

Minutes of the Planning Commission meeting held on Thursday, August 17, 2017, at 6:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Buck Swaney, Chair  
Phil Markham, Vice Chair  
Travis Nay  
Scot Woodbury  
Sue Wilson  
Lisa Milkavich  
Jared Hall, Community & Economic Development Supervisor  
Brad McIlrath, Associate Planner  
Jim McNulty, Development Services Manager  
G. L. Critchfield, Deputy City Attorney  
Citizens

Excused: Maren Patterson

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.

Buck Swaney 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 the July 20, 2017 Planning Commission meeting. Seconded by Mr. Nay.

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

#### CONFLICT OF INTEREST

There were no conflicts of interest.

#### APPROVAL OF FINDINGS OF FACT

Mr. Markham made a motion to approve the Findings of Fact for Jesse Knight Entrepreneurial Center, and Wagstaff Crane Service. Ms. Wilson seconded the motion.

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

#### PRIME AUTO DETAILING LLC – 4195 South 500 West # 27 - Project #17-119

Alexander Rivas was the applicant present to represent this request. Jared Hall reviewed the location and request for Conditional Use Permit approval to allow Auto Sales for the property addressed 4195 South 500 West, #27 in the M-G zone.

The applicant currently operates an auto detailing business at this location, and proposes to continue that operation and add limited, indoor-only auto sales. The unit has about 900 square feet. The applicant has indicated that vehicles for sale would be kept exclusively inside the building. There are two parking stalls available to service this business, storage of the vehicles for sale will be limited to the interior of the building and limited to a maximum of two vehicles. The outside stalls are used for cars waiting to be detailed and employees to park. Parking cannot be allowed in front of the overhead door.

Based on the information presented in this report, application materials submitted and the site review, staff recommends approval of a Conditional Use Permit to allow Auto Sales for the property addressed 4195 South 500 West, #27 subject to conditions.

Alexander Rivas, 4195 south 500 west, #27, stated he has reviewed the conditions and will be able to comply.

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

Ms. Milkavich made a motion to grant a Conditional Use Permit allowing Auto Sales for the property addressed 4195 South 500 West, #27 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. A minimum of two (2) parking spaces shall be provided for this use. Vehicles for sale shall be kept inside the unit, and limited to a maximum of two (2).
4. The applicant shall obtain a Murray City Business License for the Auto Sales prior to beginning business activity at this location.

Seconded by Mr. Woodbury.

Call vote recorded by Mr. Hall.

   A Lisa Milkavich  
   A Scot Woodbury  
   A Phil Markham  
   A Sue Wilson  
   A Travis Nay  
   A Buck Swaney

Motion passed 6-0.

BARLOW ARTS CONSERVATORY – 799 East Winchester Street - Project #17-120

Jenny Barlow was the applicant present to represent this request. Brad McIlrath reviewed the location and request for a Conditional Use Permit to allow a dance studio business to be located at the property addressed 799 E. Winchester Street in the C-D zone. The proposed location is located north of Winchester Street and west of R.C. Willey.

The applicants propose to operate a ballet dance studio business. The business would include two studios with an approximate square footage of 1,403 square feet for one studio, and 1,351 square feet for the other. The business would have a lobby and reception area at the front of the commercial space with an open space and fitting area located in the back of the space. The open space area and fitting area is connected to the front of the space by a middle corridor that provides access to and separates the two dance studios. The business will have two front access doors. The Murray Municipal Code does not provide a parking standard for dance studios. To appropriately address the parking demands of this business,

three different parking standards have been used. These three parking standards bring the total parking spaces required for this use to twenty six spaces. Based upon a site visit there are a total of eighty two parking spaces provided for this commercial development and would be adequate for the shared businesses located in this development. The building and parking lot has been refurbished and is up to standards. The site landscaping is well maintained but will need to be brought up to current code standards. The applicant or property owner will need to work with Community Development Staff to ensure the landscaping improvements comply with Ordinance standards. In order to comply with current ordinance standards for landscaping, modifications will need to be made to the front setback landscaping along Winchester Street that include six trees, ten five gallon shrubs, twenty-one gallon shrubs and a minimum of fifty percent bed coverage at time of planting.

Based on the information presented in this report, application materials submitted and the site review, staff recommends approval of a Conditional Use Permit for the proposed dance studio business at the property addressed 799 E. Winchester Street subject to conditions.

Jenny Barlow, 799 east Winchester Street, stated she has reviewed the conditions and will be able to comply.

Mr. Markham asked if the owner of the development is aware of the landscaping requirements and is amenable to them. Ms. Barlow stated that he is and met today with Mr. McIlrath.

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

Mr. Nay made a motion to grant Conditional Use Permit allowing a dance studio business at the property addressed 799 East Winchester Street subject to the following conditions:

1. The project shall meet all applicable building code standards. Building permits shall be obtained for construction.
2. The project shall meet all current fire codes.
3. A formal landscaping plan meeting the requirements of Chapter 17.68 of the Murray Municipal Code shall be submitted and approved by Murray City Community Development Staff and installed as approved prior to occupancy. The plan shall include an irrigation plan and be submitted in conjunction with plans submitted for the tenant remodel of the commercial space. The front setback landscaping along Winchester Street shall be modified to include the following:
  - (a) Six (6) Trees;
  - (b) Ten (10) 5-Gallon Shrubs;
  - (c) Twenty (20) 1-Gallon Shrubs;
  - (d) A minimum 50% bed coverage at time of planting shall be provided.
4. The applicants shall obtain a Murray City Business License prior to the commencement of business operations.
5. Permits shall be obtained for any proposed signage of the business.

Seconded by Ms. Wilson.

Call vote recorded by Mr. McIlrath.

  A Travis Nay  
  A Sue Wilson  
  A Scot Woodbury  
  A Lisa Milkavich  
  A Phil Markham  
  A Buck Swaney

Motion passed 6-0.

KAQUITOS AUTO SALES LLC – 4195 South 500 West #16 - Project #17-121

Jorge Briceno and William Briceno were the applicants present to represent this request. Jared Hall reviewed the location and request for a Conditional Use Permit to allow auto sales for the property addressed 4195 South 500 West, #16 in the M-G zone.

The applicant proposes to use unit #16 which is nine hundred square feet and includes a small office, unisex restroom, a shop or storage floor that would be used to keep the vehicles for sale. The site plan indicates two spaces provided in front of the unit. Because they are necessary for employees and customers, the vehicles for sale will need to be restricted to storage inside the unit. Parking meets standards. Washing or repair of vehicles at this location is not allowed.

Based on the information presented in this report, application materials submitted and the site review, staff recommends approval of a Conditional Use Permit to allow auto sales for the property addressed 4195 South 500 West, #16 subject to conditions.

Mr. Nay asked how many vehicles could reasonably be stored inside at a site like this. Mr. Hall answered that five or six vehicles could be stored.

William Briceno, 4195 South 500 West #16, stated he has reviewed the conditions and will be able to comply. Mr. Briceno asked why he is only allowed to park two vehicles when the area is striped to allow four vehicles. Mr. Hall answered that the striping in front of the overhead door is not allowed as it is a through way and not a parking area.

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 a Conditional Use Permit allowing auto sales for the property addressed 4195 South 500 West, #16 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. A minimum of two parking spaces shall be provided for this use. Vehicles for sale shall be kept inside the unit.
4. No repair or washing of vehicles is permitted on the site.

5. The applicant shall obtain a Murray City Business License prior to beginning business activity at this location.

Seconded by Ms. Milkavich.

Call vote recorded by Mr. McIlrath.

  A   Scot Woodbury  
  A   Lisa Milkavich  
  A   Travis Nay  
  A   Sue Wilson  
  A   Phil Markham  
  A   Buck Swaney

Motion passed 6-0.

IMAGE AUTO SALES – 5919 South 350 West - Project #17-122

Afshin Fard was the applicant present to represent this request. Jared Hall reviewed the location and request for Conditional Use Permit approval to allow Auto Sales on the property addressed 5919 South 350 West in the M-G zone.

The applicant currently operates an auto repair and body shop on the subject property. The requested Conditional Use Permit is to allow auto sales from this same location. The building shares a common wall with the property and building adjacent to the north belonging to Pard's. There are no proposed changes to the interior layout or additions to the building, and no plans for new employees. Only the availability of parking for vehicles for sale and customers for the sales activity are impacted by the application. This site has frontage from 350 and 300 west. Pard's uses 300 west as a principal access for their business and access should remain clear at all times. Staff recommends that in order to keep this access clear they would like to limit the vehicles for sale to no more than ten. The frontage on 350 west appears more formalized and has parking spaces, and ADA stalls. The van accessible ADA stall needs to be re-striped. The rear 300 West Street frontage needs the landscaping to be refurbished, replanted and appropriately irrigated to meet the requirements of Section 17.68. The dumpster on the east side of the lot needs to be enclosed to comply with city code.

Based on the information presented in this report, application materials submitted and the site review, staff recommends approval of a Conditional Use Permit to allow Auto Sales for the property addressed 5919 South 350 West subject to conditions.

Afshin Fard, 5919 South 350 West, stated he has reviewed the conditions and will be able to comply. Mr. Fard stated he has concerns for landscaping in the back, and explained that Murray City added a turning lane on the corner of 300 west and removed the grass in the back. When they put it back they left it torn up and is unsure if the sprinklers are accessible because of the sidewalk being added, unlike Pard's which they fixed up nicely. Mr. Fard wondered who has the responsibility to upkeep the area. Mr. Fard also stated that condition number eight limits storage to ten vehicles on site and asked if this includes the storage of vehicles on the inside of the building as well.

Mr. Hall stated he knew that some work had been done on 300 west but is unaware if the Street department had re-installed the irrigation and will have to look into it to provide an

accurate assessment. Mr. Hall further stated he can work with the Street department to find out any irrigation exists, and what it would take for the City to upgrade the property.

Mr. Markham stated that if the City upgraded the property it is most likely through contracted work and suggested that the City Engineer be contacted on this matter. Mr. Hall stated he will work with the City and the applicant to resolve this issue.

Mr. Hall stated that he recommended only ten vehicles because he is concerned because businesses such as auto body shops, and mechanics have a tendency to accumulate cars that are awaiting serious repairs. Any more cars on this site could limit the mobility and access to the business surrounding this unit. As there are a few of these businesses in the area that already exist, they are limited to ten vehicles. Mr. Swaney asked if it is limited to ten cars inside and outside. Mr. Hall answered yes, but clarified that they are limited to only vehicles for sale not including the vehicles that are for repair.

Mr. Nay asked if they are limited to sell cars only on 350 West and not on 300 West. Mr. Hall answered that they are not limited to put cars for sale on only one side and it would not allow them to increase the number of cars for sale on site. The parking on 350 West is included in the calculations already.

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

Mr. Woodbury suggested that condition number four be reworded to reflect the need to work with the Streets department to develop the landscaping plan. The Planning Commission did not feel it necessary to add the requirement to the condition realizing that Mr. Hall will work with the City and applicant on the landscaping is part of the record. Mr. Markham stated that he frequents this area and knows it is congested already and advised to stay conservative with the amount of cars allowed. Mr. Swaney stated this application is for car sales only and we cannot add limits on the other business uses in the conditions.

Ms. Wilson asked how the city can enforce the number of cars for sale vs the cars for repair if we are unable to tell them apart. Mr. Woodbury stated that it would be better to limit the number of cars allowed on the site to include cars for sale and repair. That would be the only way to enforce it, and differed to Jared for the final decision. Mr. Hall stated the concern is valid and we can't enforce the number of vehicles for repair in this application, and added the City has enforcement to deal with issues that may arise. Mr. Woodbury asked how the City will know if the cars are for sale or for repair, and if they have an overcrowded lot with repair vehicle. If they are also allowed ten more vehicles for sale it will be even more crowded and allowed per the conditions. Putting a cap on the total number of vehicles seems a better way to enforce. Mr. Swaney stated he agrees with Mr. Woodbury and would like to make a determination for how many cars will fit on the site. Mr. Hall stated that the City has other means to enforce overcrowding of the site should it occur. This issue has been discussed with the City Code Enforcement Officer and it was deemed an appropriate and enforceable condition.

Ms. Wilson made a motion to grant a Conditional Use Permit allowing auto sales for the property addressed 5919 South 350 West 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 meet all requirements of the Murray City Water and Sewer Department.
4. The applicant shall work with Community Development Staff to prepare and implement a landscaping plan for the east property frontage meeting the requirements of Section 17.68 of the Murray City Land Use Ordinance, including one (1) tree, three (3) 5-gallon shrubs, and five (5) 1-gallon shrubs.
5. The trash container shall be screened in an enclosure as required by Section 17.76.170.
6. The ADA accessible stall adjacent to the building shall be re-stripped as a van accessible parking stall meeting the requirements of Section 17.72.070.
7. The applicant shall keep the shared access from 300 West clear at all times.
8. The applicant shall keep no more than ten (10) vehicles for sale on this property at any time.

Seconded by Ms. Milkavich.

Call vote recorded by Mr. McIlrath.

   A Sue Wilson  
   A Lisa Milkavich  
   A Travis Nay  
   A Scot Woodbury  
   A Phil Markham  
   A Buck Swaney

Motion passed 6-0.

AXE ARENA, LLC – 6212 South State Street - Project #17-124

Elvin Lau was the applicant present to represent this request. Brad McIlrath reviewed the location and requesting a Conditional Use Permit to allow an indoor axe throwing facility to be located at the property addressed 6212 South State Street in the C-D zone. Principal access is from State Street and there is access from Creek Drive. The floor plan includes two restrooms, office space and axe throwing areas with a potential party area.

The facility proposes to have six arenas, each having two throwing areas with wooden targets at the end. The throwing lanes have a red safety line at the head and a cinder block area to store axes and keep patrons out of the throwing area. Axe throwing arenas are popular throughout the United States and Canada. A person would stand in front of a target and throw axes for recreation.

The rear parking area has been repaved and should be restriped the same way it was before the paving. The total parking provided at this site is approximately forty six spaces. Staff recommends ten parking spaces be provided for employees and twelve spaces for patrons. Ample parking and ADA parking is available for the various uses at this property. Additional parking spaces could be added against the building in the rear parking area if they wanted to provide additional spaces.

Initially it was thought that one additional tree was needed along Creek Drive. The applicant indicated there are already four trees on the property. The landscaping along creek drive is sufficient and condition number four should be modified to reflect this. The landscaping on State Street needs to be added to meet landscaping requirements per condition number four. The applicant stated the property owner has concerns with planting trees on the State Street frontage possibly blocking signage.

Based on the information presented in this report, application materials submitted and the site review, staff recommends approval of a Conditional Use Permit allowing an indoor axe throwing facility to be located at the property addressed 6212 south State Street subject to conditions.

Elvin Lau, 6212 south State Street, stated he has reviewed the conditions and will be able to comply. Mr. Lau stated the rear parking lot has been stripped and he counted twenty eight parking spots.

Greg Strong, Property Manager at for 6212 South State Street, stated he is opposed to the six trees because in his experience trees grow and they may block the signage. Mr. Strong further stated that Mattress Firm is also opposed to the trees being planted. Mr. Strong stated Mattress Firm will leave and believes the comic store and the finance company will leave as well. Mr. Strong stated a bus stop enclosure was located on State Street in front of this property before it was destroyed by a car accident and removed. Several tenants believed the removal of the bus stop enclosure helped with the visibility of the businesses.

Mr. Swaney stated the Planning Commission has the duty of approving Conditional Use Permits if they can meet the conditions. Mr. Swaney stated that the neighboring businesses to the south and immediacy across the street have installed the trees and further stated in his experience he has not been influenced to go or not to go to a business by the presence of a tree. Mr. Swaney stated he understands the concerns they have but the City ordinance requires the installation of the trees which will beautify the City and the Planning Commission can't allow a business to proceed without complying with a City ordinance. Mr. Swaney asked Mr. Strong if he was able to comply with the conditions and work with the City on the placement of the Trees. Mr. Strong stated the Landlord is able to comply but is unwilling to comply because he bought the property without trees and does not feel he should have to upgrade the property. Mr. Strong asked if Staff would allow them to put in a fewer number of trees. Mr. Swaney reiterated the fact the ordinance requires the number of trees and Planning Commission does not have the flexibility to change the tree count. Mr. Markham commented that this property could possibly remain empty until the landscaping requirements are met and there are a number of acceptable trees that could be planted that remain small.

Mr. Markham stated that the axes hitting the wooden target may have a potential to cause noise for the neighboring businesses as they share a wall. Mr. Lau stated he has designed the arena to throw the axes to the center of the unit and not the side walls. Most of the business will come at times the other businesses are closed.

Mr. McIlrath stated the City will be willing to work with the applicant to find a suitable place to plant the trees that would limit the potential of the sign being blocked. There are places the trees can be installed such as near the building that would not block the windows. The trees that are planted could be smaller in stature as well or trimmed to prevent blockage.



Mr. Swaney stated that the Axe Arena use is very unique and would be a good addition to Murray City and suggested the property manager and owner make an effort to plant trees so this business can succeed and obtain a conditional use permit.

Ms. Wilson encouraged the property Manager to speak with the property owner about getting the trees planted. Ms. Wilson stated she is a business owner in Murray and was required to put in the landscaping, but did and it has not diminished the flow of business and does look very nice.

Mr. Strong asked that a picture of his property be shown to the Planning Commission to help explain that when Mattress Firm signed a five year lease with them they wanted a tree on the property to be cut down. Mr. Strong stated they were unable to cut the tree down, it is not the landlord that does not want to plant the trees but it's the landlord who can't plant them because of the businesses that lease from him don't want them. Mattress Firm has stated they are firmly opposed to planting any trees in the parking strip.

Mr. Swaney suggested that Mr. Strong look at a few tree species that could be planted in the landscape area and look at how they may impede or not impede the view would be worthwhile. Mr. Swaney added there are parts of State Street outside of Murray City that do not require the planting of trees and it is noticeable almost immediately. Murray and its citizens have come up with the tree requirement because we want our City to look the way it looks, nice.

Mr. Strong stated he is willing to speak with the property owner again and he will be willing to do four trees but not six. The property owner would rather let the axe area go than plant the trees.

Mr. Markham stated that it is important the Planning Commission be consistent as well as we don't have the authority to waive the requirements and does not see the benefit in belaboring the issue any longer.

Mr. McIlrath addressed the comment about getting a variance and stated that variances are granted upon state requirements for hard ships, this would not be likely to qualify for a hardship.

The meeting was opened for public comment. There were not comments and the public comment portion was closed.

Mr. Markham made a motion to grant a Conditional Use Permit allowing an indoor axe throwing facility to be located at the property addressed 6212 South State Street subject to the following conditions:

1. The project shall meet all applicable building code standards. Building permits shall be obtained for construction.
2. The project shall meet all current fire codes.
3. The rear parking lot area shall be restriped to provide 90 degree parking spaces with 24 feet of aisle width behind each stall. A minimum of twenty two (22) parking spaces shall be provided in the rear parking lot area.

4. A formal landscaping plan meeting the requirements of Chapter 17.68 and as outlined in this report shall be submitted and approved by Murray City Community and Economic Development Staff. The landscaping shall be installed as approved prior to the issuance of a business license for the indoor axe throwing facility. Landscaping improvements for each frontage shall include the following:
  - (a) State Street front setback landscaping shall include:
    - (i) Six (6) trees;
    - (ii) Nine (9) 5-gallon shrubs;
    - (iii) Eighteen (18) 1-gallon shrubs.
      - a. Applicant/property owner shall work with staff to determine the number of new 1-gallon shrubs needed for the State Street frontage.
5. The applicant shall obtain a Murray City Business License prior to the commencement of business operations.
6. The applicant shall obtain a permit for any proposed signs associated with the business.

Seconded by Ms. Markham.

Call vote recorded by Mr. McIlrath.

  A   Phil Markham  
  A   Sue Wilson  
  A   Scot Woodbury  
  A   Travis Nay  
  A   Lisa Milkavich  
  A   Buck Swaney

Motion passed 6-0.

#### OTHER BUSINESS

Mr. McNulty mentioned the Planning Commission and Hearing Officer training on Thursday August 24, 2017 from 6:00 p.m. to 8:00 p.m. Dinner will be served. Staff will reach out to Ms. Patterson to remind her of the meeting.


Mr. Hall handed out the brochure for the APA fall conference and stated they have already received confirmation from Mr. Swaney and Mr. Nay that they wished to attend. Mr. Hall invited the other Commissions and stated the City will pay for the trip to Park City, Utah if they are interested. Reach out to Ms. Nixon if interested.

Mr. Hall offered an update on Exclusive Architectural Products Conditional Use that was issued and stated the City gave them a series of conditions to be met and they have not gotten their business license yet because they have not met any of the conditions. They have applied for the wall now or the CUP would be revoked. The application is very technical in regards to the acoustic engineering standards and will require extra review to interpret the findings. If it does not keep moving forward we will look to revoke the CUP. The City did cite him for operating without a business license and he went to court and pleaded not guilty. The Neighbors are calling with a weekly update on what is going on the site.

Mr. Hall stated that the decision granting the Certificate of Appropriateness to allow the demolition of the significantly historic builds was upheld by the Hearing Officer. That can be

appealed within thirty days of the Hearing Officer issuance of Determination. The City does not anticipate that it will be appealed at this point. They need a building permit before they can demolish the buildings anyhow and it will hold them as far out as the thirty days at least.

The meeting was adjourned at 7:54 p.m.

  
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Jafed Hall, Supervisor  
Community and Economic Development