

Minutes of the Planning Commission meeting held on Thursday, February 1, 2018, at 6:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Travis Nay, Chair
Lisa Milkavich, Vice Chair
Maren Patterson
Phil Markham
Scot Woodbury
Ned Hacker
Jared Hall, Community & Economic Development Supervisor
Jim McNulty, Development Services Manager
Briant Farnsworth, II Deputy City Attorney
Citizens

Excused: Sue Wilson

The Staff Review meeting was held from 6:00 p.m. to 6:30 p.m. The Planning Commission members briefly reviewed the applications on the agenda. An audio recording 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 the January 18, 2018 Planning Commission meeting. Seconded by Mr. Markham.

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

CONFLICT OF INTEREST

There were no conflicts of interest.

APPROVAL OF FINDINGS OF FACT

There were no conflicts of interest.

JS TILE & STONE LLC – 1201 West Glencoe Drive - Project #18-05

Jacob Smith was the applicant present to represent this request. Jared Hall reviewed the location and request for Major Home Occupation approval to operate as a tile and stone contractor at the property addressed 1201 West Glencoe Drive located in the R-M-10 zone. Ordinance requires all contractors who operate out of their home obtain Major Home Occupation approval. For those who are not able to obtain the signatures from all the neighbors, they are required to come to the planning commission to gain approval. Several of the neighbors could not be located or were not interested in signing. Our office received feedback from them that stated they were not concerned about the use or activity but did not like to sign things. Mr. Smith who is the sole owner and employee of the business indicated his home will be an office only and used to make phone calls, process paperwork and park his truck at night. No customers will visit this location. The tile, stone and supplies used for the jobs, will be purchased and shipped to the offsite job locations. Staff has suggested a few conditions that are applied to all home occupations such as storage of materials and the applicant must get a Murray City Business license. Based on the information presented in

this report, application materials submitted and the site review, staff recommends approval of a Major Home Occupation as a tile contractor business subject to conditions.

Jacob Smith, 1201 West Glencoe Drive, stated he has reviewed the conditions and will be able to comply. Mr. Smith added he moved from South Salt Lake and needed to get his business license.

Mr. Nay asked Mr. Smith if he can comply with condition number 5 that states he is not allowed to have storage of supplies on site. Mr. Smith said yes, normally when he has a customer he goes to the tile store to pick up the material and drop them off at the job site, and everything stays at the jobsite.

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

Mr. Woodbury made a motion to grant Major Home Occupation approval for the Major Home Occupation for a tile contractor business addressed 1201 West Glencoe Drive, subject to the following conditions:

1. The home occupation business shall comply with all applicable building and fire code standards.
2. The home occupation shall comply with all ordinance standards outlined in Chapter 17.24 of the Land Use Ordinance. Standards outlined in that ordinance include but are not limited to the following:
 - a. The home occupation may only be conducted by persons who reside in the dwelling, and no more than one (1) person that does not live at the residence may be engaged or employed by the business (more than 1 person that does not reside in the home may not work for or be employed by the business unless previously approved by the Planning Commission);
 - b. The home occupation shall not involve the use of any accessory building, yard space, or garage for storage of supplies or inventory used for the business;
 - c. One business vehicle may be used for the home occupation and be parked at the premises, provided that the vehicle does not exceed a gross vehicle weight of 12,000 pounds. Other vehicles, equipment, or trailers for use by the business may not be stored or parked on the premises or in any street adjacent to the residence;
 - d. The home occupation may not be associated with noise, noxious odors, fumes, glare, or other nuisances that may be discernible beyond the premises;
 - e. The storage or use of flammable, explosive, or other dangerous materials is prohibited.
3. The applicant shall assure that access to the sidewalk in front of the property is not impeded by the storage of his work vehicle.
4. No washout of equipment is allowed on the property.

5. No storage of materials associated with the Home Occupation business is allowed on the property.
6. The applicant shall obtain a Murray City Business License prior to the commencement of business operations.

Seconded by Ms. Milkavich.

Call vote recorded by Mr. Hall.

 A Scot Woodbury
 A Lisa Milkavich
 A Maren Patterson
 A Phil Markham
 A Ned Hacker
 A Travis Nay

Motion passed 6-0.

JOE LARSEN PAINTING – 5180 South Commerce Drive # B - Project #18-03

James Neilson, was present to represent this request. Jared Hall reviewed the location and request for a Conditional Use Permit for a paint contractor business to be located at the property addressed 5180 South Commerce Drive Ste. B in the M-G zone. Unit B is about 1000 Square feet and used for painting contract work. The business employees 4 employees and the owner. The trucks and materials are stored here and most of the contract work is done at the jobsite, no customers come to this site. There are 3 ADA stalls located in close proximity, Staff did not recommend any additional ADA stalls. The landscaping in front already complies. Based on the information presented in this report, application materials submitted and the site review, Staff recommends approval of a Conditional Use Permit for a paint contractor business at the property addressed 5180 South Commerce Drive subject to conditions.

James Neilson, 5180 South Commerce Drive Ste. B, stated he has reviewed the conditions and will be able to comply.

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

Mr. Woodbury made a motion to approve a Conditional Use Permit for a paint contractor business at the property addressed 5180 South Commerce Drive Ste. B subject to the following conditions:

1. The project shall comply with all applicable building and fire code standards. Permits must be obtained for any construction.
2. The business shall comply with all applicable Murray City Water and Sewer Division requirements. No cleaning of painting equipment can be done at this site without the provision of proper wastewater facilities.
3. The applicant shall obtain a sign permit for any attached building signage.

4. The business owner shall obtain a Murray City Business License and pay applicable fees.

Seconded by Ms. Milkavich.

Call vote recorded by Mr. Hall.

 A Scot Woodbury
 A Lisa Milkavich
 A Maren Patterson
 A Phil Markham
 A Ned Hacker
 A Travis Nay

Motion passed 6-0.

LAND USE ORDINANCE – Discussion on future updates (Section 17.173, Business Park District, and Section 17.174, Professional Office District)

Jim McNulty stated that the Murray City General Plan that was adopted last March of 2017 guided and directed us to move forward in creating two new zones to be consistent with the General plan and the associated Land Use Map. The proposed added zones are the Business Park District and Professional Office District. The future Land Use Map indicates that the Professional Office District is designated as a royal blue and the Business Park District is designated by medium blue coloring.

Mr. McNulty spoke about the Business Park District and stated, the General Plan indicates the designated use is intended to allow a wide variety of office, creative services, manufacturing, technology, distribution, traded sector and other light industrial employment opportunities typically in a low-rise flex space development pattern that is designed to be compatible with surrounding neighborhoods. This is also corresponding with the Business Park Industrial Zone but, Staff prefers to call it Business Park, not Business Park Industrial. The Industrial wording implies connotation that is not offered, instead it would allow clean, enclosed, light industrial uses to allow for new business to come in and operate upscale operations.

Mr. McNulty spoke about the Professional Office District and stated, the General Plan indicates the designation is intended to allow a full range of commercial and employment uses. This designation is intended to provide for mixed-use areas where urban public services are available or planned, including access to high capacity transit, BRT or Street Car. In summary, this is good wording as we have transit in the area. For example, this could be around IMC, Security National Class-A Office Park and future opportunities as well. Mr. McNulty added our City will not get Street Car Service, we have a terrific Front Runner service and TRAX. We may get some BRT; also known as Bus Rapid Transit, or circulator systems for direct employer drop off and pick up.

Mr. McNulty addressed the draft zones and the permitted and conditional uses, but focused on the non-permitted for each. Mr. McNulty started with the Business Park and stated section 17.173.20, Land Use category 2100 is for food and kindred products, except the non-permitted 2110 and 2142. Next, is land use category 2300, Apparel and other Finished Products made from fabrics, leather and similar materials, except the non-permitted use #2370.

Ms. Milkavich asked how land use 2500, is different than 5700. Mr. McNulty stated that use 2500 is for manufacturing, and use 5700 is for retail.

Mr. McNulty continued with land use #3900, Miscellaneous Manufacturing, except the non-permitted 3960. Mr. Nay asked if category 3960 would include vape products. Mr. McNulty answered no, they are different. Mr. Hall added that the production of tobacco and its products are more noxious than vape oil. Ms. Milkavich asked if City Code addresses vaping. Mr. Hall answered yes, but only for retail nothing for manufacturing.

Mr. Nay asked hypothetically if a business that manufactured CBC oil would be allowed. Mr. Hall replied, no. Mr. Woodbury added, many other states are allowing the manufacturing of these type of products. Mr. McNulty replied, if the state does adopt such a rule during this session, the City would have until May 15th to put it into place. Right now, Murray is at maximum capacity for vape shops and we don't want to encourage more.

Mr. McNulty continued with land use category 5810, Eating and Drinking Places, except the non-permitted 5813. Next, land use category 6300, Business Services, except the non-permitted 6310. Next, land use Category 6700, Governmental Services, except the non-permitted 6740, 6750, 6770.

Mr. Nay asked why the City would not consider dis-allowing the manufacturing in land use 3412, 3415 and 3416. Mr. McNulty stated the City did have discussions on this topic and with a re-write of the complete land use Ordinance, we are looking at making it permitted in this zoning district. Mr. Nay suggested that this be a Conditional Use if it is allowed. Mr. Woodbury added that he is aware there are a lot of small mom and pop shop arms manufacturing. It was suggested that 3415 and 3416, be a Conditional Use.

Mr. McNulty continued and stated land use categories 4840, 4850, 4870 be non-permitted. Next, land use category 5100, Wholesale Trade, except the non-permitted 5110, 5123, 5129 and 5150. Mr. Nay asked if it would include pharmaceuticals. Mr. McNulty stated that would be allowed, it is under a different sub-category. Next, land use category 5190, Business Services, except the non-permitted 5191, 5192, 5193, and 5199. Mr. Nay asked if the City would allow Land use 5195 if a State Liquor Store wanted to open and sell here. Mr. McNulty said that the manufacturing and creation not be allowed, but retailing of the product would be allowed. Mr. McNulty stated the City could reevaluate this decision and possibly consider it under a Conditional Use. The BP zone would make sense because its adjacent to some of the freeways, and not close to schools. The Commissioners agreed that it should be allowed as a Conditional Use.

Mr. McNulty continued with Land use category 6100, Finance, Insurance and Real Estate Services, except the non-permitted 6112, 6123, 6124, and 6129. Next, use category 6500, Business Services, except the non-permitted 6516, 6518 and 6519. Mr. Nay asked if this is for Senior Housing, Assisted Living and Skilled Nursing. Mr. McNulty stated Assisted Living would be allowed but, category 6516.1 is the Assisted Living Facility, we are saying no to all of them because we are not comfortable with them being near our Regional Asset; I.M.C. Mr. Hall added that Commercial and the M-U zones accept some of these uses that would support this use. Mr. McNulty explained that when you take into consideration the amount of permitted uses it does not look like a lot, but when you go through the Standard Land Use Ordinance, 6100 and 6500 are huge and they allow a lot of land uses.

Mr. McNulty asked if there are any other uses the Planning Commission would like Staff to consider. Mr. Nay asked Staff if they can address the lack of hotels near the Professional Office zone. Mr. McNulty stated he would consider a hotel but not a motel. Mr. Woodbury

added he would like to see a hotel with a minimum height restriction that would only allow a high-rise type building. Mr. McNulty suggested that four stories or more would be acceptable.

Mr. Nay stated the 40-foot spacing requirement in the Professional Office zone should be brought closer together to coincide with density. Mr. Nay also suggested that if a development installs public plazas the City should consider temporary structures that would allow public markets. Mr. Woodbury compared this suggestion to the Downtown Gallivan Center and having the option open if they have special gatherings, but it would be under a Conditional Use. Mr. McNulty stated we are encouraging open space, as well as the buffer space with buildings closer together.

Mr. Nay asked if restaurants would be allowed. Mr. McNulty answered yes, they are with or without alcohol and the hope is they would be within the building like the Subway restaurant in the I.M.C hospital.

Mr. Nay asked if the outside storage of vehicles or equipment would be allowed even if the property had a very high wall around it. Mr. McNulty referred to section 17.173.80 and stated both zones require all uses to be conducted entirely within a fully enclosed building, all outside storage of merchandise shall be accommodated within a fully enclosed building, and temporary structures are not permitted.

Mr. Woodbury asked if the PO zone allows a fitness club. Mr. McNulty answered yes, and stated he will consider the possibility of allowing it in the BP zone as well.

Mr. McNulty stated one of the purposes of the ordinance is to simplify the process for future development areas.

OTHER BUSINESS

Mr. McNulty stated that Live Streaming of future Planning Commission meetings will be added to the budget, and the link will be added to the Murray City Website.

The meeting was adjourned at 7:29 p.m.


Jared Hall, Supervisor
Community and Economic Development