activity, increase the number of consumers of Murrays retail business, increase the utilization of land in Murray City, and to retain existing businesses in Murray City". Mr. Winston stated that they would be willing to leave one property as additional buffer between the desired new office building and the residential area.

Mr. Swaney asked why the applicant is requesting this amendment and zone change now and why they are not wanting to wait until the General Plan update process has been completed. Mr. Winston replied that he met with city officials and this area was not in any of the discussions for updating the General Plan. By submitting this application now he felt it would bring this area to the attention of the planning commission and his desires to build.

Ms. Patterson asked Mr. Winston's intention for allowing a buffer between Woodrow Street and the commercial building, and whether the residents on Woodrow Street would face a parking lot or landscaped wall. Mr. Winston replied the current plan was to install a landscaped buffer as well as a wall if that is requested by Murray City, but they would also like to take into account what the residents would like to have.

Ms. Wilson asks how Mr. Winston proposes to manage the increase in traffic into the neighborhood as the area is already overburdened with rush hour traffic as well as traffic from the high school. Mr. Winston replied that he has not had a traffic impact study done but read traffic reports from the IHC project across the street. Ms. Wilson remarked that due to the unique layout of the streets in the neighborhood it is a completely different situation here. Mr. Winston said that although he agrees that traffic impact is an important topic but feels that the topic should not be included in tonight's conversation as the agenda is only for a zoning change.

Mr. Swaney added his concern that the timing of the proposal might produce conflict with the General Plan as well but feels comfortable approving a recommendation tonight and holding the proposal off before presenting it to City Council for final approval.

The public hearing was opened for public comment.

Shauna Burnett, 46 West Woodrow Street, stated she is speaking on behalf of her mother Carol Burnett, and sisters Dana Burnett and Gay Lynn who sympathies' go out to the residents who planned to retire in their homes in this area as she too purchased her home here when it was zoned residential and not business. Her concern was regarding the street being widened to accommodate the increase traffic which would impose within 10 feet of her front door and allow construction of an office building within 30 feet of her bedroom window. She stated that the

neighborhood was a viable residential area until Murray City allowed the doctors to buy the property and demolish the houses to the north causing the current state of decay of the neighborhood and agrees that some change must take place for improvement to the area but not one that would put stress on the neighbors.

Dennis Wilson, 82 W Woodrow Street, stated he lives in the only house that is occupied on Woodrow Street and he has been inundated with rodents from the vacant lots, heavy traffic and would like to move out of his residence due to the frustration.

Adam Overacker, 4 East Washington Avenue, reiterates that the traffic flow is extremely heavy from the high school when it start and gets out. He stated that even though Woodrow Street is somewhat an abandoned street, it still feels very much like a neighborhood and dislikes the idea of having the area zoned as commercial.

Brandon Wixsom, resident, purchased the property with the hopes it would be zoned something other than residential and has held off building a house as he it would be fruitless if the area is zoned to commercial. He stated he is in approval of the rezoning.

David Madson, resident of the east Hillcrest area, expressed his frustration with the overcrowding of traffic on the neighborhood roads as well and is opposed to the rezoning of the area to commercial. Mr. Madson asked if the police could monitor the area more frequently to control the increased crime in the area.

Darlene Anderson, 9 West Washington Avenue, presented a letter regarding this agenda item to the commission from a neighbor who lives on Hillcrest Street next to the Burnett's indicating they were unable to attend this meeting and are out of town. The letter indicated with traffic in this area. Ms. Anderson stated she also has traffic concerns with all the commercial business in the area.

Terry Thompson, 80 West American Avenue, stated that when he moved in 46 years ago the entire neighborhood had houses on the lots, until five years ago when the doctors blighted the area and feels that Murray City should have monitored the area better to reduce the unsightly lots.

Mr. Winston, stated that he is taking the concerns of the neighborhood into consideration, but wanted to clarify that he is not the current owner of the property, but that he wishes to purchase the property. Mr. Winston said that his conversations with the neighbors has revealed that no offers to build new houses on the lots have be proposed and due to the high cost that the doctors paid for the land they would not be able to sell it to a home builder for any profit, and if it is not sold to a commercial builder the property might be vacant for many years to come.

The public comment portion was closed for this agenda item.

Mr. Christensen, stated that as the area is a residential area and, he would recommend additional traffic impact studies before amending zoning in this area. He stated that staff recommends denial of the proposed General Plan Map amendment from Residential Single Family Low Density to Office, and an associated Zone Map amendment from R-1-8 (Residential Single Family) to G-O (General Office) at the subject properties.

The public hearing was opened for the Zoning Map Amendment from R-1-8 to G-O. No comments were made and the public comment portion was closed for this agenda item.

Mr. Swaney commented that Murray City is in the process of updating the General Plan and would encourage all of the present parties to become involved in the General Plan update as it may change the outcome of the zoning depending on tonight's approval or denial. He commented that this area will be under pressure in the future to develop and we as a community should put some thought into what the best planning changes might be to solve the problems of this area.

Ms. Patterson commented that she takes into account of all the different zones there are in this area, and how the future zone change might effect it as well. She suggested that the proposal have further consideration. Mr. Woodbury concurred. Mr. Swaney urged the public to visit the website planmurray.com to start an open forum for communication on the General Plan update.

Mr. Hall commented that with the current update of the General Plan in process it would not be a good idea to hold off on this proposal as the process for General plan update would be well into 2017 and recommends denial.

Mr. Markham made a motion to forward a recommendation of denial of the proposed General Plan amendment from Residential Single Family Low Density to Office, at the properties addressed 64, 72, 82, 90, 96, 106 and 116 West Woodrow Street.

Seconded by Mr. Swaney.

Call vote recorded by Mr. McIlrath.

A ___ Phil Markham
A ___ Buck Swaney
A ___ Sue Wilson
A ___ Scot Woodbury
A ___ Maren Patterson
A ___ Travis Nay

Motion passed 6-0.

Mr. Woodbury made a motion to forward a recommendation of denial of the Zone Map amendment from R-1-8 (Residential Single Family) zoning district to G-O (General Office) zoning district for the properties addressed 64, 72, 82, 90, 96, 106 and 116 West Woodrow Street.

Seconded by Mr. Swaney.

Call vote recorded by Mr. McIlrath.

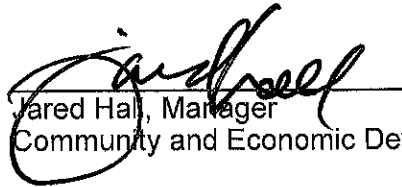
A ___ Scot Woodbury
A ___ Buck Swaney
A ___ Phil Markham
A ___ Sue Wilson
A ___ Maren Patterson
A ___ Travis Nay

Motion passed 6-0.

OTHER BUSINESS

Mr. Hall stated that he will reschedule the work session from October 20th to November 3rd as a majority of members will be out of town on the 20th.

Meeting adjourned at 9:05 p.m.


Jared Hall, Manager
Community and Economic Development